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(BHPB & Diavik)

April 8th, 2009

File: MV2001L2-0008
MV2003L2-0013

Ms. Laura Tyler
BHP Billiton Diamonds Inc.
#1102, 4920-52nd Street
Yellowknife, NT X1A 3T1

Dear Ms. Tyler:

Re: BHPB Interim Closure & Reclamation Plan – Information Request

On March 23, 2009, Board Staff received a phone call from Bruce Hanna (Fisheries and Oceans Canada, DFO) letting us know that DFO and BHP Billiton (BHPB) had met on March 6, 2009 to discuss a “definitive agreement” on the issue of fish habitat re-creation in pit lakes at EKATI following mine closure. Mr. Hanna informed us that the parties had had a productive discussion but that neither party saw the need to pursue a formal agreement at this time.

While such an agreement was never required or requested by the Board, the negotiation process between BHPB and DFO was of interest to the Board as it has been referenced in several comment letters received from both parties during the BHPB ICRP Working Group process. The Board would now like to receive clarification from BHPB on the effect(s) of not pursuing a “definitive agreement” with DFO.

Section 5.2.8.1 of the Final Draft ICRP (submitted December 2008), describes the BHPB's proposed reclamation strategy for open pit reclamation making several references to various agreements between BHPB and DFO. The Board would like to know if the recent negotiations with DFO have changed BHPB's current thinking on reclamation of the open pits at EKATI. If so, the Board requests that BHPB provide the details of its current strategy, as it would appear in a revised Section 5.2.8.1, as well as what impact those changes might have on the reclamation research plans or engineering studies proposed in Appendix 5.1-4.

Please provide the requested information to the Board by April 21, 2009, so that reviewers may use this information to inform their interventions for the public hearing scheduled for May 25 and 26, 2009.

If you have any questions on this request, please contact me at racherk@wlwb.ca or by phone at 867-669-9591.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen Racher".

Kathleen Racher, Ph.D.
Regulatory Director

cc BHPB Distribution List