



INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

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Ryan Fequet
Chair, Plan Review Process and Guidelines Working Group
c/o Wek'èezhii Land and Water Board
1 - 4905 48 St.
Yellowknife NT
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**Re: Agency Comments on the Draft Closure and Reclamation Plans
Preparation Guidelines for Mines within the Mackenzie Valley**

Dear Mr. Fequet

The Agency is pleased to submit the following comments on the Draft Closure and Reclamation Plans Preparation Guidelines as circulated by your Working Group. The Agency has considerable experience now having been involved in several iterations of BHP Billiton's Ekati Mine closure plans over the years.

We offer our most significant observations below and attach more detailed comments and suggestions as tracked changes in the original document.

We believe that the draft is a good start but requires more work to clarify its scope and relationship with regard to the Department of Indian Affairs and Northern Development's 2002 Mine Site Reclamation Policy for the Northwest Territories and the 2007 Mine Site Reclamation Guidelines for the Northwest Territories.

The "design for closure" philosophy should be made explicit. All closure plans should describe how this concept is integrated into mine planning such that mine development will take into account closure needs, not just an at the end of the day. Other important principles for mineral development such as progressive reclamation, 'polluter pays', full-cost accounting, avoidance of perpetual care and similar matters should also be incorporated into the guidelines.

It was not clear to us how the distinction will be made amongst mineral exploration, advanced exploration, and mining and milling and how this relates to the specific information needs of each activity for their respective closure plans. The same is also true for the increasing information needs and detail as a developer moves from a preliminary closure and



reclamation plan, to interim closure and reclamation plans, and a final closure and reclamation plan. Greater clarity in setting out expectations on these points would be more helpful for developers and communities.

It is also not clear to us how expectations and details of closure plans change through the assessment and regulatory processes. The application closure plan and the post-water licence hearing version (i.e. approved plan) are not clearly distinguished. There should be some discussion of what is expected when the application is first made, and what is expected by the time the water licence hearing is completed and the proponent has produced a revised plan for approval. This would greatly assist proponents in their initial preparation of a closure plan than will accompany the application.

The draft guidelines appear to focus reclamation research on risk management rather than on the uncertainties associated with the viability of different closure measures. This narrow focus should be broadened to ensure that closure plans clearly identify the uncertainties associated with proposed options, objectives and criteria, as well as methods and details about what work is proposed, and when, to address the uncertainties. The guidelines should make it clear that these information gaps need to be filled in a timely manner that will allow for the full and complete approval and implementation of reclamation activities as required. Monitoring and remediation need to be carried out until the closure criteria are met or exceeded for a reasonable period of time.

The guidelines will need to explain more clearly the link between various closure planning exercises and community engagement, particularly as these will vary depending on the kind of mining activity and the stage of closure planning.

A workshop at some future point would, we believe, be helpful. We would appreciate an opportunity to review of a revised draft when it is ready.

We would be happy to discuss our comments with you further at your convenience.

Sincerely,



Bill Ross
Chairperson

cc. Society Members
Bruce Hanna, Fisheries and Oceans
Anne Wilson, Environment Canada