



Independent Environmental Monitoring Agency

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July 23, 2004

Stephen Nielsen
Interim Chair
Mackenzie Valley Land and Water Board
P.O. Box 2130
Yellowknife, NT X1A 2P6

Dear Mr. Nielsen

**RE: Ekati Abandonment and Reclamation Plan (A&R Plan) and Security –
MV2003L2-0013**

The Independent Environmental Monitoring Agency (IEMA) is pleased to see the MVLWB's initiative to coordinate collaborative activities in advance of receiving a revised version of the Ekati Interim *A&R Plan*. While it is important to have an 'implementable' *A&R Plan* as soon as possible, haste should not undermine the need to make sure an effective plan is produced. In our view, BHPB has substantial work to do in order to develop an acceptable plan, including determining if and how changes in Long Lake tailings deposition are to take place, and assessing the viability of accelerated pit flooding and pit lake reclamation. We note that the company agrees with this and appears ready to do the work.

In response to your July 12, 2004 request for comments on a proposed process to review the *A&R Plan* and security estimates we provide the following comments:

- 1) We support the establishment of a working group chaired by the MVLWB to provide input on the content of the *A&R Plan*, with the understanding that the working group works closely with BHPB. Such a working group should be established and allowed to complete its work prior to another draft A&R plan being submitted by the company.
- 2) An early priority of the working group should be the development of a workplan and schedule of activity that we can all agree on which will get us most expediently to a reasonable date for the proposed public hearing.
- 3) We support a public hearing at the appropriate time to review the draft interim *A&R Plan* prior to its approval by the Board.

We reiterate a theme we raised at the license renewal hearing earlier this month. We have good management plans in place for the remaining years of the mine's active life, but now need to focus on the long-term future landscape of Ekati. The *A&R Plan* is arguably the most important document for the Ekati mine. That this must be demonstrably workable is a primary concern of Aboriginal peoples. Because of the importance of this issue to Aboriginal peoples, it is most desirable that they be able to participate effectively in the process now being envisioned by the Board. This means that they need to be adequately funded, and we urge the Board to determine means by which such funding could be secured.

On a particular note, we recommend that the terms of reference for the pit lake flooding study, which is due the Board by October 2004, be distributed to interveners for review and comment prior to the Board approving the study.

Sincerely,

-ORIGINAL SIGNED BY-

William A. Ross
Chairperson

Cc: Society Members