



Indian and Northern Affairs Canada

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Land Administration

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Your file - votre référence

Our file - Notre référence

7200-26-B1

January 10<sup>th</sup>, 2002

**BY FACSIMILE**

Mackenzie Valley Land and Water Board

PO Box 2130

Yellowknife, NT X1A 2P6

Attn: Laurie Coriell

Regulatory Officer

**Mackenzie Valley Land & Water Board**

File \_\_\_\_\_

JAN 11 2002

Application # MV2001F0032

Copied To PLM/KL/CC/Reg

Dear Ms. Bruno:

**Land Use Permit Application**

**BHP Diamonds Inc., Sable and Pigeon Pipes, Ekati™ Minesite**

**Your File No. MV200112-0004/MV2001F0032**

In response to your letter of December 14<sup>th</sup>, 2001 and Information Request of December 13<sup>th</sup>, 2001, we would refer you to our comments, as provided in the DIAND South Mackenzie District response letter dated November 14<sup>th</sup>, 2001 (copy attached).

We feel there is adequate information to move forward with the permitting process of these two applications as the activities of the project aligning with land administration, would be addressed through the development and use of the appropriate land use permit conditions. We are available to assist in this regard.

Additionally, lease documentation is being prepared which will include land administration provisions.

Please feel free to contact myself or Buddy Williams Land Specialist, who is assisting with this file should you require any further information or wish to discuss this matter. His phone number is 669-2697.

Yours truly,

Annette McRobert

Manager

Land Administration

cc. South Mackenzie District

Tamara Hamilton, R&C

76 D/15-5



**From:** Sandra Bradbury  
**To:** Michella Elford  
**Date:** Thu, Nov 8, 2001 4:18 PM  
**Subject:** MV2001X0071 - Pigeon Open Pit & M2001X0072 - Sable Open Pit

Further to your letter of October 18, 2001 we have the following comments on these applications:

Following are items for your consideration in preparation of the recommended terms and conditions for the permits to be issued by the MVL & WB for the noted activity. This will further supplement the comments, proposed modifications and observations contained in DIAND's letter dated August 3rd, 2001 to the Land and Water Board's Chairperson, Melody J. McLeod.

As presented, the land use activities will result in an expansion to the existing Ekati Mine operation, for which we currently administer six Crown Land Leases. The development of the Pigeon and Sable Pits will see two new land leases be issued, a change to the existing tailings lease to facilitate the Pigeon lease and a license for the Sable road.

BHP has applied for these land tenure documents for which we have completed our review and are now awaiting the passage of an Order In Council by the Privy Council of Parliament, for the leasing of land over 640 Acres, pursuant to Section 11 (2) of the Territorial Lands Act. Once the Order in Council has been passed, we will proceed with the preparation of lease documentation.

In addition to our leases, there is also an Environmental Agreement between Her Majesty The Queen in Right of Canada, the Government of the NWT and BHP Diamonds Inc., which among other specific instruments, authorizes/regulates aspects of the mine operation.

We understand that, in addition to providing the terms and conditions for the construction of the development of the Sable and Pigeon Pits, the issuance of the Land Use Permit(s), may also regulate the long term operation, future renewals, up to and including final abandonment, restoration and the post-monitoring phase of the activity. Given the interrelationship of the Land Use Permit, Environmental Agreement and leasing documentation for these developments, we would encourage a pro-active co-ordinated approach for addressing items common to these and any other such instruments, which share a role in regulating the new development and existing operation. An example would be the security provision requirements.

The effects and impacts from these developments, can be minimized by restricting land use operations to those activities directly required to conduct the specific land use activity as it was defined in EAR. This would encompass the development, mining and the reclamation of these pits. The construction of additional facilities or the use of this land for purposes other than the development, mining and reclamation of Sable and Pigeon pits (i.e. Storage of material, fuel, equipment, accommodations, etc) should only be allowed where the Ekati minesite does not have or cannot provide similar facilities or services. Changes to the use of these two sites should be subject to review.

Upon completion of the active mining (extraction of kimberlite ore) of the Pigeon and Sable kimberlite pits, use of the area should be limited to activities directly related to the ongoing and ultimate rehabilitation of the area. This will facilitate rehabilitation of the sites, by allowing progressive reclamation to start as soon as the land is no longer required for mining purposes.

The requirement for the continuation of monitoring and review of abandonment and restoration issues and requirements under the Environmental Agreement and other regulatory instruments is required.

All aspects and phases of the development undertaken, should minimize maintenance and future work required to ensure the integrity and safety of the development.

As a result of this development and changes to the mining plan, existing plans (Abandonment and

Restoration plan, OEM plans) should be updated and approved to ensure the noted changes and development are properly reflected in the regulatory instruments prior to site development. Section 7 of the Land Use Permit applications for Pigeon and Sable development references and supports this approach.

The disposal of materials and/or equipment or other misc. items in the waste rock piles or open pits generated from this development is not supported where existing facilities exist as part of the Ekati mine operation.

**CC:** Buddy Williams

Department of Indian Affairs and Northern Development

Land Administration

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## FAX COVER SHEET

To: Laurie Cordell  
Regulatory Officer  
MV Land & Water Board

Fax Number: 873-6610

From: Buddy Williams  
Land Specialist

No. of Pages 3 + cover

Original to follow in Mail: No  Yes

Date: January 11<sup>th</sup>, 2001

### COMMENTS:

Response to the Board's Information Request respecting the Land Use Permits for the development of the Sable and Pigeon pits.

Please feel free to contact us, should you have any questions on the attached.

*Buddy Williams*

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