



INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

P.O. Box 1192, Yellowknife, NT X1A 2N8 ▪ Phone (867) 669-9141 ▪ Fax (867) 669-9145
Website: www.monitoringagency.net ▪ Email: monitor1@yk.com

May 9, 2007

Violet Camsell-Blondin
Chairperson
Wek'eezhi Land and Water Board
Box 32
Wekweti NT
X0E 1W0

Dear Ms. Camsell-Blondin

Re: Verification Comments on Section 1 of the ICRP

As requested by your staff on May 3, 2007, the Agency verification comments by the Agency are found below.

BHPB Response to Agency Comments and Concerns

Conceptual Diagram and Table for Closure Goal, Objective and Criteria (Option D)

The Agency was pleased to see that BHPB's Option D adopted many of the suggestions we made in our submissions on restructuring the closure goal, objectives and criteria. We are particularly satisfied that there will now be component-specific objectives with measurable criteria that relate to the Valued Ecosystem Components (VECs).

We also support BHPB's proposed tables that show a clear link from the closure objectives and criteria to the reclamation research plan. At the ICRP Working Group meeting we recommended the inclusion of a reclamation research 'box' at the bottom of Figure 1 to show the important link to closure objectives and criteria in the conceptual diagram, and BHPB agreed to this.

From the Working Group meeting, we understand that BHPB will separate out the closure objectives into two categories or classes—VECs in one class, Operations, Health & Safety and Community together in the second class. It will be necessary to have clear definitions for each and that there will be corresponding sections in the tables. It is our understanding that BHPB will use this approach in further revisions to the ICRP, and we support it.



IEMA Comments on Response Table

The Agency was generally satisfied with BHPB's responses it provided in the large table and with the discussion that took place at the Working Group. With regard to Issue Number 53 and 57 where the Agency suggested that further work be done on the 'lessons learned' table, we were pleased to hear that BHPB will incorporate the experience gained from closure of other northern mines, including Colomac where there has been extensive research on pit lake behaviour and remediation.

General Process Comments

The Agency would like to commend your staff for the thoughtful work that went into the preparation of the Working Group meeting. The proposal of Option C was particularly helpful in scoping the discussion that took place at the meeting. We look forward to our continued participation in the Working Group.

Need to Review Appendix E Risk Assessment

The Agency noted during the Working Group meeting that BHPB had referenced the risk assessment, summarized in Appendix E of the ICRP, to respond to DIAND Issue Number 95. We also heard BHPB staff confirm at the meeting that the risk assessment was a key component in the development of the ICRP. During the meeting there was some discussion about the fact that the Working Group was not permitted to discuss Appendix E, as directed in the letter from the WLWB staff on January 18, 2007.

We are asking you to reconsider the decision to keep the risk assessment out of the review process. We note that the risk assessment was critical to the identification of closure options selected by BHPB for the options evaluation process, and was also used to identify reclamation research needs. The risk assessment underlies the adaptive management approach that is at the foundation of the ICRP. It is important for everyone to understand what assumptions were used in the risk assessment as the outcomes of that process are what is before the WLWB for approval.

In a letter to BHPB on March 19, 2007, the Agency requested that BHPB provide us with the full risk assessment to allow a more informed discussion at the Working Group. We are not suggesting here that the WLWB officially approve the risk assessment, but it should be available for review by the Working Group as it is integral to other components in the ICRP that will be subject to approval of the WLWB. We understood that there was a consensus among the other reviewers at the workshop that the risk assessment should be available to the Working Group.

Finally, there is one last point to make concerning BHPB's stated reclamation goal. It requires some clarification here since the issue was raised in the hand-out materials circulated by the Board staff in preparation for the workshop, but not discussed at the workshop. We support BHPB's stated goal, but are wary of the conditional phrase 'where practicable' included in the statement. We can live with this, but must stress that, in cases where closure options that would better meet the 'ecosystem restoration' goal are rejected by

BHPB as being 'impracticable', there is a clear onus on the company to demonstrate this conclusion with a defensible technical analysis.

We thank you for the opportunity to submit these comments and look forward to further progress on developing a sound ICRP.

Sincerely,

A handwritten signature in black ink, appearing to read "W. A. Ross". The signature is fluid and cursive, with the first name "W." and last name "Ross" clearly distinguishable.

Bill Ross
Chairperson

cc. Society Members
Helen Butler, BHPB
Jason Brennan, DIAND Water Inspector