



INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

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October 4, 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 2 of the ICRP

As requested by your staff, the Agency verification comments by the Agency are found below.

We would like to indicate that the Working Group meeting held on September 28, 2007 went a long way towards meeting many of our concerns. We wish to compliment your staff, the consultant and BHPB staff for a productive session.

The Agency position on the major unresolved matters flowing from the Working Group meeting are set out below:

Fish and Fish Habitat in Pit Lakes

The Agency position on fish in the pit lakes is unchanged. Pending the outcome of any meetings between BHPB and DFO, we view this item as not resolved. We understand that BHPB and DFO have met and we are hopeful of a positive outcome.

Beartooth Closure

Because of the planned completion of mining in the Beartooth in the near future and before the next revision of the ICRP, this needs to be treated as a special case for closure. We were



pleased to hear at the Working Group meeting that the company is seriously examining the potential for waste disposal in existing pits and that this work should be completed in 2008.

We were also pleased to hear that BHPB recognizes the need for a separate process. BHPB has proposed discussions with the WLWB staff that may result in a mechanism that will result in BHPB completing urgently necessary reclamation research that will enable the selection of the best closure option for Beartooth to be properly chosen. We expect that the results of that research will be the subject of a proper review. We hope that an option can be evaluated involving the deposition of processed kimberlite and/or extra fine processed kimberlite (in suspension) in the bottom of the pit. We believe this issue is on its way to resolution, but expect it to come back to the Working Group or interested parties.

Pit Water Quality at Closure

We believe the matter of the appropriate water quality criteria for closure is well on its way to resolution. We were pleased to hear from BHPB at the Working Group meeting that the current effluent discharge criteria under its two major water licences is not appropriate for the final pit water quality at closure. The company has suggested this be dealt with at the next renewal of the main water licence, which expires in 2013. It may be that some closure criteria will be needed before then, for Beartooth Pit, which is covered by the other Class A water licence, and which comes up for renewal in 2009. Water quality criteria for closure of the pits may also be a part of the licence renewal for the Sable, Pigeon and Beartooth licence.

EBA Reports

The Agency reviewed the two supplemental reports by EBA that were distributed with BHPB's response to the ICRP Section 2 comments. No new issues for closure were found in these reports.

Pit Berms at Closure

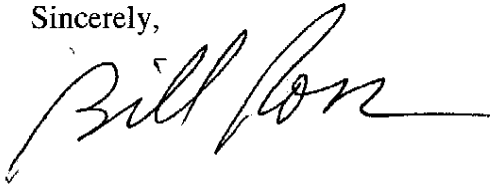
We have discussed whether the safety berms around pits should be left in place to degrade naturally as proposed by BHPB. These berms are made of granite which would take geologic time to degrade is still of concern to the Agency. We recommend opening up portions of the berms. This is not a matter of high priority to the Agency, however.

Closure Criteria for Revegetated Areas

On the matter of closure criteria for revegetated areas, we have discussed with BHPB the timing of monitoring in relation to human intervention (e.g. addition of fertilizers, reseeded, use of peat moss, watering). We have requested that the company propose criteria that would indicate when a sustainable ecosystem would be in place, consistent with the overall closure goal and the applicable closure objectives for the relevant mine component. The company agreed to do this. We consider this matter to be largely resolved.

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 "Bill Ross". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bill Ross
Chairperson

cc. Society Members

Helen Butler, BHPB

Jason Brennan, DIAND Water Inspector

Bruce Hanna, Fisheries and Oceans

Anne Wilson, Environment Canada