



INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

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October 20, 2009

Violet Camsell-Blondin
Chairperson
Wek'eezhii Land and Water Board
P.O. Box 2130
Yellowknife NT
X1A 2P6

Re: Revisions to the Ekati Interim Closure and Reclamation Plan (ICRP)

Dear Ms. Camsell-Blondin

The Agency suggests the Wek'eezhii Land and Water Board update the direction it provided on March 6, 2009 to BHP Billiton (BHPB) for the ICRP. At that time, the Board directed that it was not necessary for BHPB to revise the ICRP prior to the public hearing then scheduled for May 2009. The Agency understands that it will be some months now before the final ICRP public hearing can be scheduled given the ongoing judicial review and public notice requirements. This should create ample “down time” for BHPB to complete the needed revisions to the ICRP.

This suggestion is based on our belief that it would be much preferred for all participants to have a full and complete ICRP for review at the public hearing as opposed to a partially completed document. There is now time to do this, and the Agency suggests that further direction be issued to BHPB such that the ICRP is revised to expedite the approval process.

In its April 14th reply to the most recent ICRP directive from the Board, BHPB indicated that it was prepared to make a number of revisions after the scheduled May 2009 public hearing, and another set three years after the approval of the current version of the ICRP. Our first recommendation is that all of the first group, with a few exceptions, should now be undertaken prior to the public hearing. A few of scheduled revisions (e.g., items 14-16 in BHPB's Table of Revisions) relate to the pit lakes and fish barriers and it may be appropriate to leave these until the judicial review has concluded and the courts have made a decision on how BHPB should proceed on this issue for the hearing.



This directive should include revision of all the Reclamation Research Plans contained in the ICRP using the revised format agreed upon at the final Working Group held in February 2009. These Plans are critical to measuring improvements in the ICRP and closing information gaps in a timely fashion. The revisions should be based on the revised format and feedback from reviewers on the Plans to date, including Plans 14 and 16 that were already partially revised.

We would be happy to discuss this recommendation with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Ross". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bill Ross
Chairperson

cc. Society Members
Helen Butler, BHPB