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(BHPB & Diavik)

April 8th, 2009

File: MV2001L2-0008
MV2003L2-0013

Mr. Bruce Hanna
Fisheries and Oceans Canada
Yellowknife, NT

Dear Mr Hanna:

Re: BHPB Interim Closure & Reclamation Plan – Information Request

This information request is a follow-up to a telephone discussion we had on March 23, 2009, Board in which you let us know the outcome of a meeting between DFO and BHP Billiton (BHPB) held, 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. At that time, you 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 DFO on the effect(s), if any, of not pursuing a “definitive agreement” with BHPB.

Specifically, the Board would find it helpful if DFO could restate, without reference to the “definitive agreement”, the recommendations it made in its letter of February 11, 2009 to the Board regarding reclamation of the pit lakes at EKATI.

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@wlb.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

