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May 29, 2012

File: W2012L2-0001  
(renewal of W2009L2-0001)

Distribution List

Dear Sir/Madam:

**Request for Comments:**

**BHP Billiton Canada Inc. EKATI Diamond Mine – Type A Water Licence Renewal Application**

The Wek'èezhìi Land and Water Board (WLWB) invites reviewers to submit comments on **W2012L2-0001 - BHP - Water Licence Renewal Application (Renewal of W2009L2-0001)** via the LWB Online Review System. To access **W2012L2-0001 - BHP - Water Licence Renewal Application**, please follow this link: [LWB Online Review System – BHP WL Renewal](#). The deadline for comments is September 24, 2012.

The Wek'èezhìi Land and Water Board also invites reviewers to submit comments on **BHP's Preliminary Screening Exemption Request**, via this link: [LWB Online Review System – BHP Preliminary Screening](#). The deadline for comments is August 1, 2012.

Please see the attached Work Plan for review deadlines and other important dates in this water licence renewal process. If you identify any major conflicts with dates in the Work Plan, please contact WLWB staff.

This request is being distributed by email only. If you require materials to be mailed or faxed, or require other assistance, please contact WLWB staff Brett Wheler (867-765-4590, [brett@wlwb.ca](mailto:brett@wlwb.ca)) or Ryan Fequet (867-765-4589, [rfequet@wlwb.ca](mailto:rfequet@wlwb.ca)).

Sincerely,

A handwritten signature in blue ink, appearing to read "B Wheler", is written over a light blue horizontal line.

Brett Wheler  
Regulatory Specialist

**Attachments:**

- Draft Work Plan
- The User Manual for the Online Review System is available [here](#).

**DRAFT Work Plan for  
Water Licence Application W2012L2-0001 (Renewal of W2009L2-0001)  
BHP Billiton Canada Inc. – EKATI Diamond Mine**

**Purpose of the Work Plan**

To outline the processes and timelines to be followed for Water Licence Application W2012L2-0001 (renewal of W2009L2-0001) for the BHP Billiton Canada Inc. (BHP) EKATI Diamond Mine.

**Background**

Water Licence W2009L2-0001 expires on August 18, 2013. BHP submitted their renewal application on May 7, 2012; this gives approximately 15 months to complete the renewal process prior to license expiry.

**Scope of the Project**

The scope of this project includes water use, diversions, dewatering, and deposits of waste associated with the EKATI Diamond Mine, as described under Part A, Item 1 of the current Water Licence (W2009L2-0001).

**Guiding Principles**

The following principles will guide the Work Plan of the WLWB throughout this water licence renewal process:

- The licensing process shall be carried out in a timely manner and shall have regard to the protection of the environment in consideration of the impacts of proposed undertaking and the importance of conservation to the well being and way of life of the aboriginal peoples of Canada (Section 35 of the *Constitution Act*, 1982);
- The Board will consider changes to the Water Licence based on evidence and rationale submitted by the company or any other party;
- The Board may also consider changes it considers appropriate to meet its mandate, applicable policies, and to ensure consistency in decision-making throughout the Mackenzie Valley; and
- The Board will actively continue to ensure compliance with existing Water Licence requirements.

**Work Plan Objectives**

The Work Plan is to achieve the following objectives:

- Evaluate the adequacy of the current Water Licence terms and conditions;
- Compile a broad range of input through the review process;
- Ensure adequate information is gathered to complete the water licensing process; and
- Facilitate a thorough, inclusive, and timely water licence renewal process.

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Water Licence Application W2012L2-0001 (Renewal of W2009L2-0001)  
BHP Billiton Canada Inc. – EKATI Diamond Mine**

**Opportunities for Community Engagement**

- The Board requires BHP to engage with communities and aboriginal organizations regarding their Water Licence Application prior to its submission;
- The Board will distribute the Water Licence Application to all reviewers on the Board's 'BHP distribution list' – including aboriginal organizations, governments, and communities – for review using the LWB Online Review System;
- The Board will include a notification(s) regarding the review process in the newspaper;
- The Board will coordinate a technical session(s) to address specific issues that require more focused review and discussion;
- The Board will hold a public hearing; and
- Any other consultation or engagement activity that the Board considers appropriate.

**Work Plan Timeline**

See next page.

**DRAFT Work Plan for  
Water Licence Application W2012L2-0001 (Renewal of W2009L2-0001)  
BHP Billiton Canada Inc. – EKATI Diamond Mine**

<b>Task</b>	<b>Responsible Party</b>	<b>Time Frame</b>	<b>Due/Complete</b>
Circulate notice for review of the application	RS*		May 29, 2012
Comments due on preliminary screening exemption	Reviewers		August 1, 2012
Response to comments on PS exemption (if applicable)	Proponent		August 15, 2012
Preliminary Screening Exemption Request presented to Board	RS		August/September 2012
Issuance of Board decision regarding Preliminary Screening	RS		September 2012
Circulate report of independent technical consultant	RS/TD		September 24, 2012
Comments due on application	Reviewers		September 24, 2012
Response to comments on application	Proponent	3 weeks	October 15, 2012
Circulate agenda for technical sessions	RS		October 19, 2012
<b>Technical session</b>	<b>All Parties</b>		<b>October 23-25, 2012</b>
Circulation Technical Session Information Requests (IRs) to Reviewers and Proponent	RS		October 31, 2012
Deadline for Proponent response to IRs	Proponent	1 month	November 30, 2012
Deadline for Interventions	Interveners	1.5 months since IR response	January 17, 2013
Deadline for Proponent response to Interventions	Proponent	13 days	January 30, 2013
Deadline for Reviewers Public Hearing presentations	Reviewers		January 30, 2013
Deadline for Proponent Public Hearing presentations	Proponent		February 4, 2013
<b>Public Hearing</b>	<b>All Parties</b>		<b>February 12-13, 2013</b>
Public Hearing Undertakings due	All parties	1 week after PH	February 20, 2013
Draft WL sent out for review	RS	1 month after PH	March 13, 2013
Deadline for Reviewer comments on Draft WL	Reviewers	3 weeks	April 3, 2013
Deadline for Proponent Response to Draft WL	Proponent	9 days	April 12, 2013
Draft WL and RFD sent to the AANDC Minister for review and decision	RS		May 15, 2013
Final WL Decision from AANDC Minister and Issuance of WL	AANDC Minister		July 15, 2013

\*RS – Regulatory Specialist; TD – Technical Director, AANDC – Aboriginal Affairs and Northern Development Canada; WL – Water Licence; PH – Public Hearing; IRs – Information Requests; RFD – Reasons for Decision; Preliminary Screening.