



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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January 11, 2018

Your file Votre référence

8BC-BRP----

Our file Notre référence

12-HCAA-CA7-00007

Karén Kharatyan
A/Manager of Licensing
Nunavut Water Board (NWB)
P.O. Box 119
Gjoa Haven, NU
X0B 1J0

**Subject: Application for Type 'A' Water Licence, File No. 2AM-BRP---- Back River Project;
Sabina Gold & Silver Corp.**

Attention: Karén Kharatyan

As directed by the Nunavut Water Board (NWB) in their letter dated December 8, 2017, The Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) has reviewed the application (Application) for a Type "A" Water Licence and supporting documentation from Sabina Gold & Silver Corp. (proponent) for the proposed Back River Project.

DFO-FPP understands that the NWB would like parties to comment on the following:

- 1) completeness of the Application based on their initial technical assessment;

DFO-FPP has reviewed the proponent's application for completeness and is satisfied that sufficient information has been provided for the licencing process to proceed.

- 2) type of TM-PHC to be held;

DFO-FPP recommends that the NWB Technical Meeting and Pre-Hearing Conference be held in person. In person meetings are recommended because it would allow intervening parties, the proponent, and NWB staff to address issues related to the Back River Project.

- 3) any Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review.

DFO-FPP has reviewed the application in regards to its mandate, i.e. to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. As previously stated, DFO-FPP is satisfied that sufficient information has been provided at this point in the water licence application process. DFO-FPP notes that there is still necessary information to be provided, which the proponent has committed to fulfilling as part of the terms and conditions set out in the Nunavut Impact Review Board (NIRB) Project Certificate, and can be provided to DFO-FPP as part of the proponent's 'DFO Request for Review' submission and Application for *Fisheries Act* authorization. A summary of this information is as follows:

- a) "Project specific thresholds, mitigation and monitoring for blasting that would exceed the requirements of Fisheries and Oceans Canada's Guidelines for the Use of Explosive In or Near Canadian Fisheries Waters (D.G. Wright and G.E Hopky, 1998)." (NIRB Project Certificate No.:007: Term and Condition No. 25).
- b) "Detailed design drawings and an updated monitoring program" which "include measures to ensure that barriers to fish passage do not form over time as a result of crossing damage due to ice blockage, flooding, or movement of debris all of which may occur at freshet." (NIRB Project Certificate No.:007: Term and Condition No. 30).
- c) "Bathymetry, depth and location of proposed water withdrawal sites, volumes to be extracted, anticipated water level decreases and fish habitat features within each waterbody proposed to be used for winter water withdrawal in support of the construction of the winter ice roads." (NIRB Project Certificate No.:007: Term and Condition No. 27).
- d) Design of "adequate fish passage to permit migration of Arctic Grayling from Goose Lake to natural spawning and rearing habitat located in upper Rascal Stream East, south of the planned airstrip. Any addition information required to ensure the design of the fish passage will be completed prior to significant construction activities at the Goose Property." (NIRB Project Certificate No.:007: Term and Condition No. 26)

In addition, DFO notes that a detailed fish-out and dewatering plan will be required, which the proponent has also committed to working with DFO and the impacted communities to develop. These plans will require finalization and submission to DFO as part of the proponent's Application for *Fisheries Act* authorization.

If you have any questions, please contact Laura Watkinson at (867) 669-4920, or by email at Laura.Watkinson@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Bev Ross
Regional Manager, Regulatory Reviews
Fisheries Protection Program
Central and Arctic Region
Fisheries and Oceans Canada

cc. Mark D'Aguiar – Sr. FPP Biologist DFO
Laura Watkinson -DFO

References:

Nunavut Impact Review Board (NIRB). December 19, 2017. NIRB Project Certificate [No.: 007]. Sabina Gold & Silver Corp. for development of the Back River Gold Mine Project in the Kitikmeot Region of Nunavut; NIRB File No. 12MN036.
<http://www.nirb.ca>.

Wright, D.G., and G.E. Hopky. 1998. Guidelines for the use of explosives in or near Canadian fisheries waters. Can. Tech. Rep. Fish. Aquat. Sci. 2107: iv + 34p.