



INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

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April 4, 2008

Violet Camsell-Blondin
Chairperson
Wek'eezhi Land and Water Board
Box 32
Wekweti NT
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Dear Ms. Camsell-Blondin

Re: Comments on Section 4 of the ICRP

This letter represents the Agency's comments for the Section 4 review of BHPB's draft ICRP (Interim Closure and Reclamation Plan). Section 4 of the ICRP deals with temporary closure measures, environmental assessment for residual effects at closure, progressive reclamation, and most importantly in our view, the reclamation research plan. This last portion is essential to resolving any remaining uncertainties regarding closure options, objectives and criteria. This is especially true since BHPB's life of mine plan shows several mine components closing over the immediate two to five year period.

The revised reclamation research summary identifies a long list of topics to be studied. The reclamation research plan would greatly benefit from more details of the planned studies, and especially how such studies will address uncertainties.

Our verification comments on Section 3 of the ICRP submitted on January 28, 2008 spell out two key problems with the reclamation research proposed by the company at that point. Namely, the lack of details for the research necessary to properly close the mine and the issue of timing to ensure that the research is completed to allow for progressive reclamation as various mine functions and components are finished. While the timing issue is partly dealt with, the detailed links between the reclamation research plan, uncertainties and the life of mine plan are still not adequately covered. The Agency suggested how BHPB could resolve these issues. The Agency said:

In revising the ICRP, it is critical that BHPB review the linkages between the needed research tasks and closure activities, and explain how these will be successfully integrated into mine closure. To be clear, the Agency expects to see a fully designed research plan that is able to deliver the information necessary on a range of current uncertainties...



The Agency then provided a suggested framework for how BHPB could address these concerns and present the necessary detailed information on the research to be undertaken.

We are disappointed to report that the company has not followed our advice or suggestions with the revised reclamation research tables that were submitted on March 7, 2008. The bulk of the work presented in the tables summarizes operational studies with inadequate statements regarding the relevance to addressing the uncertainties that should be, at this point in the mine life, identified clearly in the ICRP. These are often the uncertainties identified by the Agency and others during the last two Working Group meetings. In most cases, it is not clear why BHPB has proposed the research in these tables and how it relates to closure and remaining uncertainties.

We do not understand why BHPB cannot commit at this time to specific research projects and timelines to address the outstanding uncertainties around closure options, objectives and criteria. We do not believe that these critical details on this essential work can wait until the next version of the ICRP as suggested by the company in its letter of March 7, 2008. BHPB should revise the tables submitted during the current version of the ICRP to address the deficiencies we and others have identified. During this revision process, BHPB should consider the following matters that were the basis of the Terms of Reference for the ICRP as found in BHPB's water licence MV2003L2-0013:

Part J: Conditions Applying to Closure and Reclamation

1.The Terms of Reference [for an Interim Closure and Reclamation Plan] shall, at a minimum, consider the following:

p) reclamation research planning that considers at a minimum the following:

- (i) an update of reclamation research to date and **how the results may affect reclamation planning**;
- (ii) details of further reclamation research the Licensee will undertake **to resolve the needs identified in part J, item 1(k) [an identification of the research needs for reclamation]**;
- (iii) a description of **a process to ensure that the reclamation procedures that might result from the research are ecologically appropriate, viable and achievable**;
- (iv) a description of how the research will incorporate objectives relating to the reclamation or creation of viable wildlife habitat;
- (v) a description of how metal uptake in revegetated plant communities will be monitored;
- (vi) a schedule of anticipated reclamation research expenditures on an annual basis; and
- (vii) a description of QA/QC protocols for conducting research, **how research progress will be monitored**, and how results may affect the operational reclamation program. [Emphasis added]

We would urge that the company use the feedback from the Working Group to date on its revised Tables 21-26 that set out for each mine component and VEC, the preferred closure option, objectives and criteria. For example, the remaining uncertainties could be explicitly identified and become the subject of specific research activities with details on timing, linkages to other research, objectives, and methodologies. The numbering of the research activities and projects could then relate back to these uncertainties, and ensure that progressive reclamation can take place as various mine components are closed.

We also note that the community consultation sections of the reclamation research tables generally describe a process rather than specific Traditional Knowledge projects or research to aid in option selection or in defining closure objectives or criteria. We know that the company is capable of good consultation and expect that it will work together with the communities to bring forward a proper set of reclamation research activities and projects to fill this void.

We have attached our detailed comments on the various parts of the ICRP that make up Section 4. We have used the format and table as requested by your staff and to assist BHPB in responding to our concerns.

Finally, we commend BHPB for referencing many of its ongoing research and planning studies in the research tables. We note that several of these reports are new and hope that the company will see fit to make these available to interested parties in the interest of working together collaboratively to ensure proper closure of the mine.

We trust the comments contained in this letter and its attachments are helpful to the process of getting us closer to an acceptable closure plan.

Sincerely,

-Original Signed By-

Bill Ross
Chairperson

cc. Society Members
Helen Butler, BHPB
Jason Brennan, DIAND Water Inspector
Bruce Hanna, Fisheries and Oceans
Anne Wilson, Environment Canada

Attachment