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**Comments on BHP's Response to the MVEIRB
recommendations on BHP's EA concerning the
Beartooth, Pigeon and Sable kimberlite pipes**

May 12, 2000.

□ The entire basis for BHP's objections to the MVEIRB recommendations is that they are made under a condition of all adverse environmental impacts from development of the 3 new pipes being not significant. They make the case, correctly, that the Act [subsection 128(1)] provides for the process to move to the licensing stage when no significant impacts are identified by the Board. However that same subsection states more fully that "where the development is not likely in its opinion to have any significant adverse impact on the environment or to be **a cause of significant public concern**". We could argue that there has been voiced a certain level of "significant public concern", although some may feel that this is an ambiguous statement that is not defined in the Act.

□ MVEIRB recommendations #1-8 are "already being fulfilled" according to BHP. So this may seem to be redundant to BHP. But we fail to see why BHP objects to these being reiterated for good measure in the Board's recommendations, especially if, as BHP says, they don't add to the company's responsibilities.

Similarly, we don't see why the objection to # 14,15,19-21,23,29-31,33,35-43,45,50-55,58-61.

□ We are in favor of setting a threshold for phosphorus in Fay Lake. Having to keep to some kind of biologically defensible standard in phosphorus discharge keeps BHP honest. If the establishment of a threshold is arrived at using sound scientific principles, it should eliminate any "us or Nature?" argument on BHP's part if nutrient levels in the lake become a problem.

□ Perhaps BHP is right in arguing that quantitative goals for revegetation, set in consultation with GNWT and Federal expertise, would be unrealistic during the early stage of reclamation (point #49). Quantitative goals might be more appropriately tied to the late stages of mine reclamation, the "final product" as it were.

□ Point #56: Toxicity testing of PK in an aquatic ecosystem won't prove anything if a negative test (no effect on aquatic life) in the lab proves to be false in the "real-world" of the pit-lake. But if the toxicity test shows there is adverse impacts on aquatic life, then this should influence BHP's plan to reclaim the mine pit as lake habitat. Thus it seems that it would be in BHP's best interests to carry out toxicity tests.

□ Minor point: BHP's letter to the Minister lists #12 as being objected to, when in fact indications are that it is #11 that they object to.

Sincerely,

Tim Byers
for
Rachel Crapeau.