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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**File No: 2AM-BRP1831/
Amendment Application**

October 15, 2020

Matthew Pickard
Vice President, Environment and Sustainability
Sabina Gold & Silver Corp.
#1800 – 555 Burrard Street
Box 220
Vancouver, BC V7X 1M7

Email: mpickard@sabinagoldsilver.com

Subject: Water Licence No: 2AM-BRP1831; Amendment Application by Sabina Gold & Silver Corp.; Back River Project.

Dear Mr. Pickard:

The Nunavut Water Board (NWB or Board) acknowledges receipt of the Type “A” Water Licence amendment application and supporting documentation (the Application) submitted on October 13, 2020 by Sabina Gold & Silver Corp. (Sabina) for the Back River Project (the Project), Water Licence No: 2AM-BRP1831.

Copies of all information received in support of the Application can be accessed from the NWB’s FTP site using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-BRP1831%20Sabina/1%20APPLICATION/2020%20Amendment/>

The Board notes that a preliminary Modification Package was submitted by Sabina on June 10, 2020. In correspondence¹ dated September 18, 2020, Sabina clarified that the original package would be replaced by an updated Modification Package. Therefore, the June 10, 2020 submissions placed in the referenced above FTP folder are no longer applicable to this review process.

¹ M. Keefe (Sabina) to S. Kuflevskiy (NWB) E-mail, RE: FW: NIRB 124149 / 12MN036: Notice Regarding the NIRB’s Processing of Sabina’s “2020 Modification Package” Project Proposal, September 18, 2020

Pre-licensing Requirements

On June 9, 2020, the Nunavut Planning Commission (NPC) confirmed² that the Application was for a Project that remains outside the area of an applicable regional Land Use Plan (LUP) and subsequently forwarded the Application to the Nunavut Impact Review Board (NIRB) for screening, “*because it is for a component or activity that was not part of the original proposal and its inclusion is a significant modification of the Project*”, and because as modified it did not belong to a class of exempt works or activities set out in Schedule 12-1 of the *Nunavut Agreement*.

In correspondence dated August 11, 2020³, the NIRB indicated that “*the Back River Project 2020 Modification Package would not constitute a significant modification that requires further assessment by the NIRB if Sabina implements the updates to management and monitoring plans and enhancements to the existing reporting program to reflect the activities in the Back River Project 2020 Modification Package*”.

Consequently, the NWB deems that the relevant pre-licensing requirements for its process, based on Article 12 of the *Nunavut Agreement*, have been met.

The Application included the following documents:

- Amendment Application Cover Letter, dated October 13, 2020;
- NWB Application for Water Licence Amendment Form, dated October 9, 2020;
- Compliance Assessment Table, dated October 1, 2020;
- Back River Project 2020 Modification Package, Version 2, dated October 2020, including:
 - Plain Language Summary (English);
 - Plain Language Summary (Inuktitut);
 - Plain Language Summary (Inuinnaqtun);
 - Appendix A – 2020 Modification Package Figures;
 - Appendix B – Water Management Plan, dated October 2020;
 - Appendix C – Goose Property Water Availability Memo, dated March 13, 2020;
 - Appendix D – MLA Shoreline Pad Extension Memo, dated June 5, 2020;
 - Appendix E – WIR Water Increase Memo, dated March 11, 2020.

The NWB has conducted a preliminary review of your submission(s) and determined that your Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type “A” Water Licence, which will require a public hearing in accordance with section 52⁴ of the

² Nunavut Planning Commission (NPC) Conformity Determination, June 9, 2020.

³ Nunavut Impact Review Board (NIRB) Direction, August 11, 2020.

⁴ *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA or Act). All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing*, May 11, 2005 (NWB Rules).

The next step in processing your Application involves a completeness review and an initial technical assessment to determine if all of the necessary information and studies required to evaluate the quantitative and qualitative effects of the undertaking on the freshwater environment have been provided.

Accordingly, by copy of this letter, the Board requests that interested parties review the Application and supplemental information for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting / Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).

All intervening parties should provide their submissions to the NWB's Manager of Licensing at licensing@nwb-oen.ca by **Friday, November 13, 2020 (5:00 p.m. EDT)**.

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IR's) to evaluate all quantitative and qualitative effects of the undertaking pursuant to section 48 of the *Act*. The NWB will advise Sabina of the Board's determination at that time.

Once the Application has been deemed complete, the following general process will be undertaken. Complete details on the NWB's licensing process are available in NWB Guide 5⁵, and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

1. Notice of the Application

A notice of the Application will be made in accordance with section 55(1) of the *Act*. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond, as outlined in sections 59 and 60(2) of the *Act*. Furthermore, the Board will distribute notice to the communities and interested parties affected by the Application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

⁵ Guide 5 – Processing Water Licence Applications (April 2010).

2. Detailed Technical Review

Interested parties will be invited to undertake a detailed technical assessment or review of the complete Application for the undertaking. Parties (interveners and the Applicant) will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible (during and following the initial request for IRs).

3. Technical Meeting (TM) / Pre-Hearing Conference (PHC)

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical review submissions. The PHC is typically scheduled to immediately follow the TM.

4. Pre-Hearing Conference (PHC) Decision

Following the TM/PHC, the NWB will issue a PHC decision and may outline any technical commitments of the Applicant, and the administrative and procedural requirements for a Public Hearing.

5. Public Hearing (PH)

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its PH in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the PH should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the public hearing and in a manner that promotes public awareness and participation in the hearing.

6. Public Hearing Decision

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Northern Affairs (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision. The Minister typically issues his/her response to the Board's final

decision within forty-five (45) days of receipt, or if notifying the Board of an extension within the forty-five (45) days, within ninety (90) days from the date of receipt.

On this basis, the NWB is inviting interested persons to comment on the following:

- 1) completeness of the Application based on their initial technical assessment;
- 2) Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review; and
- 3) Type of TM/PHC to be held.

All comments, recommendations and any requests for information (IRs) should be submitted to the NWB's Manager of Licensing at licensing@nwb-oen.ca **no later than Friday, November 13, 2020 (5:00 p.m. EDT).**

If you have any questions regarding this letter or procedural matters related to the file, please contact the NWB's Licensing department by e-mail at licensing@nwb-oen.ca or by phone at (867)-360-6338. For inquiries related to technical matters, please contact Sergey Kuflevskiy, Technical Advisor, by email at sergey.kuflevskiy@nwb-oen.ca.

Parties should note that the NWB intends to issue copies of the Inuktitut and Inuinnaqtun versions of this correspondence subsequently.

Sincerely,

Richard Dwyer
Manager of Licensing

RD/sk

Cc: Distribution List – Back River