

Fisheries and Oceans Canada

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

Executive Summary

The Back River Project (The Project) is a proposed gold mine owned by Sabina Gold and Silver Corporation (Sabina or the Proponent) within the West Kitikmeot region of Nunavut. The Project is composed of two areas: The Goose Property and the Marine Laydown Area (MLA) situated along the western shore of southern Bathurst Inlet.

The Fisheries Protection Program (Program) of Fisheries and Oceans Canada (DFO-FPP) is responsible on behalf of the department for regulatory review of proposed developments occurring in or near Canadian fisheries waters. The Program has reviewed the Application for a Type "A" Water Licence and supporting documents for the Back River Project, and is providing DFO-FPP's comments based on our mandate under the *Fisheries Act* to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries, including marine mammals and their habitat. DFO-FPP's primary focus in reviewing proposed developments in and around fisheries waters is to ensure that works, undertakings and activities are conducted in compliance with the applicable provisions of the *Fisheries Act*.

The fisheries protection provisions of the *Fisheries Act* (2013), specifically subsection 35(1), state that "*No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery or to fish that support such a fishery.*" However, under paragraph 35(2)(b) of the *Fisheries Act*, the Minister of Fisheries and Oceans may issue an authorization with terms and conditions in relation to a proposed work, undertaking or activity that may result in serious harm to fish. Serious harm to fish is defined in Section 2 of this Act as the death of fish, or permanent alteration to or destruction of fish habitat.

DFO-FPP is providing the following final written submission in response to the Nunavut Water Board correspondence dated May 29, 2018, requesting written final submissions related to Sabina's Application for a Type "A" Water Licence for the Back River Project, due to the board by July 9, 2018. The technical review comments in this submission are categorized under the following general topics: Freshwater Environment and Conceptual Fish-Out and dewatering Plan.

NUNAVUT WATER BOARD
Date: <u>August 8, 2018</u>
Exhibit No.: <u>21</u>

Freshwater Environment

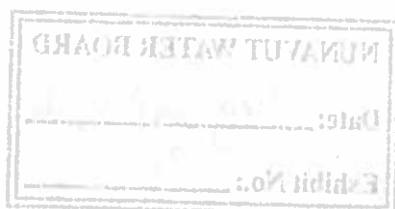
Proposed infrastructure and Project works, undertakings and activities, including blasting, water withdrawals in support of winter road construction, watercourse crossings, and flow reductions in Rascal Stream East, Goose Inflow South and Goose Inflow East have the potential to cause *serious harm* to fish as defined by the *Fisheries Act*.

The proposed project will result in the loss of Rascal Stream East, Goose Inflow East and Goose Inflow South Arctic Grayling spawning habitat. To offset this, Sabina proposes to construct fish passage in Rascal Stream. This will help address the uncertainty as to whether Arctic Grayling spawning will be limiting for the Goose Lake grayling population.

Sabina has committed to providing final detailed design plans for blasting and water withdrawal as well as final designs for all watercourse crossings to DFO- FPP prior to construction. DFO-FPP will require additional detailed information to make our regulatory decision under section 35(2) of the *Fisheries Act*. This will include a final blasting monitoring and mitigation plan, final crossing designs and a detailed water withdrawal plan informed by site-specific fish and fish habitat features. DFO-FPP acknowledges Sabina's commitments to provide this information as part of their 'Request for Review' or Application for a *Fisheries Act* Authorization and is satisfied that DFO-FPP's comments and recommendations from the Technical Review Period have been adequately resolved. DFO-FPP will continue to work closely with Sabina and the affected communities during DFO's Regulatory Review Phase.

Fish-Out and Dewatering Plan

Sabina has previously submitted a Conceptual Fish-Out Plan, which was developed to address the need to dewater both Llama and Umwelt lakes. Sabina has committed to working with DFO-FPP to develop a finalized Fish-Out and Dewatering Plan and to providing this as part of their 'Request for Review' or Application for a *Fisheries Act* Authorization. During the Regulatory Review Phase, DFO-FPP will continue to work with Sabina and the affected communities to finalize the Fish-Out and Dewatering Plan.



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Ataniuyunut Nainaqhimayuk

Tamna Hanningayuk Kuugaq Havanguyuk (Tamna Havanguyuk) uuktutauyuk guulit uyagakhiuqvik nanminigiyat tapkuat Sabina Guulit Silverlu Kuapurisan (Sabina tamnaluniit Uuktutilik) tahamani pingangnaani Kitikmeot avikhimani Nuna. Tamna Havanguyuk ilalik malguk nunait: Tamna Goose Havakvia tahamnalu Tagiuqni Iliuqaqvik Nuna (MLA) inilik tahamani pingangnaata hinaani taphuma nigingani Kingaok.

Tamna Iqaluligutitut Hapuhimani Havagutit (Havagut) tapkunanga Iqaluligiyit Tagiuligiyitlu Kanata (DFO-FPP) havalgit kivgaqtuqhugit tapkuat timinga aulattiyuninut naunaiyainiq uuktutauyunut pivalianit atuqtauyut tahamani hanianiluniit Kanatamiuni iqaluligutit imait. Tamna Havanguyuk naunaiyaqhimaya tamna Tukhigaut taphumunga Qanugittunia "A" Imaqmun Laisa ikayuqhiutinilu titiqat taphumunga Hanningayuk Havanguyuk, piqaqtitnilu DFO-FPP-nga uqauhini pihimayut havagiyaqaqtaptingni malikhugit tapkuat *Iqaluliginiqmun Piquyat* ihuaqhihimaninut tapkuat atutqikhalat atuinaqtutlu hanayaunit maniliugutit, aliahutauni naunaiyaqnilu uuktutauyut tapkuatlu Nunaqaqaqtut iqaluligutit, ilautitlugit tagiuqni mitqulgit nayuqpaqtailu. DFO-FPP-kut aturniqhat pinahuaqni naunaiyainiqmun uuktutit pivaliatitni tahamani avataanilu iqaluliginiq imait atuqpiagiangi tapkuat havat, havagiyaqut hulinilitlu havaktauni malikhugit tapkuat atulaqnit piqagutauni tapkunani *Iqaluliginiqmun Piquyat*.

Tapkuat iqaluliginiqmun hapuhimani piqagutaunit tapkunani *Iqaluliginiqmun Piquyat* (2013), piluaqtumik nakataata ilaani 35(1), uqaqhimayuk tamna "*Kinaliqak atuqniangilaq kitunikliqak havaqnik, havakni huliniluniit tapkuat qanugitni huliniluniit piyutauyut akhut huguqtitni iqalut ilagiyat maniliugutinut, aliahutauni tamnaluniit Nunaqaqaqtut iqaluligutit tamnaluniit iqalukhiurniq ikayuqtuiyuk taimaittumun iqaluligutit.*" Kihianik, malikhugu taiguaq 35(2)(b) tapkunani *Iqaluliginiqmun Piquyat*, tamna Minihitauyuk Iqaluliginiqmun Tagiuqmiutanutlu tunihilaq pilagutmik maligaqaqtitlugit atuqgiagitlu tugangayut taphumunga uuktutauyuk havaq, havagiyauni hulinilitluniit pityutaulat akhut huguqniq iqaluknik. Akhut huguqniq unniqtauyuk talvani Nakataani 2 uumani Piquyat tamna tuqupkaqnia iqaluk, ahianguqtitpiaqniiluniit ahigurtiqniiluniit iqaluknit nayuqtauyuk.

Iqalliqrinut Taryurmiuttat Kanata (DFO)-Iqalukhiuqtut Hapummiutingit Pinahuarut (FPP) ilaliutauhimayuk hamna malikhugu iniqhimayumik titiraqhimayangit tunihimayangit kiuyangit uvunga Nunavut Imarnut Katimayut ilaliutihimayangit ublukhaita titiraqhimayuk Qiqaiyaluarvia 29, 2018 mi, tukhiutigiyangit titiraqtaaqhimayuk iniqpiaqhimayuk tunihiyangit ilagiyangit uvunga Sabina'p Atuqtakhainit haffumani Tukiliutaa "A" Imap Laisiata haffumani Hanningayuk Kuugaa Havaariyakhaq, katimayiita malikhugu uvuani Taaqhivalirvia 9, 2018 mi. Tamna ayurnaittuq ihivriurniq uqaqtamiknik uumani titiraqmi ihuarhaqhimayut hapkununga uqaqtauyunut: Kuukkap Avatinga unalu Ihuagiyangit Iqalut-Unguvaqhimayut unalu imaiyaqtangit Parnautaanit.

Kuukkap Avatinga

Havaariyakhaat igluqpaqarviliurutikhaq Havaangilu havaat, hulidjuhiit huliyaqhangillu, qaaktuiyunillu, imat ahivaiyainiit ikayuutauvlutik ukiumi apquliutut, imauplu ikaaqtunut, qurluarnigut nailinahuaqtut

uvani Rascal Qurluangit Kivanmi, Goose Iluanut qurluaqtuq Hivuraani unalu Goose Iluanut qurluaqtuq Kivataani ihumagiyauvluni *qayangnaqpiaqhuni* iqalungnut taiyauvagaat *Iqalukhiurmut Maligaaq*.

Tughirautauyuq havaaghakut Kivalliqlihanut qurluqtuq Rascal Qurluangit Kivanmi, Goose-mut Harvaqtuq Kivalliqlihanit Goose-millu Harvaqtuq Hivuraanit Aanaaqhiit iqalugaliuqviit nayugait. Himmiqturahuaghugit hapkua iqaluit, Sabina-kut ikaaqqighaliurumayait talvani Rascal Qurluangit. Una ikayuqhimaniaqtuq turaarutikhaanit nalunaqhimayut qanuq hamna Ukiuqtaqtuq Kuukkap Iqalungit mannilliraangat ikivallaarniaqtuq uvani Goose Tahi q kuukkat iqalungit amihuuningit.

Sabina malikhiyangit ilaliutihimayut iniqpiaqhimayumik tukiliutaat upalungaiyautaanit qaaktuinirnut imap unguvaiyaqtut uuminngalu iniqpiaqhimayumik tiliugait tamainnit imaup ikaarningit DFO-FPP havaktinnatik. DFO-FPP tukhiutiniaqtangit ilagiyakhaat tiliugait ilitturvikhangit hananahuarlugit maliguarutit ihumaliugait maliktangit ilangani 35(2) haffumani *Iqalukhiurmut Maligaaq*. Ilaliutiginiaqtangit iniqpiaqhimayumik qaaktuinirnit munaqhiyangit ingattaqhittailinahuarnikkut upalungaiyautingit, iniqpiaqhimayumik ikaarningit tiliuningit imarnut unguvaiyaiyut ilitturvikhait nayugaanit-ahikkut iqaluk iqaluillu nayuqpaktangit ilitquhiita. DFO-FPP iltariyangit Sabina'p malittiarningit ikayuqtut una naunaiyainingit ilagiyaita "Tukhiutigiyangit Qimilurningit" uuminngaluuniit Atuqtakhainit haffumani *Iqalukhiurmut Maligaaq* Auladjutikhait unalu naammagiyaanit hamna DFO-FPPt kiuviniit tukhiutigiyangillu hamannat Qauyiharningit Qimilurningit Ikaarningit nalaumattiaqtumik ihuaqhimayumik. DFO-FPP huli havaqatihimmaarniaqtut qanilrukkut Sabinamit unalu ihuilutigiyauyut nunaliit uvani DFO't Maliguarutingit Qimilurningit Ilangani.

Iqalut-Unguvaqhimayut unalu Imaiyaqtangit Parnautaanit

Sabina kinguani tunihimayut uumani Ihumagiyangit Iqalut-Unguvaqhimayut Parnautaanit, pivalliahimayut turaaqhimayakhaat piyumayamingnit imaiyarahuaghugit tamarmik Llama unalu Umwelt tattiit. Sabina malikhiyangit havaqatigivlugit ukunani DFO-FPP pivallianikhaanit iniqhimalugit Iqalut-Unguvaqhimayut unalu Imaiyaqtangit Parnautaanit. ilaliutiginahuarlugillu ilagiyait "Tukhiutigiyangit Qimilurningit" uuminngaluuniit Atuqtakhainit haffumani *Iqalukhiurmut Maligaaq* Auladjutikhait. Uvanngat Maliguarutinit Qimilruqtangit Ilangani, DFO-FPP havaqatiginiaqtangit ukunani Sabina unalu ihuilutigiyauyut nunaliit iniqhimayakhaat hamna Iqalut-Unguvaqhimayut unalu Imaiyaqtangit Parnautaanit.