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April 3, 2007

Files: MV2001L2-0004  
MV2001L2-0008  
MV2002L2-0002  
MV2003L2-0013

Mr. David Scott  
Manager, Business Development  
BHP Billiton Diamonds Inc.  
#1102, 4920-52nd Street  
YELLOWKNIFE, NT X1A 3T1

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Dear Mr. Scott:

**Cancellation of Type B licenses for the use of water for dust control on the Misery and Sable haul roads**

The Wek'èezhì Land and Water Board (the Board) met on March 30, 2007 to review the record pertaining to the proposed approach for regulating water use for dust control on the Misery and Sable haul roads through drawdown plans under the Type A water licenses. The record consists of submissions from Environment Canada, Water Resources Division of INAC, the Department of Fisheries and Oceans and BHP Billiton Diamonds Inc. (BHPB) indicating their support for this alternative regulatory approach. No submissions identifying concerns with the approach were received by the Board.

Based on this review, the Board decided that regulating this particular water use through drawdown plans is efficient and still provides for protection of the water resources around the Ekati Mine. The Board hereby cancels WL MV2001L2-0004 and WL MV2002L2-0002 in accordance with section 21(2)(d) of the *Northwest Territories Waters Act*. Prior to withdrawing water at the Falcon and Lac de Gras water supply facilities for the purposes of watering the Sable and Misery haul roads, BHPB must now submit drawdown plans in accordance with the following conditions of the Type A water licenses:

Water Supply Facility	Fresh water withdrawal limit	Type A WL condition
Falcon (Sable Road)	100,000 m <sup>3</sup> annually	WL MV2001L2-0008 - part E, item 2
Lac de Gras (Misery Road)	1400 m <sup>3</sup> daily 100,000 m <sup>3</sup> annually	WL MV2003L2-0013 – part D, item 1

In addition to the submission of drawdown plans, BHPB must continue the following activities:

1. paying water use fees annually in advance of water use
2. reporting the monthly and annual quantities of freshwater obtained at the water supply facilities in the annual reports

3. reporting any unauthorized discharges in the annual reports
4. addressing reclamation of the water supply facilities and associated infrastructure in the ICRP
5. applying the General and Spill Contingency Plan required under part J, item 1 of WL MV2001L2-0008 and part H, item 3 of WL MV2003L2-0013 to activities associated with the road watering
6. equipping intake hoses with screens sufficient to prevent the entrainment of fish

As part of these deliberations, the Board also discussed the condition under WL MV2002L2-002 that prohibits the use of chemical dust suppressants on the Misery Road. The Board is of the opinion that this activity requires approval. Prior to the use of any dust suppressant on the Misery Road, BHPB must submit a written request to the Board describing the preferred suppressant, the measures to be undertaken to prevent its entrance into surface waters, the frequency of use, and any other relevant details.

The Board's reasons for decision will be provided to you under separate cover. If you have any questions, contact Sarah Baines at (867) 669-9590 or email [sbaines@wlwb.ca](mailto:sbaines@wlwb.ca).

Yours sincerely,



Violet Camsell-Blondin  
Chair

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