



Wek'èezhì
Land and Water Board

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May 25, 2007

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Mr. David Scott
Manager, Business Development
BHP Billiton Diamonds Inc.
#1102, 4920-52nd Street
YELLOWKNIFE, NT X1A 3T1

Fax: (867) 669-9293

Dear Mr. Scott:

Board direction - Section 1 of the January 2007 ICRP

The Wek'èezhì Land and Water Board (the Board) met on May 25, 2007 to review Section 1 of the January 2007 Interim Closure and Reclamation Plan (ICRP) and the materials from the Working Group. Although the Board is not approving each section of the ICRP individually, the Board will be making decisions and providing direction to BHP Billiton Diamonds Inc (BHPB) or to the Working Group in order to keep the review of the ICRP moving forward.

Following the review of the comments on Section 1, the Board determined that subsequent sections of the ICRP will be more effectively reviewed if the Board provides the following four directions:

1. **Structure used for the reclamation goal, objectives and criteria:** The Board requires that the structure for the reclamation goal, objectives and criteria shown in Option D be used with the addition of a 'Reclamation Research' box linking the objectives and criteria to the reclamation research plan. The second change to Option D is the wording for the connecting arrow between the Objectives" and "Criteria" boxes. The wording is to be changed such that each objective may have more than one closure criterion, if necessary.

Although the Working Group recommended that the Valued Ecosystem Components (VEC) listed in the "Objectives" box be split into BHPB and regulatory specific categories, the Board feels that this is not appropriate at this time. The Working Group has not yet reviewed the sections on each mine component and this review may identify objectives under each VEC that may or may not be within the Board's jurisdiction. Rather than prematurely limiting discussions to certain VECs, the Board will reconsider this recommendation once all sections of the ICRP have been reviewed by the Working Group.

2. **Definitions:** BHPB shall update the list of definitions provided in Appendix A using the wording provided in its comment summary table and the wording agreed upon during the Working Group meeting (the agreed upon wording is also provided in the

preparatory materials provided to the Working Group by Board staff on April 30, 2007 and in the Advisory Document for Section 1). The wording from the water licenses is to be used for those words that are defined in the ICRP and the water licenses.

3. All comments on Section 1 identified as being related to other sections of the ICRP must be carried forward into the appropriate comment summary tables that BHPB will prepare for Sections 2-4.
4. As committed to during the Working Group meeting, BHPB shall further consider INAC's recommendation for changes to the reclamation goal and submit final comments by June 8, 2007. BHPB is encouraged to engage INAC in discussions on this issue prior to submitting final comments as INAC will also be able to use this time to provide further rationale for their recommendation.

The Board appreciates the high level of cooperation shown by BHPB and the other members of the Working Group during the review of Section 1. If you have any questions, contact Sarah Baines at (867) 669-9590 or email sbaines@wlwb.ca.

Yours sincerely,



Violet Camsell-Blondin
Chair

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