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June 13th, 2008

Ryan Fequet,
 Regulatory Specialist
 Wek'eezhii Land and Water Board

RE: Verification comments for BHPB's EKATI Interim Closure and Reclamation Plan Section 4 (MV2003L2-0013)

Dear Mr. Fequet,

Further to your request WLEC has provided verification comments for ICRP Section 4 discussions held May 29th-30th in Yellowknife, NT. WLEC's ICRP Section 4 Intervention, filed April 8th, 2008, and BHPB's written responses were discussed in an effort to resolve WLEC concerns.

The following tracking number review comments are resolved:

Tracking Number	Resolved (yes or no)	Action Item (if applicable)
63	Yes	
73	Yes	
87	Yes	
88	Yes	As per tracking number 300, quantifiable end goals of the research are to be detailed.
89	Yes	
105	Yes	
106	Yes	As per tracking number 300, quantifiable thresholds and triggers are to be researched.
112 – 116	Yes	Reviewer comments are to be considered in revising the open pit research description.
117 and 119	Yes	Resolved upon successful resolution to tracking number 107.
118	Yes	
120	Yes	
169	Yes	
184 – 189	Yes	
203 – 206	Yes	
211	Yes	
233 – 234, 236 and 237	Yes	
235	Yes	BHBP agrees to address uncertainties raised from the modeling.
249	Yes	BHBP agreed to assess environmental impacts resulting from settling agents, if they are used, and if their engineers consider the agent(s) a risk to the receiving environment.
274	Yes	BHBP agreed to acknowledge the potential impact of reducing water level in LLCF on restoration of the facility.
284	Yes	

300 and 301

Yes

BHBP has agreed to provide an overarching perspective to the planned research in relation to the closure plan.

BHBP agreed to provide additional detail and specifics on the following major research areas that were considered to be critical to a successful ICRP:

- a. Water quality downstream
- b. Options for Extra Fine Process Kimberlite disposal
- c. Pit Lake study
- d. Revegetation

The additional detail is to include the intent, focus, scope, key uncertainties, reference to where uncertainty exists, linkages between closure plan and research plan, defined quantifiable end points for the research, and approximate timing for each planned research study.

BHBP's responses should consider the items detailed in tracking number 300 and 301 in their revisions. Resolution of LKDFN review comments that are specific to the major research areas (bullet items a to d, listed above), are contingent on sufficient information detailed in the revised ICRP.

BHBP committed to provide additional information to "link" the proposed research to the closure activities. It was understood that the "linkages" will provide the rationale as to why the research is proposed.

302

Yes

Please understand that the May 29th-30th discussions, and associated meeting transcripts, take precedence over the above contents of this correspondence.

In addition we would recommend to save on resources/time that the WLWB consider implementing transcribing and or recording minutes of all upcoming comments and meetings and verify concerns that are resolved for all parties. In an effort to expedite this process this would be beneficial for all parties. As I understand WLWB does have the resources to make this happen.

For any further clarification in this regard contact myself and or Joe Murdock, Arktis Solutions.

Marci Cho;

Iris Catholique

Iris Catholique
Wildlife, Lands and Environment Manager
Lutsel K'e Dene First Nations