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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

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

December 17, 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](mailto:mpickard@sabinagoldsilver.com)

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

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Dear Mr. Pickard:

Further to the Nunavut Water Board (NWB or Board) correspondence, dated October 15, 2020<sup>1</sup>, with respect to the determination of completeness of the 2AM-BRP1831 Water Licence Amendment Application and supporting documentation (Application) submitted by Sabina Gold & Silver Corp. (Sabina or Applicant) for the Back River Project (the Project), the Board received, on November 13, 2020, the Information Requests (IRs) from the Kitikmeot Inuit Association (KIA), Crown-Indigenous Relations and Northern Affairs (CIRNA), and the Environment and Climate Change Canada (ECCC). On November 30, 2020, the Applicant provided their responses to the parties' IRs. Upon review of the Applicant's responses, all parties agreed that the Application may proceed to the technical review stage. However, both KIA and CIRNA indicated that "*Sabina is required to provide an updated Hydrodynamic model*", as well as the information on the groundwater inflow parameters, for technical review of the file.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Application have been placed in the Board's Public Registry and made available through 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/2%20ADMIN/3%20SUBMISSIONS/>

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<sup>1</sup> R. Dwyer (NWB) to M. Pickard (Sabina); RE: Water Licence No: 2AM-BRP1831; Amendment Application by Sabina Gold & Silver Corp.; Back River Project; October 15, 2020.

## Notice of Application and Commencement of Technical Review

Based on the scope and nature of undertaking, the Application has been deemed to be a complete application for a Type “A” Water Licence. As such, it will require a public hearing as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*. All public hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

### **NWB Notice of Application and Commencement of Technical Review**

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Application, Interveners’ submissions, and the Board’s initial review, that the Application submitted by Sabina generally constitutes an administratively and materially complete Application in accordance with the Guides<sup>2</sup>. The Board has therefore decided that the Application can proceed to the next stage(s) of the licensing process, subject to any outstanding pre-licensing considerations that may be associated with the Application. The NWB retains the rights, however, to request additional information and studies pursuant to s.s. 48(2) of the *NWNSRTA* or to issue additional guidelines for the provision of information pursuant to s.s. 48(3) of the *NWNSRTA*, if it becomes necessary.

In accordance with s. 55(1) of the *NWNSRTA*, the **Board gives notice of the Application** and invites interested persons to make representation to the Board no later than **January 29, 2021** (3:00 p.m., MST). Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond are outlined in s. 59 and s. 60(2) of the *NWNSRTA*<sup>3</sup>.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the amendment to the Type “A” Water Licence No: 2AM-BRP1831, available from the NWB Public Registry or by directly contacting Mr. Pickard, Sabina, at [mpickard@sabinagoldsilver.com](mailto:mpickard@sabinagoldsilver.com).

### **Next Steps in the Process**

The next steps in the Board’s consideration of the Application have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

### **Steps Preceding Technical Meeting**

<b>December 17, 2020:</b>	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board.
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<sup>2</sup> The minimum information requirements set out in the NWB Guidance Documents: Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1; and Guide 5 – Processing Water Licence Applications, July 2015, see Table 1.

<sup>3</sup> Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

## Notice of Application and Commencement of Technical Review

<b>January 29, 2021:</b>	Submission of technical review comments and representations to the Board.
<b>February 12, 2021:</b>	Applicant to provide response(s) to technical review comments.  Parties given an opportunity to review responses from Applicant.
<b>February 16, 2021:</b>	Circulation of draft agenda for the Technical Meeting.
<b>February 22, 2021:</b>	Submission of Applicant's and Interveners' presentations for the proposed technical meeting (including translated versions). Confirmation of attendance and receipt of draft agenda.
<b>February 25, 2021:</b>	Circulation of final agenda for the Technical Meeting / Pre-Hearing Conference.

**Steps including and following Technical Meeting****1. Technical Meeting / Pre-Hearing Conference: March 2-3, 2021**

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 has directed the staff of the NWB, in accordance with the NWB Rules, to hold the virtual TM/PHC for the Application (via Zoom) on the week of March 1, 2021 (tentatively on **March 2-3, 2021**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM/PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

**2. Pre-Hearing Conference (PHC) Decision**

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

**Public Hearing (PH) Notice**

Sub-section 55(2) of the *NWNSRTA* requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting / Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing 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.

### 3. Public Hearing Decision

Following the Public Hearing (PH), the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of the Northern Affairs (Minister) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with Sabina to discuss issues in advance of the proposed Technical Meeting / Pre-hearing Conference. The NWB, however, requests to be kept informed of any issues and any agreements reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as marine discharges, air quality, noise, and wildlife, be provided within the limits of the NWB's jurisdiction over the use of Waters and the deposit of Waste in Waters or that may enter Waters.

**All submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) by Friday, January 29 2021 (5:00 p.m., MST).**

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Licensing Manager, at [richard.dwyer@nwb-oen.ca](mailto:richard.dwyer@nwb-oen.ca) or by phone at (867) 360-6338 (ext. 27). For any technical inquiries, please contact Sergey Kuflevskiy, Technical Advisor, at [sergey.kuflevskiy@nwb-oen.ca](mailto:sergey.kuflevskiy@nwb-oen.ca) or by phone at 867-360-6338, ext. 29, or Karén Kharatyan, Director of Technical Services, by e-mail to [karen.kharatyan@nwb-oen.ca](mailto:karen.kharatyan@nwb-oen.ca).

Sincerely,

NUNAVUT WATER BOARD

Stephanie Autut  
Executive Director

SA/sk/rqd

Cc: Distribution List – Back River