

BHP Billiton Diamonds Inc.
Operator of the EKATI Diamond Mine

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2009APR29

Bill Ross
Independent Environmental Monitoring Agency
P.O. Box 1192
Yellowknife, NT X1A 2N8

Dear Bill,

I am writing in response to two letters received from you as follows:

1. *Letter to BHPB and Diavik on 2009 Caribou Monitoring*, dated 20 March 2009, addressed to Colleen English and myself, Dave Abernethy, BHPB Environment Superintendent – Operations at EKATI.
2. *Letter to BHPB on WEMP 2009 changes*, dated 17 March 2009, addressed to Andrew Nichols, Environment Advisor – Wildlife at EKATI.

Firstly, thank you for providing IEMA's comments and suggestions on the Wildlife Effects Monitoring Program (WEMP). It is always the intention of BHP Billiton Diamonds Inc. (BHPB) to effectively review and improve the WEMP. We aim to invest resources that optimise scientific value from the various wildlife surveys.

To provide communities and/or organisations with the 45-day period in which to provide comments to ENR regarding BHPB's 2009 Wildlife Research Permit application, the application was submitted to ENR and communities/organisations on 2009MAR31. Due consideration was given to the suggestions from IEMA prior to submitting the application. In my absence, on 2009APR06, at the request from Eric Denholm, Superintendent - Traditional Knowledge & Permitting, I understand that Andrew Nichols forwarded the Wildlife Research Permit application to Kevin O'Reilly at IEMA.

To clarify some points from the above-mentioned letters:

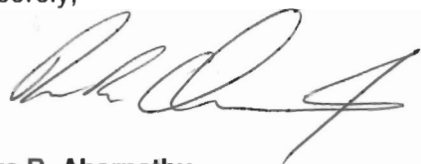
- Yes, the North American Breeding Bird Survey (NABBS) will continue at EKATI. At the bird breakout meeting on 2009JAN29, there seemed to be a consensus that this stand-alone "close-

out report” could be used in the future to generate further discussion on the Upland Bird Breeding Survey (UBBS). Until the EKATI mine enters a different phase of its life cycle, however, (i.e., closure), it is EKATI’s position that there is little value in continuing the UBBS. The other bird monitoring remains unchanged (i.e., NABBS, falcon occupancy and productivity surveys, and pit wall surveys).

- EKATI’s aerial caribou survey continues, unchanged, as per last year and since 2006. EKATI and Diavik staff intend to share helicopter and staff training costs. EKATI does not intend to extend the survey’s northern boundary in 2009 since development in the Sable area is not confirmed and still under consideration. Questions regarding potential changes or intent to make changes to the Diavik aerial caribou survey area are best answered by Diavik or the Environmental Monitoring Advisory Board (EMAB).
- The suggestion from IEMA to use 2km, rather than 1km, as the range for collecting behavioural survey data at EKATI has been incorporated into the 2009 Wildlife Research Permit application. EKATI will continue to conduct behavioural scan surveys of caribou herds <2km from mine infrastructure when animals are reported by field staff. Vehicle encounter surveys along the Misery and Long Lake Containment Facility (LLCF) Roads, as well as the LLCF caribou observation surveys occur twice weekly; these surveys, coupled with regular Misery Camp inspections ensure frequent opportunities to specifically look for herds within the 2km range.
- There are no plans currently to include lichen sampling as part of the behavioural survey flights within the study area beyond 20km.
- Discussions with Rescan consultants are underway addressing re-design options for the grizzly bear sign survey. The intention is that this survey will be re-implemented in 2010.
- Wolverine monitoring was not discussed in the letter sent to IEMA on 2009MAR10 (*EKATI WEMP review 2009MAR10*) because only those WEMP surveys for which BHPB was considering changes to, were addressed in that letter. For the 2009 WEMP reporting period, no changes to the wolverine survey are proposed. The proposed methodology for continuing wolverine monitoring at EKATI is detailed in the 2009 Wildlife Research Permit application. In IEMA’s *Letter to BHPB on WEMP 2009 Changes* dated 2009MAR17, it states “As you are aware, the Agency is disappointed that DNA monitoring is not being conducted this spring, especially after receiving a verbal commitment that it would take place in 2009.” BHPB’s position continues to be that DNA monitoring will not be part of the WEMP in spring 2009.
- With respect to incorporating Traditional Knowledge into the WEMP, BHPB continues to investigate opportunities. The Caribou and Roads project is ongoing, with elders from Kugluktuk visiting EKATI to continue their overseeing of the inokhoks and caribou diversion fence on the north side of Beartooth pit, instigated by them.

I trust this response to your letters clarifies the issues raised. Please accept my apologies for the lagged reply as I was away from work with illness recently.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave R. Abernethy', written over a light grey rectangular background.

Dave R. Abernethy

Environment Superintendent - Operations
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