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(BHPB & Diavik)

June 3, 2008

File: W2008D0007  
W2008D0008  
W2008F0009  
W2008L2-0001

Ms. Laura Tyler  
BHP Billiton Diamonds Inc.  
#1102, 4920-52<sup>nd</sup> Street  
Yellowknife, NT X1A 3T1

Dear Ms. Tyler:

**Re: Sable, Pigeon, Beartooth Renewal Application - Request for Exemption from Preliminary Screening**

The Wek'èezhii Land and Water Board met on May 23<sup>rd</sup>, 2008 and approved BHP Billiton's request for exemption from Preliminary Screening for the Sable, Pigeon, and Beartooth renewal.

Further direction on the review process for the land use permit and water licence applications will be provided in the near future.

If you have any questions, please feel free to contact Ryan Fequet at [rfequet@wlwb.ca](mailto:rfequet@wlwb.ca) or by phone at 867-669-9589.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Camsell-Blondin".

Violet Camsell-Blondin  
Chair

cc BHPB Distribution List





## STAFF REPORT

<b>Company:</b> BHP Billiton Diamonds Inc.	
<b>Location:</b> Lac de Gras	<b>Water License / Permits:</b> W2008L2-0001 / W2008D0007 W2008D008 W2008F0009
<b>Date Prepared:</b> May 16 <sup>th</sup> , 2008	<b>Meeting Date:</b> May 23 <sup>rd</sup> , 2008
<b>Subject:</b> BHP Billiton's Request for Exemption from Preliminary Screening for their Sable, Pigeon and Beartooth Water License and Sable, Pigeon Land Use Permits	

### Purpose/Report Summary

The purpose of this report is to present information to the Board regarding BHPB's request for exemption from preliminary screening for the renewal of their Class "A" Water License MV2001L2-0008, and Land Use Permits MV2001F0032, MV2001X0071 and MV2001X0072.

### Background / Discussion

On April 2<sup>nd</sup>, 2008, the WLWB received BHP Billiton's renewal applications for their Sable, Pigeon and Beartooth Water License; MV2001L2-0008, and land use permits; MV2001X-0071, MV2001X-0072 and MV2001F-0032. Board Staff deemed the land use permit applications complete and have sent off the required notification to BHPB and reviewers and also informed parties that the Board has decided that pursuant to section 22(2)(b) of the Mackenzie Valley Land Use Regulations that further studies and/or a hearing are required.

<u>Old LUP/WL #</u>	<u>New LUP/WL #</u>	<u>Description</u>
MV2001X0071	W2008D0007	Sable Pit Land Use Permit
MV2001X0072	MV2001X0072	Pigeon Pit Land Use Permit
MV2001F0032	W2008F0009	Sable Haul Road Land Use Permit
MV2001L2-0008	W2008L2-0001	Sable, Pigeon, Beartooth Water Licence

A section of BHPB's renewal application included a request for an exemption from preliminary screening pursuant to Schedule 1 (section 2), Part 1, Paragraph 2 of the Exemption List Regulations made pursuant to subsection 143(1) of the MVRMA.

An exemption from preliminary screening is applicable if: A development, or a part thereof, for which renewal of a permit, licence or authorization is requested that:

- a) Has not been modified; and
- b) Has fulfilled the requirements of the environmental assessment process established by the MVRMA, CEAA or the Environmental Assessment Review Process Guidelines Order.

Comments on BHPB's requested exemption from Preliminary Screening were requested from reviewers by May 16<sup>th</sup>. No comments were received from any reviewers, although several parties did contact Board Staff to clarify BHP's request and LKDFN did send in correspondence indicating that they had no concerns as long as the development hadn't been modified (please find attached). Subsequently, there is no comment table regarding the issue of preliminary screening exemption.

### **Recommendation**

Board Staff reviewed BHP Billiton's Sable, Pigeon and Beartooth renewal application and found no change from the original project description. Therefore, based on the lack of concern from reviewers and BHPB's justification outlined in their "Request for Exemption", Board Staff recommend the approval for BHPB's request for exemption from Preliminary Screening.

Respectfully submitted,



Kathleen Racher, PhD.  
Regulatory Director



Ryan Fequet, B.Sc.  
Regulatory Specialist

Attached: BHPB Request for Exemption from Preliminary Screening; Tab #2 of the Sable, Pigeon, Beartooth Renewal Application

## Ryan Fequet

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**From:** Iris Catholique [iris\_catholique@yahoo.ca]  
**Sent:** Friday, May 16, 2008 11:58 AM  
**To:** Ryan Fequet  
**Cc:** Angie Lantz; Florence Catholique; charliecatholique@hotmail.com; stevenitah@yahoo.ca  
**Subject:** Preliminary Screening Exemption Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** BHP

*Rayn;*

*LKDFN WLED has discussed BHPB's request for exemption from Preliminary Screening for the renewal of MV2001L2-0008, MV2001F0032, MV2001X0071 and MV2001X0072, WLEC has no additional comments if the development has not been modified and stays within the boundaries of MVEIRB's previous assessment and regulatory approvals.*

*Regards*

*IRIS*

**Iris Catholique**  
**Wildlife, Lands & Environment Manager**  
**Lutsel K'e Dene First Nations**  
**Tele # (867) 370-3197**  
**Fax # (867) 370-3143**

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