



January 28, 2008

Zabey Nevitt
Executive Director
Wek'weèzhii Land and Water Board
#1-4905 48th STREET
YELLOWKNIFE, NT X1A 3S3

Dear Mr. Nevitt:

BHP BILLITON, MV2003L2-0013
Verification Comments for Interim Closure and Reclamation Plan Sections 2 and 3.

The BHP Billiton (BHPB) Technical Working Group met January 21, 2008 to discuss the review of Section 3 of the Interim Closure and Reclamation Plan (ICRP). In general, the meeting was successful in achieving its proposed goals and many concerns were resolved. ENR would like to take this opportunity to detail its support for the responses BHPB provided to our comments.

In regards to the Section 3 comments and response table, ENR is satisfied with the responses received from BHPB with regards to all three (tracking #'s 31, 47, and 54) of the comments attributed to ENR. ENR accepted BHPB's response to comment # 47 conditional to the affirmation of the following commitments (which were confirmed by BHPB during the January 21, 2008 meeting):

1. BHPB is committed to undertake future risk assessments to determine potential risks to caribou foraging on re-vegetated tailings in the LLCF.
2. BHPB will determine the effectiveness of a rock cover versus a vegetated cover (or a combination thereof) (in terms of risks to caribou and other herbivores) based on the risk assessment.
3. A pilot study will [be done by BHPB to] determine the effectiveness of the proposed rock and vegetation cover in stabilizing the contents of the LLCF.

4. BHPB will undertake monitoring of fugitive dust (and an adaptive management plan for dust) is included in Closure Objectives and Criteria for the LLCF.

Unfortunately the deferred comments from the Section 2 Technical Working Group meeting (September 28th, 2007), scheduled to be addressed at the January 21st, 2008 meeting were not resolved (due to a lack of time). ENR will follow up with items 81, 254 and 212 (see verification letter to WLWB dated October 3, 2007) with BHPB, and notify the WLWB of any resolution that takes place

If you have any questions regarding ENR's comments, please do not hesitate to contact Chandra Venables, Environmental Assessment and Monitoring Analyst, at 920-6597 or Chandra_Venables@gov.nt.ca.

Sincerely,



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