

Attachment 1: Issues raised by the Agency with regard to BHPB consultation techniques and the closure planning process: October 28th, 2005

- Add to the ‘why consultation is important’ slide that the company wants the input of the communities.
- If BHPB wants buy-in to the consultation process from Aboriginal groups, then it should adjust its choice of language ("people HAVE TO know", "they MUST understand", etc) which signals that BHPB is in control of the process and not pursuing collaboration
- Use of IACT – it is a vehicle to have technical people around the table at one time, not a decision-making or regulatory body.
- ‘Objectives’ needs to be discussed prior to ‘options’. It is important to understand this at the company level. The primary assumption is DIAND guidelines will drive objectives but much more is needed, particularly the level of generality of the guidelines compared to the specific Ekati infrastructure that objectives must be developed for. Need for clear definitions and consistent use of terms such as goals, objectives, options and closure criteria.
- To avoid confusion and to keep track of what the options are intended to achieve, BHPB should head each option slide with the goal for closing the component in question.
- Interval rating system of the MAA used in the LLCF process has some problems (see Bill’s earlier comments on this issue maybe attach these at the end of this letter).

Objectives for open pits:

Biologically productive
Establish clean water habitat
Traditional usage
Receptacle for wastes from the mine
Cost effective
Reasonable closure period
Walk away (goal)
Self-sustaining
Minimize perpetual care requirements

Waste rock objectives

Safety for animals

Waste rock options

Doming and shaping to ensure freezing
Use as backfill for pits
Capping source for LLCF

LLCF objectives

Safe for wildlife

Ecologically productive
Maintain downstream water quality in perpetuity
Maintain fish in cell E
Physical stability

LLCF options

Not completed discussion of.

Next steps:

Clarify terminology
Look at objectives then options
Site visit next summer
Review options again
MAA process
Need for further Agency input into process, and consideration of objectives and options