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(BHPB & Diavik)

March 6, 2009

File: MV2003L2-0013
W2008L2-0001

Re: Interim Closure and Reclamation Plan for BHP Billiton's EKATI Mine

Dear Members of the BHP Billiton ICRP Working Group,

BHP Billiton's Interim Closure and Reclamation Plan (ICRP) has undergone a review over the last three years that was guided by a Terms of Reference (ToR) approved by the Mackenzie Valley Land and Water Board in 2005. The ToR guided a working group to review the current ICRP.

The Wek'èezhii Land and Water Board would like to acknowledge that parties were able to work out many of the original issues that were raised throughout this collaborative process. However, there are still a few outstanding issues as described in the advisory document that the Board would like to hear directly from parties on during a public hearing.

Following the "Final Working Group" meeting, the Board has considered the comments from all parties on the current version of the ICRP and would like to provide the following direction:

1. BHP Billiton is not required to revise the ICRP prior to the public hearing.
2. BHP Billiton will adopt the revised 'Reclamation Research Plan' outline as developed during the February 3rd and 4th working group meeting and approved by the Board.
3. BHP Billiton will modify Reclamation Research Plans #14 and #16 according to the revised format and submit it to the Board by April 14th, 2009.
4. BHP Billiton will investigate the requirements for adhering to a "Residential/Parkland" standard for the remediation of hydrocarbon waste (please refer to tracking numbers 93 & 94 of the attached verification comment table) and submit this information to the Board by April 14th, 2009.
5. BHP Billiton will explain either: where in the current ICRP sections 8.2, 8.5, & 8.6 of the original ToR are currently located and discussed in detail; or, where in the document they intend to include these discussions; or if they have decided not to include them intentionally, the rationale for doing so.
6. BHP Billiton will submit a list to the Board by April 14th, 2009 of all the revisions and outstanding action items that will be included in the next revision of the ICRP following the public hearing.

Following BHP's submission of this additional information, the process for the development of BHP Billiton's Interim Closure and Reclamation Plan will move forward as follows:

April 14th, 2009

- BHP Billiton submits information requested by the Board

April 15th, 2009

- Information is circulated to all reviewers

May 6th, 2009

- Reviewers submit their interventions to the Board

May 13th, 2009

- Reviewers submit their powerpoint presentations to the Board
- BHP Billiton submits their intervention to the Board

May 18th, 2009

- BHP Billiton submits their powerpoint presentation to the Board

May 25-26th, 2009

- Public Hearing to discuss BHP Billiton's Interim Closure and Reclamation Plan

If you have any questions, please feel free to contact Ryan Fequet at rfequet@wlwb.ca or 867-669-9589, or Kathleen Racher at racherk@wlwb.ca or 867-669-9591.

Sincerely,



Violet Camsell-Blondin
Chair of the Wek'eezhii Land and Water Board

cc BHPB Distribution List