



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Back River Mine Project

Presentation to the Nunavut Water Board

Final Hearing Conference

Cambridge Bay, NU

August 8-9, 2018



Overview of Presentation

1. **Fisheries and Oceans Canada (DFO) – Fisheries Protection Program (FPP)**
 - Mandate, Legislation and Policy
2. Technical Comments and Recommendations
3. Conclusions
4. Questions and Comments



DFO - Fisheries Protection Program Mandate

- The **mandate** of the Fisheries Protection Program is to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.



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Fisheries Protection Program – Legislation

- ***Fisheries Act***
 - Section 35
 - Prohibits serious harm to fish
 - Allows for authorization of impacts with conditions
 - Sections 20, 21
 - Requirement for sufficient water, fish passage
- ***Species at Risk Act***
 - Sections 32, 33, 58
 - Prohibits killing, harming, harassing, capturing or taking of listed species, destruction of residence, critical habitat
- ***Nunavut Land Claims Agreement (Article 12)***



Fisheries Protection Program – Policy

- **Fisheries Protection Policy Statement** (2013)
 - Guidance on implementing the fisheries protection provisions of *Fisheries Act*
- **Fisheries Productivity Investment Policy: A Proponent's Guide to Offsetting** (2013)
 - Guidance on measures to offset serious harm to fish



Technical Comments & Recommendations

Fisheries and Oceans Canada's comments are focused on the following areas:

- **Freshwater Environment**
 - Blasting, Water Crossings, Winter Ice Road Water Withdrawal and Rascal Stream Fish Passage
- **Fish-Out and Dewatering Plans**





Water Crossings - Issue

- If appropriate avoidance and mitigation practices are not employed in water crossing design, construction and maintenance, fish passage may be impeded or *serious harm to fish* may occur.





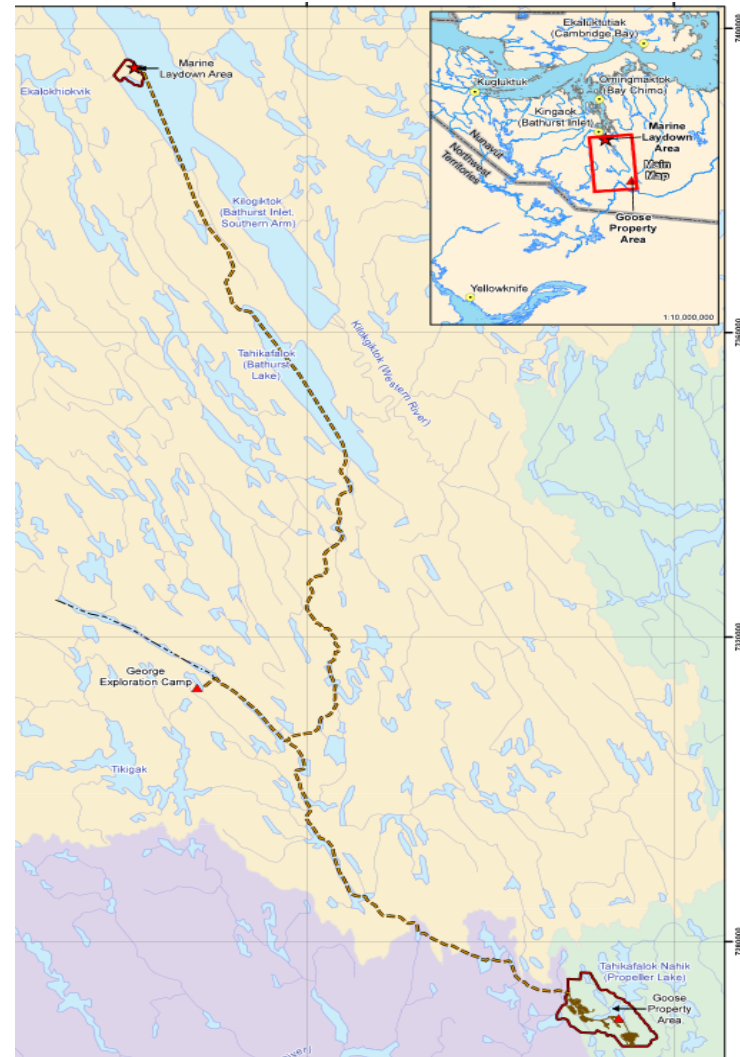
Water Crossings - Recommendation

- DFO-FPP recommends that Sabina provide detailed site-specific plans of all water crossings, supported by measured or modeled stream flow data, for review prior to construction. This may be provided as part of Sabina's 'DFO Request for Review' submission and Application for *Fisheries Act* Authorization.



Winter Ice Roads Water Withdrawal - Issue

- The locations of the specific water bodies that are selected for winter water withdrawal in support of the winter ice road construction, with information regarding the water body specific fish and fish habitat, have not yet been provided





Winter Ice Roads Water Withdrawal - Recommendation

- DFO-FPP recommends that Sabina provide a detailed water withdrawal plan for the winter ice road, including specific fish habitat features within each waterbody proposed to be used for winter water withdrawal and before use of the waterbodies. This information can be provided as part of Sabina's 'DFO Request for Review' submission and / or Application for *Fisheries Act* Authorization.



Rascal Stream Fish Passage - Issue

- By providing a Rascal Stream Fish Passage Mitigation memorandum, DFO-FPP understands that Sabina is potentially addressing DFO-FPP's concern regarding the Arctic Grayling population of Goose Lake. However, DFO-FPP will require further information as part of the Rascal Stream Fish Passage plan to be able to determine the effectiveness of the proposed mitigation strategy.



Photo courtesy of Paul Vescei



Rascal Stream Fish Passage - Recommendation

- DFO-FPP recommends Sabina provide a Rascal Stream Fish Passage plan prior to its construction. The plan should include, but not be limited to, design, construction, operation, monitoring, closure/remediation, design of habitat creation, etc. This information can be provided as part of Sabina's 'DFO Request for Review' submission and Application for *Fisheries Act* Authorization.



Conceptual Fish-Out and Dewatering Plan - Issue

- The development of an appropriate Fish-out Plan is required to address *serious harm to fish* as part of the *Fisheries Act* Authorization process for the Back River Project.



Photo courtesy of Paul Vescei



Conceptual Fish-Out and Dewatering Plan - Recommendation

- DFO-FPP recommends that Sabina continue to work with DFO-FPP and the impacted communities to develop a detailed fish-out and dewatering plan.



Conclusion

- Fisheries and Oceans Canada notes that the majority of the outstanding information in the recommendations may be provided as part of Sabina's 'DFO Request for Review' submission and Application for *Fisheries Act* Authorization.
- Fisheries and Oceans Canada will continue to work with the Proponent and stakeholders, including potentially impacted communities, to ensure that:
 - Appropriate development of the Rascal Stream Fish Passage Plan and effectiveness plan;
 - Appropriate mitigation measures, follow-up and monitoring programs are implemented;
 - That the proponent continue to work with Fisheries and Oceans Canada, the impacted communities and the Kitikmeot Inuit Association to finalize the Offsetting Plan and the Fish-out Plan.



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