NUNAVUT WATER BOARD

Sabina Gold & Silver Corp.

Type "A" Water Licence Number 2AM-BRP1831

Amendment Application

PUBLIC HEARING

VOLUME 1

Cambridge Bay, Nunavut

July 13, 2021

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Proceedings taken at Luk Novoligak Community Hall, Cambridge Bay, Nunavut

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July 13, 2021

NUNAVUT WATER BOARD

L. Toomasie	Chair of Hearing
S. Silou	Panel Member
S. Sowdlooapik	Panel Member

NUNAVUT WATER BOARD STAFF

T. Meadows	Legal Counsel.
K. Kharatyan	Director of Technical Services
R. Dwyer	Manager of Licensing Services
S. Kuflevskiy	Technical Advisor

APPLICANT

Sabina Gold & Silver Corp.

M. Keefe	Manager, Environmental Permitting
J. Kaiyogana	Community Liaison Officer
J. Kadlun	Senior Indigenous Coordinator
M. Pickard (Remotely)	Vice-President of Environment and Sustainability
C. Kowbel (Remotely)	Legal Counsel

C. Paul (Remotely)	Project Engineer, Weymark Consulting
D. Filiatrault (Remotely)	Senior Regulatory Advisor, Golder Associates
S. Dayyani (Remotely)	Consultant, Golder Associates
A. Snow (Remotely)	Consultant, Golder Associates
K. Serben (Remotely)	Consultant, Golder Associates
A. Humphries (Remotely)	Consultant, Golder Associates
E. Irving (Remotely)	Consultant, Golder Associates
J. Kurylo (Remotely)	Consultant, SRK Consulting
S. Barnes (Remotely)	Consultant, SRK Consulting

INTERVENERS

Kitikmeot Inuit Association

J. Roesch	Senior Project Officer
R. Nesbitt (Remotely)	Consultant, Hutchinson Environmental Sciences

Crown-Indigenous Relations and Northern Affairs Canada

S. Dewar (Remotely)	Director of Resource Management
A. Keim (Remotely)	Waters Coordinator
S. Forte (Remotely)	Water Management Specialist
R. Hoos (Remotely)	Consultant, Tetra Tech

Environment and Climate Change Canada	
O. O'Sullivan (Remotely)	Acting Senior Environmental Assessment Officer
R. Ejeckam (Remotely)	Senior Mining Officer
M. Tobin (Remotely)	Water Quality Officer
J. Small (Remotely)	Unit Head for Environmental Assessment North
INTERPRETERS/TRANSLATORS	
J. Panioyak	Language Translator
T. Huynh, CSR(A)	Official Court Reporter
C. Coomber	Sound Technician

(PROCEEDINGS COMMENCED AT 9:19 AM)

Opening Remarks by the Nunavut Water Board Chair

THE CHAIR: Good morning and welcome to public hearing for the Type "A" water licence application submit by Sabina Gold & Silver Corporation. This application is seeking authorization to amend their existing Type "A" water licence Number 2 AM-BRP1831.

My name is Lootie Toomasie, and I am the chairperson of the Nunavut Water Board and the Hearing Chair for today's public hearing. Over the next two days, the Nunavut Water Board will be considering Sabina's application to authorize the activities requested by applicant, that I will discuss later in my opening remarks. I would like to also note that some parties are joining the public hearing via Zoom conference call, so I would like to ask those participants who are calling in to mute their microphone to avoid any unnecessary noises.

Before we proceed with the hearing, let us open the hearing with a prayer. This time, I will pray. Let's pray.

(OPENING PRAYER)

THE CHAIR: On behalf of the Nunavut Water Board, I welcome you to Cambridge Bay. Now, to provide you with some background and set the stage for the

hearing, the Nunavut Water Board, which I shall refer to as "the Board" or "the NWB," is an institution of public government created under Article 13 of agreement between the Inuit of Nunavut settlement area and Her Majesty the Queen in Right of Canada (Nunavut Agreement). The NWB is responsible for the use, management, and regulation of fresh water in Nunavut settlement area.

The purpose of this public hearing is to review an application filed by Sabina Gold & Silver Corporation -- I may -- to call them "Sabina" or "the applicant" -- for amendment to their existing Type "A" water licence Number 2 AM-BRP1831, which was issued on September 21, 2018, with expiration date of December 31, 2031, under the Nunavut Waters and Nunavut Surface Rights Tribunal Act, to authorize the use of water and deposit of waste associated with the development of Back River project.

Under Article 13, Section 13.3.6 of Nunavut Agreement and Section 29 of Nunavut Waters Nunavut Surface Rights Tribunal Act, the Board has delegated its power to dispose of all matters related to processing of Sabina's amendment application, including the conduct of this public hearing, to a panel of the Board, which the Board refer to -- "the Back River panel" or "Panel P19."

I'll be chairing this Panel. And with me today,

as members of the Panel, are Board members Sarah Silou, on my left, and to my right, Sakiasie Sowdlooapik. Several staff members who have contributed to the Board's administration and technical review of the application are present, along with the legal counsel to the Board. I ask them to wave when I say their name:

- Karén Kharatyan, Director of Technical Services
- Richard Dwyer, Manager of Licensing, at the back.
- Sergey Kuflevskiy, Technical Advisor
- Teresa Meadows, from Meadows Law, legal counsel to the Board

In addition, we have an interpreter available for simultaneous interpretation throughout the hearing, James Panioyak, who is from Cambridge Bay. For audio support, we have Christopher Coomber from PIDO. If you experience any difficulty with your headset, Christopher will be able to provide you assistance. To ensure an accurate record of the proceeding is kept, we have with us a court reporter, Tran Huynh, from Dicta Court Reporting Incorporated.

Before I move on to an overview of the application and what to expect today during this public hearing, there are some important housekeeping items for everyone here. First of all, I would like to remind everyone that we are currently in the middle of a

global pandemic, so we'll be discussing safety measures on an ongoing basis throughout this meeting. As everyone can appreciate, due to public health restrictions associated with the COVID-19 pandemic, our proceeding may look different than usual, as we had to modify our normal plans to keep us safe and in compliance with the local public health requirements.

Secondly, I would like to ask again those participants who are calling in via Zoom to mute their microphones to avoid my unnecessary noises. I would also like to remind everyone to please turn your cell phones off, to put them on silent mode before we begin. I haven't done that either.

Additionally, as indicated earlier, there is interpretation available throughout the hearing, in English and in Inuinnaqtun. Earpieces can be obtained from the table located just by the door, as you came into this room. Channel 1 broadcasts the floor; and Channel 2, English; and Channel 3, Inuinnaqtun. When you're speaking into a microphone, please make sure you have turned your earpiece off, prevent audio feedback or interference with the speakers.

Thirdly, I would like to ask everybody, including applicant, interveners, and members of the public to sign in and leave your contact information on the sheet located at the table by the entrance. Additionally,

there are COVID-19 screening questionnaire forms available; please fill them out. This information is required by the Department of Health for contact-tracing purposes, so we would appreciate your help in making sure this information is provided.

Also, the agenda for the public hearing and the community sessions are available at the back. Please pick one up; follow along with us as we proceed.

The washrooms are located just outside, on the right. And this is -- it's not outside. It's in the building, but outside this room. Sorry about that. And the exits are located on my left, by the entrance. And there's also, at the back here, two of them at the back here.

There will be snacks and refreshment brought in throughout the hearing, during the break, and you are welcome to help yourself throughout the day. Please remember to wash your hands and use hand sanitizer prior to touching the snacks. Also, the snacks are individually packaged, so please try to take only the item you are going to consume.

Finally, to assist both our court reporter and interpreter, please wait to have a microphone before you speak, then state your name, speak clearly and slowly, and avoid the use of abbreviation. We appreciate your assistance in making sure your comments

are recorded and the Board's record of proceeding is accurate and complete.

Prior to identifying and introducing all the parties in attendance today, I will ask the NWB director of technical services, Karén Kharatyan, to provide a brief description of the application that is before the Board.

Karén, take the floor.

MR. KHARATYAN: Thank you, Mr. Chair.

Before going to the application scope, one additional housekeeping matter: Parties attending the call -- or the public hearing through Zoom may notice that we don't have interpretation for people attending through Zoom, but we have interpretation (INDISCERNIBLE) place. And we will have interpretation for people attending through Zoom for this community evening session.

So the application we will be discussing today is for an amendment to the existing Type "A" water licence Number 2AM-BRP1831 to support ongoing construction and operation of -- at Back River project. Specifically, Sabina is seeking approval for the following proposed changes under the application:

• extending Umwelt underground working from 650 metres depth to 900 metres

• increasing the size of the Goose airstrip from 1,500

metres to 1,800 metres
• increasing the size of the marine laydown area airstrip from 915 to 1,500 metres
• adding 500,000 litres of fuel storage on a new pad at the marine laydown area
• placing aggregate over approximately 15 kilometres of rough terrain along the winter ice road, between the marine laydown area and Goose site
• increasing water use at the Goose site from 468,000 cubic metres to 822,450 cubic metres annually
• increasing water use for ice road construction and maintenance from 675 cubic metres per kilometres to 2,025 cubic metres per kilometre
• increasing the volume of waste rock in the waste rock storage facility from 59 to 86.6 million tonnes located, with no change to the total footprint of the waste rock storage facility
• adding the use of mined-out open pits for future tailings storage
• replacing three temporary emergency shelters along the winter ice road with permanent emergency camps
• adding 2 years of the Operations phase of the project
• reducing the capacity of process plant from 7,000 tonnes per day to around 3,000 to 4,000 tonnes per day
• using small-diameter flexible pipe for marine laydown area desalination plant intake and discharge instead of

permanent pipes
• and extending the marine laydown area shoreline pad approximately to 41 metres long, 9-and-a-half metres wide, and 2 metres in depth.

This was the scope of the application. Thank you, Mr. Chair.

THE CHAIR: Thank you, Karén.

Now I am going to provide you with a brief review of the procedural history for the application that is before the Board, which captures only the major procedural steps.

• October 13 to 15, 2020: NWB received an amendment application from Sabina and distributed it for its initial completeness check.
• November 12 and 13, 2020: NWB review preliminary technical comments from the KIA, CIRNA, and ECCC.
• November 30, 2020: Applicant provide response to the comments submit by the interveners.
• December 17, 2020: NWB distributed application for the full public review, with the deadline of January 29, 2021.
• January 28 and 29, 2021: NWB review technical review comments from the KIA, ECCC, and CIRNA.
• February 12, 2021: NWB received and distribute Sabina's response to the interveners' comments.
• March 12, 2021: NWB distribute Sabina's response to

the interveners' comments on the Hydrodynamic and the Water Quality Model.

• March 26, 2021: NWB conducted technical meeting and pre-hearing conference via video and audio conference.

• April 19, 2022: NWB issue PHC report. NWB published a Notice of Public Hearing to be held in Cambridge Bay in the week of July 12, 2021.

• June 15 to 25, 2021: NWB received and distribute the final written submission of the interveners and applicants.

• July 5 and 6, 2021: NWB received PH presentation from all participants.

• July 7, 2021: NWB distributed a final agenda for the public hearing, along with the presentation submitted.

Complete details on all submissions received in relation to the applicant and key procedural steps are available on the NWB FTP site. If you need any assistance finding or reviewing any of the documentation filed on the site, please check with our manager of licensing, Richard Dwyer, at the table, and he will help you get you access to the documents.

I will now ask Karén to discuss the issue that will need to be addressed at this hearing.

Karén.

MR. KHARATYAN: Thank you, Mr. Chair.

So the following topics or questions for public

hearing discussion were identified during the technical meeting and pre-hearing conference for this file, that happened in the end of March. So one topic was scope of amendments to the existing licence at Goose site. That includes the Goose site airstrip extension, Umwelt underground extension, total water use increase, waste and water management infrastructure.

At the marine laydown area, additional -- addition of fuel transfer area, airstrip extension, shoreline pad extension. And associated with the winter ice road, the subbase upgrade, service/emergency camps, and total water use increase.

Another topic was water management. That includes increased water use at the Goose site and associated with the winter ice road, changes in water management strategy required to meet the Canadian Council of the members of -- Ministers of the Environment water quality objectives or site-specific water quality objectives, as appropriate, at the edge of the mixing zone. So the mixing zone remains to be determined.

Associated with water quality, prediction of elevated parameters of concern at the outlet to Goose Lake, inclusion of a complete list of parameters and discharge criteria for potential effluent discharges to Goose Lake.

Regarding modeling, management plans, manuals, and

reports, timing of updates to the original Hydrodynamic Model and prediction as well as the content; updates and addition to existing management plans and reports to reflect new infrastructure and closure of existing infrastructure, including water management plan, tailings management plan, waste rock management plan, borrow pits and quarry management plan, and closure and reclamation plan.

For construction drawings and reports, providing the assessment of hydraulic conductivity of bedrock associated with the tailings storage facility dam.

Regarding monitoring program, regulated monitoring for potential effluent discharge to Goose Lake and other potential amendments to existing ongoing requirements.

Associated with annual reporting requirements under Schedule B, inclusion of comparison of measured groundwater inflow rates to model prediction into annual reports.

Associated with closure and reclamation planning, updated Interim Closure and Reclamation Plan and amendments to Part C, "Security," and associated definitions in Schedule C.

And the last item for this public hearing discussion was discussion on amended water licence framework.

Thank you, Mr. Chair.

Identification and Introduction of the Parties

THE CHAIR: All right, thank you. Thank you, Karén.

So now we -- now that we have given you a background to the amendment application that we'll be discussing throughout this public hearing and community session, I would like to turn to Item 4 on the agenda, the introduction of applicants and interveners participating in this public hearing. I will ask that the applicant, Sabina, introduce their representative.

MR. KEEFE: Merle Keefe, Sabina.

Thank you, Mr. Chair. On behalf of Sabina Gold & Silver, I would like to thank you and the Panel members for the opportunity to introduce to you, as well as the public and participating parties in this hearing, the members of our Sabina team. I will introduce those team members on the video, but, first, we will start with the Sabina representatives in the room.

My name is Merle Keefe. I'm the Manager of Environmental Permitting with Sabina. I will ask John and then Janet to please introduce themselves and their roles.

MR. KAIYOGANA: Ullaakkut. John Kaiyogana, Community Liaison Officer based here at Cambridge Bay.

I'd like to welcome the Board, staff, public (OTHER LANGUAGE SPOKEN).

MS. KADLUN: Good morning. I'm Janet Kadlun. I'm new at Sabina Gold & Corp. I'm the Senior Indigenous Coordinator based out of Kulugktuk.

MR. KEEFE: Thanks, Janet.

Thank you, John.

On the video, we have Matthew Pickard, our Vice-President of Environment and Sustainability. Supporting Sabina's core team, we also have on the phone legal counsel, Christine Kowbel from Lawson Lundell, as well as several technical consultants, including Catherine Paul, project engineer with Weymark Consulting, and several team members from Golder Consulting: Dionne Filiatrault, Senior Regulatory Advisor, Shadi Dayyani, water quality modeler, as well as Alison Snow, water quality modeler.

Online with my team, virtually, due to the current pandemic -- so if I pause while I discuss topics that may arise with them, I do apologize in advance. There are some additional members of our team which are remotely available, should we need to call on them. However, you know, based on the outstanding technical issues, we do not believe interveners will have questions for them. However, should the Board or Board staff have questions, or if additional topics are

brought forward during the hearing, we will be able to get them on the call quickly. Thank you. Quana.

THE CHAIR: Thank you.

Now I will call on the local associations and representative and intervening parties to introduce the people who will be presenting them here today. Kitikmeot Inuit Association, who is here in person, will be providing a formal presentation.

Go ahead.

MR. ROESCH: Yes, I'm John Roesch, the Senior Project Officer for the Kitikmeot Inuit Association. Online, in video, is our water quality specialist, Richard Nesbitt, with Hutchinson Environmental Sciences Limited. And we're the only two here today. Thank you.

THE CHAIR: Thank you.

Now I would like to call Crown-Indigenous Relations and Northern Affairs, who is joining us over teleconference and will be providing a formal presentation.

CIRNA.

MR. DEWAR: Qujannamiik, Mr. Chair. My name is Spencer Dewar. I'm the Director of Resource Management for Crown-Indigenous Relations and Northern Affairs Canada in the Nunavut regional office. Our apologies for not being able to be there today.

I am joined by Andrew Keim, our Waters Coordinator, and Sarah Forte, Water Management Specialist. And we also have via Zoom, not with us in person, Rick Hoos from Tetra Tech. Quana.

THE CHAIR: You must have your mic on mute. We can hear you -- we cannot hear you.

MR. DEWAR: Oh, can you hear me now? Can you hear us now?

THE CHAIR: Yes, I can -- we can hear you now.

MR. DEWAR: Qujannamiik, Mr. Chair. Our apologies for not being there in person. My name is Spencer Dewar. I'm the Director of Resource Management with Crown-Indigenous Relations and Northern Affairs Canada, located in the Nunavut Regional Office. I'm joined today by Andrew Keim, Regional Water Coordinator, and Sarah Forte, Water Management Specialist. In addition, we're also supported by Rick Hoos of Tetra Tech. Quana.

THE CHAIR: We didn't hear Sarah. I think it was on mute.

MR. DEWAR: Okay, can you hear me?

THE CHAIR: Yes, I can hear you. We can hear you now.

MR. DEWAR: Okay. Did you hear me introduce ourselves, or do you want to -- want me to

start again?
THE CHAIR: Okay, thank you.
Yes, I will have to get use to this --
MR. DEWAR: Thank you.
THE CHAIR: -- with your -- with this teleconference on this hearing. I've never done it before, so I may get confused once in a while. Okay.
MR. DEWAR: No problem.
THE CHAIR: Thank you.
Now, I would like to call the Environment and Climate Change Canada, who is joining us over the teleconference and will providing a formal presentation.
Climate Change Canada?
MS. O'SULLIVAN: Good morning, Mr. Chair. My name is Orlagh O'Sullivan. I am an acting Senior Environmental Assessment Officer with Environment and Climate Change Canada. With me today, I have Reg Ejeckam, our Senior Mining Officer; Meagan Tobin, our Water Quality Officer; and Jody Small, the Unit Head for Environmental Assessment North. Thank you.
THE CHAIR: We can't hear you. Something wrong on the line.
MS. SULLIVAN: Can you hear me now?
MS. MEADOWS: Mr. Chair? Thank you, Mr. Chair. Teresa Meadows, legal counsel for the

Nunavut Water Board.

Mr. Chair, I believe that Orlagh was introducing everyone, and we weren't going to go to the other people that she'd introduced, to say "hi", yet. So she has introduced everybody that is for Environment and Climate Change team. So we were able to hear Ms. O'Sullivan do the introductions. And then only when the experts go to speak will we go to them. So we'll make their microphones live then. Thank you, Mr. Chair.

THE CHAIR: Okay, thank you, Teresa.

So continue. If there are any other interveners who would like to speak, please identify yourself and introduce your representative. Is there anybody online who would like to speak? Okay, I take that there's none.

Are there any members of the general public who would like to identify themselves and make a formal request to speak to the Board during this public hearing? I also want to mention that any community member who to wishes to ask question or provide comments to the Board about this application will also have an opportunity to do so tonight during the community session starting at 6:30 PM.

Are there any representatives from agencies, associations, et cetera, who have not submitted

intervention but would like to speak?

I will now turn to the identification of any motion or any objection to the application that is before the Board.

Teresa, take the floor.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, it's my understanding that there are no outstanding motions or objections to this public hearing proceeding, and so we do not have any procedural matters at this time. Thank you, Mr. Chair.

THE CHAIR: Thank you.

Nowe we'll be -- proceed to -- proceed with Item 8. Before we go on to -- go to Item 8, I'd like to take a 10-minute break.

(ADJOURNMENT)

THE CHAIR: Good morning. We shall reconvene from the break. We're about to going into presentations by applicant. We're going to that. Just a reminder that the -- as I mentioned earlier this morning, that when we speak, make sure we speak slowly. And we have one interpreter at the moment. So whenever he'll get behind, he will notify me so that everything will be under control.

So before we go into the presentation, so I'll take the floor to hand over to Teresa, legal counsel.

Go ahead.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, I have two procedural matters before we begin with the presentation by Sabina Gold & Silver Corp. The first matter is in respect of the exhibits that will be filed in the public hearing. I've been provided with nine résumés of the experts that will be appearing and presenting evidence on behalf of Sabina. And I also have two copies of the presentation materials that will be presented today, one in English, and one translated into Inuktitut.

EXHIBIT 1 - CV of Samantha Barnes

EXHIBIT 2 - CV of Shadi Dayyani

EXHIBIT 3 - CV of Dionne Filiatrault

EXHIBIT 4 - CV of Alison Humphries

EXHIBIT 5 - CV of Elaine Irving

EXHIBIT 6 - CV of John Kurylo

EXHIBIT 7 - CV of Catherine Paul

EXHIBIT 8 - CV of Kerrie Serben

EXHIBIT 9 - CV of Alison Snow

EXHIBIT 10 - Sabina Gold & Silver Corp. PowerPoint Presentation in English

EXHIBIT 11 - Sabina Gold & Silver Corp. PowerPoint Presentation in Inuktitut

EXHIBIT 12 - Sabina Gold & Silver Corp.

PowerPoint Presentation in French

MS. MEADOWS: So, Mr. Chair, without further ado, if I've missed anything, perhaps I will cede the floor to legal counsel for Sabina Gold & Silver Corp. to identify if there are any additional exhibits that I should be marking in this public hearing at this time. Thank you, Mr. Chair.

THE CHAIR: Thank you.

Go ahead, applicant legal counsel.

MS. KOWBEL: Thank you, Mr. Chair. Christine Kowbel, legal counsel for Sabina. Those are our exhibits at this time. Thank you.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, the second matter is to swear and affirm the witnesses for Sabina, who are about to present evidence before the Board. And it's my understanding that John is not present in the room right now. When he comes back in, we will be able to go to him and make sure that he is properly sworn or affirmed.

I'm going to walk everyone through this at this time. And then when we go to other interveners, before they present evidence, we will be implementing the same procedure for those who are not attending in person.

For the people who are here in person, if you wish to be sworn, the Bible is here, and you're able to take

your oath by swearing on the Bible. For those who are attending by Zoom, because I can't be present and see you swearing on a holy object, we ask that you affirm. And what I will do is the same procedure every time: I will state what the affirmation is and provide you with the oath. When we switch to you on Zoom, if you can state and spell your name for the record and then say your name and "I affirm." Then it will be properly -- your evidence will be considered to be taken under oath.

So for the witnesses who are here, if you can state and spell your name for the record, please.

MR. KEEFE: Merle Keefe, M-E-R-L-E K-E-E-F-E, and I do.

MS. MEADOWS: I haven't given you the oath yet.

MR. KEEFE: Sorry.

MS. MEADOWS: Just state and spell your name.

MR. KEEFE: Okay. Again?

MS. MEADOWS: No.

MR. KEEFE: Okay, thank you.

MR. KAIYOGANA: John Kaiyogana, J-O-H-N K-A-I-Y-O-N-G-A-N-A. Quana.

MS. KADLUN: Janet Kadlun, J-A-N-E-T K-A-D-L-U-N.

MS. MEADOWS: Thank you. Do the witnesses wish to be sworn or affirmed?
MR. KEEFE: Merle Keefe, Sabina. Affirmed, please.
MR. KAIYOGANA: John Kaiyogana, Sabina. Affirmed.
MS. KADLUN: Janet Kadlun, Sabina. Affirmed.
MS. MEADOWS: All right. The oath is: Do you solemnly affirm the evidence about to be given by you shall be the truth, the whole truth, and nothing but the truth? State your name, and then "I affirm" if you do.
MR. KEEFE: Merle Keefe. I affirm.
MR. KAIYOGANA: John Kaiyogana, I affirm.
MS. KADLUN: Janet Kadlun, I affirm.
MERLE KEEFE, JOHN KAIYOGANA, JANET KADLUN, Affirmed
MS. MEADOWS: Thank you.
Are there any witnesses on Zoom that will be providing evidence, Mr. Keefe?
MR. KEEFE: Merle Keefe, Sabina. Yes, there are.
MS. MEADOWS: For the witnesses who are on Zoom who will be providing evidence, if you can raise your hand on the Zoom feed so that you will go to the top of the list, and then Sergey will be able to switch

over to you. Please listen to the oath, and you if do accept the oath, then state your name and "I affirm."

Do you solemnly affirm the evidence about to be given by you shall be the truth, the whole truth, and nothing but the truth?

MR. PICKARD: So Matthew Pickard, Sabina Gold & Silver. I affirm.

MS. MEADOWS: Mr. Pickard, can you please state and spell your name for the record, first?

MR. PICKARD: Yes. Thank you, Teresa.

So Matthew Pickard for Sabina Gold & Silver, M-A-T-T-H-E-W P-I-C-K-A-R-D. I affirm.

MS. MEADOWS: Thank you.

Are there any other further witnesses that need to be affirmed? Yes.

MR. KEEFE: Merle Keefe, Sabina. Yes, there are additional members which will be presenting evidence and do need to be sworn in. Thank you.

I will ask my team, in order, to please raise your hand, as the Nunavut Water Board has requested, and be sworn in as they call on you.

Merle Keefe with Sabina. Sorry. So I can see that my team has started raising their hand. Would you like me to call on them individually? Yes? Okay.

Starting with Catherine Paul, please.

MS. PAUL: Good morning. Catherine Paul,

C-A-T-H-E-R-I-N-E P-A-U-L, Catherine Paul, and I affirm.

MR. KEEFE: Okay, up next, we have Alison Snow.

MS. SNOW: Alison Snow, A-L-I-S-O-N S-N-O-W, Alison Snow, I affirm.

MR. KEEFE: Up next, we have Kerrie Serben.

MS. SERBEN: Hi, there. Kerrie Serben, K-E-R-R-I-E S-E-R-B-E-N, Kerrie Serben, I affirm.

MR. KEEFE: Up next, we have Dionne Filiatrault.

MS. FILIATRAULT: N-E -- Dionne Filiatrault, D-I-O-N-N-E F-I-L-I-A-T-R-A-U-L-T, Dionne Filiatrault, I affirm.

MR. KEEFE: Up next, we have Shadi Dayyani.

MS. DAYYANI: Shadi Dayyani, S-H-A-D-I D-A-Y-Y-A-N-I, Shadi Dayyani, I affirm.

MR. KEEFE: And up next, we have Elaine Irving.

MS. IRVING: Elaine Irving, E-L-A-I-N-E I-R-V-I-N-G, and I affirm.

MR. KEEFE: Thank you. Merle Keefe, Sabina. That's everyone.

MATTHEW PICKARD, CATHERINE PAUL, ALISON SNOW, KERRIE

SERBEN, DIONNE FILIATRAULT, SHADI DAYYANI, ELAINE IRVING, Affirmed

MS. MEADOWS: Thank you, Mr. Keefe.

Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, those are all my matters. We will be filing the first 11 documents in this public hearing as exhibits. And that concludes my procedural matters, Mr. Chair.

THE CHAIR: Thank you, Teresa.

Mr. Keefe, please go ahead with your presentation.

Presentation by Sabina Gold & Silver Corp.

MR. KEEFE: Thank you, Mr. Chairman. Merle Keefe, Sabina. Once again, I would like to take the opportunity to thank you and the Panel members for the opportunity to present our application for amendment to Sabina's Type "A" water licence for the Back River project. As John mentioned, I would also like to thank the community of Cambridge Bay as well as the other Kitikmeot communities and all parties that have expressed interest in our project throughout the original licensing process as well as this amendment process.

Mr. Chairman -- John, I will ask you to please provide copies, hard copies, of our presentations to the Panel members before we begin. Yes, please. Okay,

and I'll now share my screen via Zoom and start the presentation. Thank you.

Okay, Merle Keefe, Sabina. Okay, just a little delay. Okay, great. So this is just a forward-looking information slide. This next slide provides an overview or an outline of the presentation I will provide today. At a high level, we'll discuss who is Sabina, who is the Back River project. I'll discuss the modification package or the amendment application as well as the technical comments and the final submission review phase.

Sabina is a Vancouver-based company with extensive northern experience. Our main project, the project we are here today to discuss, is the Back River Gold project. The location of the Back River project can be seen on this map. At the northern end of the Back River project, we have the marine laydown area. That's located in southern Bathurst Inlet. The Goose property area is located approximately 130 kilometres south of the marine laydown area.

When we talk about the Back River project, or I talk about the Back River project today, I talk about it as three main parts: We have the Goose property, we have the marine laydown area, and we have an interconnecting winter ice road. The image you see here in front of you is the site layout for the Goose

property area. At the far bottom-right-hand corner, you'll see our tailings storage facility. You have interconnecting roads to our deposits. There are several at the Goose project area: You have the Goose main and, on this figure, you see as well the Umwelt pit and the Llama pit.

The pink images on your screen show water management structures. The brown show waste rock storage facilities. The red triangle shows the existing exploration camp. I will show a picture of it on the upcoming slides. There's an airstrip. And the grey in the middle is where the plant site will be, as well as the accommodation complex.

This next slide, this is a picture of the Goose camp today -- or this picture was taken in September of 2020. And you can see, at the far end, the existing exploration camp; in the middle, you can see the airstrip, in the first phase of extending that airstrip. Moving down the screen, you can see our crusher; into the right is the quarry. You can see my screen. And down here is the road to the underground access -- eventual underground access and the eventual plant site.

This is an image of the interconnecting winter ice road. Sabina brings supplies, equipment into the Back River project via barge at the marine laydown area. In

the winter, a winter ice road is constructed, which connects the marine laydown area in the Goose property, and those equipment and supplies are trucked down to the Goose property area. We've constructed the winter ice road once in 2018 and 2019, and this is simply a picture of that winter ice road.

Moving on to the marine laydown area, again, this is an image of the layout of the marine laydown area. In the -- in the middle is the airstrip. We have some laydown pads, explosive storage, as well as a bulk fuel containment on the southern end, and our existing quarry. On the northern end, we have the shoreline pad, where the barges abut up to and offload, as well as another freight storage pad.

Here is a picture of the marine laydown area in September of 2020. Again, you see the shoreline pad, at the bottom of your screen, against Bathurst Inlet. You can see equipment and supplies being stored on the freight storage area pad, the airstrip in the middle, as well as the accommodation complex, and more laydown pads and bulk fuel containment up here.

So the Back River project has, you know, an extensive regulatory history. The environment assessment commenced in 2013, culminating with receiving our project certificate in 2017. In the following year, in 2018, the Nunavut Water Board issued

our existing Type "A" water licence. And in October of 2020, Sabina submitted the amendment application to the Water Board.

The Back River project and Sabina also have numerous other authorizations, permits, and licences. This table simply summarizes all of those permits and authorizations for the Back River project from the various regulatory agencies.

Moving on to the amendment application, in 2019, Sabina engaged regulators that this modification package would be submitted by Sabina; in June of 2020, the NPC referred the modification package to the NIRB; and culminating in December of 2020, the technical review commencing by the Nunavut Water Board. Sorry, one sec here.

Okay, two overarching qualifications with Sabina's amendment application: Sabina clarifies that the mining areas and associated infrastructure already included within the project certificate and the Type "A" water licence remain in the amended licence. Sabina also confirms that the scope of the activities outlined in the licence remain unchanged and that Sabina is not requesting a reduction in that project scope.

The actual amendment application focuses on the three main bodies of the Back River project, again, the

Goose property, the marine laydown area, and the winter ice road. And we'll discuss each of those individually now. At the Goose property, we have the airstrip extension, the Umwelt underground extension, an increase in water use, and changes to water and waste management infrastructure.

Starting with the airstrip extension, Sabina is proposing to extend the existing all-weather airstrip from the permitted 5,000 feet to 6,000 feet and extend the width by 50 feet. The extension will allow Sabina to land larger aircraft more successfully. And as you can see in the picture on the presentation, the extension is in the same general location and orientation as the original airstrip, within the previously assessed area.

Sabina is also proposing an extension to the Umwelt underground from the permitted depth of 650 metres to an additional 250 metres, for a total of 900 metres. Since the original application, Sabina has advanced exploration at the project site, has identified additional resources, and that's why we are requesting the extension to the underground depth.

Through detailed engineering, Sabina identified the requirement for an additional water allotment from Goose Lake to support milling activities at the project. So Sabina is requesting an additional water

allotment from Goose Lake through this amendment application process.

Sabina's refined mine plan and the smaller throughput process plant has a revised water management plan and water management infrastructure. That is summarized on the table that you see on the screen and was provided in Sabina's amendment application and updated water management plan. So that is it for the amendment applications considered at the Goose property area.

We're now moving on to the marine laydown area, or the MLA. We have an additional fuel transfer area, an extension of the airstrip, and extension of the shoreline pad. Sabina is requesting one additional fuel transfer area at the MLA, a fully lined, fully contained fuel transfer area of 500,000 litres. That fuel transfer area can be seen by the orange polygon on the screen or in your presentations. This will allow or facilitate the more successful transfer of fuel from the ships to Sabina's bulk fuel tanks.

Similar to Goose, Sabina is requesting an airstrip extension at the MLA, from 3,000 feet to 5,000 feet, and extending the width by 50 feet. Again, this will allow Sabina to land larger aircraft more successfully at the marine laydown area.

And, finally, we have the shoreline pad extension

at the marine laydown area. As I mentioned, equipment and supplies are offloaded via ship and barges to the marine laydown area. As you can see in the picture in your presentation, equipment is offloaded via the barge onto metal ramps and then onto the shoreline pad. Sabina is requesting an extension of that shoreline pad by approximately 1 to 2 metres, which you can see in the orange box in the presentation, a small extension to greatly increase or reduce the safety risk and allow the barges to come up close and snug to the shoreline pad when it begins offloading.

Moving on to the winter ice road, there are three amendment activities: the subbase upgrade; service and emergency camps; and, again, an increase in water use. When Sabina constructed and operated our first winter ice road in 2018, we identified several areas that were either steep or consisted of polar fields. Sabina is requesting -- or proposing to upgrade the subbase of the winter ice road in those areas. It's a small -- there are not many areas, less than 10 percent of the winter ice road. Sabina wishes to apply a thin layer of aggregate to the base of those winter ice roads, when the winter ice road will be built on top, to more efficiently construct and operate those couple sections annually, as we construct the winter ice road.

The next amendment activity on the winter ice road

is the installation of three permanent service and emergency camps. Sabina's first winter ice road had a mobile emergency camp that moved with the construction. Sabina would like to construct three equally spaced camps, permanent camps, seasonally operated, along the winter ice road. It was actually something that we regularly heard from communities throughout the environmental assessment, was that Sabina needed to have emergency camps on the winter ice road. Well, Sabina intends to construct these now.

Again, the first year Sabina constructed the winter ice road, we recognized that we needed an additional allotment of water to construct the full winter ice road safely and efficiently so that it protects the tundra, as we have committed to. So through this amendment application, Sabina is requesting an additional water allotment for construction of the winter ice road. The additional requested water remains within DFO guidelines.

Moving on, I'll just briefly touch on mitigation, management, and monitoring, as it is very important to the project. With the application -- or the amendment application, Sabina submitted multiple updated management plans. Sabina also, through this process, has commitments to revise and resubmit these management plans through constructive feedback provided by

parties. Sabina has also provided multiple Draft Water Licence Frameworks.

Furthermore, I would like to highlight that Sabina has committed to providing an update to the Hydrodynamic Model, following approval of the licence, and updates are to take into account commitments made through this process.

Moving on to reviewing the final submission and the technical comments, in January of this year, Sabina received initial technical comments. Sabina responded to those technical comments in February and included an updated an Hydrodynamic Model report. In March, Sabina received technical comments related to that Hydrodynamic Model, and we had separate meetings with Environment Canada and CIRNAC as well as the KIA to discuss additional questions and comments. Sabina responded on March of 2021 with those comments.

In total, Sabina received 18 technical comments on the application and 13 subsequent technical comments on the Hydrodynamic Model. We also received final submissions on June 15th, with responses provided June 25th.

I will give a brief overview of those final submission comments, by party, now. Starting with the KIA, we had nine final submission comments: seven resolved, two were unresolved comments in the final

submission, one related to the Hydrodynamic Model, two related to the closure reclamation and security.

I will look to KIA and John when I say this next part. But KIA's final presentation confirms that the remaining technical issues of the Hydrodynamic Model are resolved. Since then, we have had subsequent conversations on four specific items related to the Hydrodynamic Model, and I believe that they are now resolved, pending conditions in the water licence -- or commitments in the water licence. But I believe John and the KIA will speak to that in their presentation. Sabina will also be providing an agreed-upon updated closure plan as well as a cost estimate.

Moving on to CIRNAC, or Crown-Indigenous Relations and Northern Affairs Canada, in their final submission, they had nine comments: six resolved and three were unresolved in their final submission. They related to the Draft Water Licence Framework.

Sabina has provided an updated Draft Water Licence Framework, which incorporates the language provided and discussed with CIRNAC, related to closure and progressive reclamation. Sabina has also committed to providing an updated Hydrodynamic Model. And Sabina intends, again, to file a joint submission prior to the end of this public hearing, on the closure reclamation, and security.

Moving on to Environment and Climate Change, five final submission comments were submitted. Sabina provided responses to all comments in our final response package. And all technical comments and Hydrodynamic Model comments resolved or conditionally resolved, as per Environment Canada's final presentation.

I would just like to quickly touch on Sabina's consultation and engagement. It's important to Sabina and, I think, important to discuss today. Sabina engaged -- oh, you can see me up there -- engaged communities specifically in the Kitikmeot regarding the modification package application. We also tapped in and reviewed our comprehensive community engagement and traditional knowledge database as we constructed this modification package and submitted the amendment application. As you can see, Sabina has also had a number of community member -- community meetings over the past several years in the Kitikmeot region.

That's the end of my presentation. Thank you. Quana.

THE CHAIR: Thank you. Thank you for your presentation.

Do the interveners have any questions for Sabina? Let's start with Kitikmeot Inuit Association.

MR. ROESCH: This is John Roesch for the

Kitikmeot Inuit Association. I'll ask our water quality expert, Richard Nesbitt, if he has any questions for Sabina at this point.

MR. NESBITT: Richard Nesbitt here. Can everyone hear me all right? Hello?

Assuming that folks can hear me, no, I don't have any questions at this time. I will raise some points to follow with Merle's comments on the resolutions that Sabina and KIA have achieved during our presentation. Thank you.

MR. ROESCH: This is John Roesch. I have no questions, myself. Richard will speak to further details after my presentation. Okay, thank you.

THE CHAIR: Thank you, KIA.

I would like to call Crown-Indigenous Relations and Northern Affairs. Do you have any questions for Sabina?

MR. DEWAR: Hello. Can you hear me?

THE CHAIR: Yes, we can hear you.

Crown-Indigenous Relations and Northern Affairs Canada Questions Sabina Gold & Silver Corp.

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. We do have one question for Sabina.

In your presentation, you refer to the second

version of the water licence. We were wondering if you were going to submit -- or maybe you've provided it late last night, a third version. Quana.

MR. KEEFE: Merle Keefe with Sabina.

Thank you. Thank you, CIRNAC. Yes, the short answer is, yes, we do plan on providing an updated Draft Water Licence Framework which takes into account the conversations between KIA and CIRNAC over the past 48 hours. My understanding is that submission will be happening very, very shortly. Thank you.

THE CHAIR: Thank you.

I would like to call Environment and Climate Change Canada, if you have any questions to Sabina.

MS. O'SULLIVAN: Orlagh O'Sullivan from Environment and Climate Change Canada. No questions from us, Mr. Chair. Thank you.

MS. MEADOWS: Mr. Chair -- thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, I'm not sure that Crown-Indigenous Relations and Northern Affairs Canada was completely finished with their line of questioning. So if you can just go back to them and see whether or not they have any additional questions. Thank you, Mr. Chair.

THE CHAIR: Thank you. Yes, as legal counsel's suggestion, we'll do so.

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. No further questions. Thank you for the opportunity.

THE CHAIR: Okay, thank you.

Okay, Karén, go ahead.

Nunavut Water Board Staff Questions Sabina Gold & Silver Corp.

MR. KHARATYAN: Thank you, Mr. Chair. Karén Kharatyan, Nunavut Water Board. I guess this is our turn to ask questions, Mr. Chair. So we have a few comments or questions. I will start with my comments or clarification required; then Sergey will follow.

First, Merle, you mentioned about updated Draft Licence Framework. From my understanding, this security part you provided within the previous version or existing version is not finalized, will be finalized based on your discussion, because the numbers we received are different from agencies or KIA and CIRNAC, and the number provided within your draft is different. Just your confirmation, yes.

MR. KEEFE: So Merle Keefe, Sabina. Thank you, Mr. Chair.

So the Draft Water Licence Framework that will be submitted shortly, electronically, will have different

closure cost estimate and staging and split than the original Type "A" water licence, yes, that is correct.

MR. KHARATYAN: Karén Kharatyan, Water Board.

Thank you, Sabina. Because you are updating this Draft Licence Framework to be considered by the Board, just one comment to be taken into account: Within the current Draft Framework, you included additional definition for "reservoir." That is defined to be water body to be used when filling the open pits. And under definitions, you also have, I think, "Goose main" reservoir, "Umwelt reservoir."

While the definition of "reservoir" is appropriate, is fine for us, if you go to the part of waste disposal, or Part F, using the term of "reservoir" within a couple of terms is actually conflicting within the licence philosophy. Like, go to Part F, Item 13, and Part F, Item 20. These parts make -- or gives authorization, Sabina, to discharge effluent that doesn't make -- meet the criteria to different, yes, facilities, including reservoir. It makes -- or creates a situation, when Sabina using the same term or definition of "reservoir," in following this term, will be able -- kind of, discharge untreated effluent to Goose Lake, which is approp -- which is not appropriate. That is actually conflicting within the licence.

So the Board thinks that these terms will be worded without including "reservoir." If you use the definition of "reservoir," as suggested by Sabina, the Items F-13 and F-20 shouldn't have "reservoir" included within these terms.

MR. KEEFE: Okay, thank you, Mr. Chair.

Thank you, Karén. So maybe if I could just take a step back and briefly explain why Sabina submitted -- or included the definition for "reservoir" in this updated Draft Water Licence Framework. A reservoir is -- it's a legacy term on our -- on our project; it's not a new definition. It was in the original water licence, under "Llama reservoir."

A reservoir is simply a mined-out open pit that does not receive tailings. A tailings facility is a mined-out open pit that receives tailings. A reservoir is a mined-out open pit that the receives contact water, including saline water. That's the origin of the "reservoir."

Tailings facilities had its own definition in the original licence, but individual tailings facilities also had definitions. So we felt that that was an oversight in the original licence, and we wanted to make sure that "reservoir" had its own definition as well.

That being said, we were -- we're simply just

trying to reduce the number of times we go back to redo the licence as well as the definitions. That being said, it was, you know, absolutely not Sabina's intent to include a definition or -- yeah, definitions or terms and conditions that allowed Sabina to discharge untreated water. It was not our intent.

So what I can -- I will ask our team to look at Part F, Item 13 and 20, now and make sure that the language in there does not reflect untreated discharge or unapproved discharge, and I'll make sure that that is corrected in the upcoming Draft Water Licence Framework, which should be coming very shortly.

THE CHAIR: Thank you.

Go ahead, Karén.

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you, Mr. Chair.

Thank you, Sabina. We will look at this when you submit the next draft, and we'll let you know whether the issue is resolved.

Maybe last comments or clarification from Sabina: During the technical review stage or during the review of Hydrodynamic Model presented by Sabina, Crown-Indigenous Relations and Northern Affairs -- I think this was by CIRNA -- raised an issue of including closure within this model. Sabina responded that closure is not actually licensed or not included within

the scope of the existing licence, that they don't think it's appropriate to include the closure.

However, the Board position is to agree with CIRNAC, that this is a reasonable request, that closure should be included within the model or next model to make sure that Sabina appropriately prepare its operation to be ready for projected closure.

So just to confirm whether the next hydro -- because Sabina made the comments that all technical review comments will be taken into account within the next Hydrodynamic Model, just to confirm whether a closure stage will be included within the model completion. Thank you.

MR. KEEFE: Thank you, Mr. Chair.

Thank you, Karén. Merle Keefe with Sabina. In short, yes, yes, Karén, the next updated model, Hydrodynamic Model, will include the closure phase.

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you, Mr. Chair.

Just to confirm, this is the updated model that will be submitted potentially within 90 days of licence approval, potential approval by Minister?

MR. KEEFE: Thank you, Mr. Chair.

Thank you, Karén. Merle Keefe with Sabina. So there's two pieces there. It is -- I will confirm that the next updated model submitted, following approval of

this licence, will include the closure phase and the multiple other commitments discussed during this review.

The -- initially, the condition that we provided was to complete this model 90 days following approval of this licence. Since then, we've gone back, our team, and we've reviewed the commitments that we have made, including additional baseline data in the next model that we're completing. Right now we have boots on the ground, collecting additional baseline data. We have to run sensitivity analysis, as committed to, and multiple other commitments.

Before we can run that Hydrodynamic Model, we also have to redo a water and load balance, as -- which was discussed during the technical meeting. All these things run into each other, and it's July of 2020 [sic] already.

So our team is actually proposing that that update be completed by March 31st of 2022 to allow us the additional time to, you know, complete -- successfully complete the comprehensive update. So rather than the 90 days, which potentially put us around January, we are now proposing March 31st of 2022. Thank you.

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you, Mr. Chair.

Thank you, Sabina. While the Board thinks this is

a very reasonable approach to include within the next annual report, we will be looking at agency's position as well, yes, about timing of submission of this updated model. Thank you.

THE CHAIR: Thank you. Any further questions?

Sergey, go ahead.

MR. KUFLEVSKIY: Thank you, Mr. Chair. Sergey Kuflevskiy, Nunavut Water Board.

I have one clarification to ask for, from Sabina. This is regarding Item F-21 from the Draft Water Licence Framework. You provided the -- you proposed in the effluent quality criteria, and for some chemicals, the thresholds are a lot lower than the MDMER thresholds. For example, for copper, the thresholds are way lower than what is in the MDMER. And for lead, it is also lower.

I just wanted to confirm why Sabina -- what was the logic behind this and if Sabina is, indeed, committing to meet these thresholds or this was just an oversight. Thank you.

MR. KHARATYAN: Thank you, Mr. Chair. Karén Kharatyan, Water Board. Maybe I can (INDISCERNIBLE) a little bit, Sergey's confirmation, looking at Sabina. We understand that this is to make sure that Goose Lake is not impacted as a result of mining operation,

generally. We are kind of looking for confirmation from Sabina whether they are confident they will able to meet this criteria. Thank you.

MR. KEEFE: Thank you. Thank you, Mr. Chair.

Thank you, Sergey.

Thank you, Karén, from the Nunavut Water Board.

So on the heels of the updated Hydrodynamic Model, in advance of creating the effluent quality criteria that were provided in the updated Draft Water Licence Framework, we went through a rigorous process of identifying potential parameters of concern and identifying -- or reviewing them against water quality guidelines that need to be met within Goose Lake to be protective of the aquatic receiving environment.

So with that said, the answer is, yes, Sabina will meet both the effluent quality criteria that were provided in the Draft Water Licence Framework as well as MDMER. But, yes, Sabina will -- and, furthermore, just to provide a little bit more colour, in our final submission, one of the parties -- I can't recall exactly who -- requested Sabina provide evidence that there were precedent in northern mining exper -- operations or other mining operations, where this treatment did occur, for example, on nutrients or on metals. And Sabina did provide that evidence as part

of the final submission review.

So there are treatment methods, objectives out there, currently operating, that Sabina can implement at our Back River project. Thank you. Quana.

THE CHAIR: Thank you.

Any more questions? Sergey?

MR. KUFLEVSKIY: Thank you, Mr. Chair.

Thank you, Merle. This answered my question.

I also wanted to note that we have seen the comments from Environment and Climate Change Canada regarding nitrate. And we will come back to this section after their presentation to ensure that their comments are adequately addressed and that they are satisfied with how Sabina addressed the comments. Thank you, Mr. Chair.

THE CHAIR: Thank you.

MR. KEEFE: Thank you, Mr. Chair.

Thank you, Sergey. Yes, we are willing and able to have those conversations when they do arise. And we have had some subsequent conversations with the KIA, actually, on that matter of nutrients and making sure that appropriate monitoring was in place through the AEMP. So we can also advise the Board at that time. Thank you.

THE CHAIR: Thank you.

Thank you, Staff.

Now I would like to call Panel members, if there's a question to the applicant. Panel members?

MS. SILOU: Oh, no. I'm good.

THE CHAIR: You have any questions? You have a question, Sakiasie? No? Okay, thank you.

Thank you, Applicant, for your presentation. Thank you very much.

Okay, should we take a break for now and then come back at 1:00? So the interveners will -- we will start with the Kitikmeot Inuit Association for intervention. Okay, take a -- we take a break now and come back at 1:00 for your -- Kitikmeot Inuit Association will be the first person to present their presentation. Thank you.

(LUNCHEON ADJOURNMENT AT 11:23 AM)

(PROCEEDINGS RECOMMENCED AT 1:08 PM)

THE CHAIR: Good afternoon. Welcome back for this afternoon's session. So we are about to start with the interveners. But before we get into interveners, we have three things from Water Board's side that we want to carry on with the applicant.

So, Karén, you want to start with that?

MR. KHARATYAN: Thank you, Mr. Chair. Karén Kharatyan, Water Board.

Just to confirm with Sabina, because within their presentation, they had one table -- I don't remember

the number of this slide. "Goose Property Amendment," "Waste and Water Management," Table G1-1, that includes items that were previously permitted and items included within modification -- 2020 modification package. And this comment of 2020 modification package actually excludes some items like Echo pit, Echo underground, or Llama underground, et cetera, that were previously permitted.

So this is to confirm with Sabina that Sabina doesn't request to reduce the scope of the licence, but just provide this column as information regarding potential amendments without reducing the scope of the licence. Thank you. This is our understanding, just to confirm with you, Sabina. Thank you.

THE CHAIR: Thank you.

Applicant, go ahead.

MR. KEEFE: Thank you, Mr. Chair. Merle Keefe with Sabina. Thank you.

Thank you, Karén, for the question. I do confirm that Sabina does not wish to reduce the scope of the original Type "A" water licence and that table was just provided for information purposes and summarized the changes in the water management plan -- water management plan from the original Type "A" to the modification package. But, again, yes, I confirm: no reduction in scope. Thank you.

THE CHAIR: So from the staff, is there another -- do you have more -- oh, okay.

Sarah --

MS. SILOU: Yes.

THE CHAIR: -- do you have question?

The Panel Questions Sabina Gold & Silver Corp.

MS. SILOU: Yes, a technical question. Oh, the little person. Okay, thank you.

Sarah Silou, S-I-L-O-U. I have a question, a short one. It's personally just for my own understanding. And the first one was -- "DWLF," I assume that's "Department of Wildlife and Fisheries," is it? It's under Sabina submissions, under "CIRNAC," but you probably know -- or CIRNAC could answer. It's up to you, if you know what "DWLF" is.

MR. KEEFE: Thank you. Thank you for the question. It's Merle Keefe with Sabina.

"DWLF" stands for "Draft Water Licence Framework." So Sabina and the other parties worked on language for the new licence.

MS. SILOU: Sorry, "Draft Water" -- what?

MR. KEEFE: "Licence."

MS. SILOU: "Licence."

MR. KEEFE: "Draft Water Licence Framework."

MS. SILOU: "Framework," okay. Sorry.
MR. KEEFE: That's okay.
MS. SILOU: Yes, yes. That helps me to understand more when I'm reading it.
MR. KEEFE: Great.
MS. SILOU: Okay. And the other question, I guess, is to Sabina. Goose property amendment -- last night, I was trying to read, and they were very good to explain everything. It's just that when they're not in English, then I look in the cell phone and try to find it. But it told me it was German, and I didn't understand more. Umwelt underground extension -- there's a Llama pit, Umwelt pit, Umwelt underground.
MR. KEEFE: Umwelt.
MS. SILOU: That's at the airport. I understand that's a northwest-southeast airport. So when you're landing, you'll be landing -- coming in on the new extension, which, when I was reading, it talked about the depth. And I thought that's digging into the ground. But when I look at the picture, it's high up. So you probably do dig underground. I don't know. I'm interested in foundations of buildings and stuff, and so this was interesting to see.
I just wanted an understanding of what an Umwelt pit or Umwelt underground is.

MR. KEEFE: Okay, quana. Thank you. Thank you for your question. It's Merle Keefe with Sabina.

So I think there's sort of two parts there. The first part is the airstrip. And you are correct; it is located up high. We do not dig down for the construction of our airstrip. You're interested in foundations. It's not ideal to dig in the Arctic. You probably know this, but it's permafrost, so it starts to melt. So we typically like to build up.

The second part of your question is related to Umwelt underground, and that is part of the mine. When we go -- dig down to access the gold, we want to go 250 metres farther underground to access more gold, gold that we have recently found since our original application. Quana.

MS. SILOU: So it's an underground mine. It descends?

MR. KEEFE: Yes, Umwelt -- yes, it is. It's an open pit and underground, but Umwelt is the underground part.

MR. KIAYOGANA: It's a name.

MR. KEEFE: "Umwelt" is a name, yes.

MS. SILOU: Yes (INDISCERNIBLE).

MR. KEEFE: Thank you. Quana.

MS. SILOU: I understand much better.

MR. KEEFE: Great. Thank you.
THE CHAIR: Okay. You're done?
MS. SILOU: Yes.
THE CHAIR: Okay.
And then Teresa.
MS. MEADOWS: Thank you, Mr. Chair. I think there was also kind of another element to the question, and that was where did the name "Umwelt" come from. What does that mean? Is it a technical term, or is it just a name?
MR. KEEFE: Thank you for the question. Sorry that I missed it. It is just a name. There is no technical meaning to "Umwelt." There is no technical meaning to "Llama" or "Goose." They are just names. Quana. Thank you.
THE CHAIR: Okay, Sarah Silou.
MS. SILOU: Yes.
Thank you, Teresa. Yes, I -- when I mentioned, Teresa, I thought it might signify something. Like, for an engineer or architect, when they see that, they know what kind of a material it is, because in some places, they may dig underground right to the permafrost, to the Canadian Shield, in any case, and put rods or something and then make it firmer and stuff. So I thought -- I was wondering whether that "Umwelt" meant it was some kind of a material that was

being put underground. Thank you, Teresa.

And thank you.

And, Mr. Chair, thank you.

THE CHAIR: Okay, thank you.

Teresa, go ahead.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So, Mr. Chair, we have an additional exhibit to discuss now. Over the break, you heard, just before we broke for lunch, that Sabina had indicated that they were going to be filing an updated version of the Draft Water Licence Framework document, and that document is a document that is prepared by Sabina. It's based on a discussion of changes to the water licence that Sabina would like to see. It's discussed with other parties and the other interveners that are appearing here today. And it's updated by Sabina, I think, three or four times over the course of the amendment application.

So just before the break, you heard that Sabina was going to be providing an updated version for us to discuss during this public hearing. They have now done that, so the Water Board staff have that electronically. Our intention is to circulate that to all the parties that are here and that are attending by Zoom, on the electronic registry.

We will be only marking it, for now, as the next exhibit in the public hearing, and we will ask that parties look at it today -- the remainder of today and into tomorrow morning. When we reconvene tomorrow morning, we will have a discussion with all the parties as to whether they have any corrections or comments or further revisions that they would suggest to that document, or whether they're happy with all of the wording, the suggested wording and suggested revisions. And then the Board will decide whether or not to accept it for filing as the next exhibit in the public hearing.

So, Mr. Chair, I just wanted to give all the parties who are either on Zoom or here the heads-up that the Board will be circulating that document for their review and ask them to do a little bit of homework tonight and let us know tomorrow morning if they have any comments or objections to that document being filed as the next exhibit in the public hearing.

EXHIBIT 13 - Sabina Draft Water Licence Framework Addendum Revision 3

MS. MEADOWS: I just want to touch on tomorrow, during the agenda. So Item 13 of the agenda is actually a discussion of the Draft Water Licence Framework. So we will actually have some time set aside to discuss the suggested revisions that Sabina

has prepared.

But to give everyone an indication of what -- how the Board looks at the Draft Water Licence Framework, the Board considers those revisions, but is not bound to adopt any of the wording that is suggested by the parties. For some terms and conditions, the Board has standard wording, so we may not adopt all the changes that are suggested. But the Board certainly does consider the Draft Water Licence Framework to help focus the discussion of all the parties, with respect to amendments to the licence that may be necessary or may be opportune to engage in at this time.

So thank you, Mr. Chair. That was a spoiler alert for tomorrow, what you have to look forward to, starting the day off early with a discussion of the Draft Water Licence Framework.

I also wanted to mention, from a procedural perspective, while I'm on the mic, that tonight, in order to be able to have interpretation going live on the Zoom feed and people being able to choose the language that they want to listen to or that they would like to speak, Sergey just sent out an updated link. So tonight when you sign in to Zoom, please use the updated link so that you will have the ability to have the Zoom feed have live interpretation as well.

And for anyone in your teams, we tried to make

sure we included everyone in the -- in Sergey's email. But if you didn't receive it or if there are any parties out there who have included additional people that we don't know about, that are going to be attended by -- attending by Zoom, please get the updated link out to the people who need it.

So, Mr. Chair, those are the matters in terms of Sabina and closing off the staff and Board questioning with respect to Sabina.

And now I'd like to turn to the next two matters that I have, from a procedural perspective, and that is the swearing in of the intervener, the Kitikmeot Inuit Association, and entering their presentation materials as the next exhibits in this public hearing. So, Mr. Chair, if I can have the witnesses state and spell their name for the record.

I believe you have your consultant who's on Zoom as well. So if I can start with you and then go to Mr. Nesbitt.

MR. ROESCH: Okay. Yes, thank you. My name is John Roesch. That's "John," J-O-H-N, "Roesch," R-O-E-S-C-H, for the Kitikmeot Inuit Association. And then Richard can go next.

MR. NESBITT: Richard Nesbitt, that's R-I-C-H-A-R-D N-E-S-B-I-T-T. And I'm an aquatic scientist with Hutchison Environmental Sciences.

MS. MEADOWS: Thank you, Mr. Roesch. If I can get you to put your right hand on the Bible and raise your left hand, or vice versa. I switched you up, didn't I? My apologies.

Do you solemnly swear that the evidence about to be given by you shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. ROESCH: I solemnly swear that everything I say is the truth, nothing but the truth, so help me God.

JOHN ROESCH, Sworn

MS. MEADOWS: Thank you.

And, Mr. Nesbitt, I will administer the oath, and then when you come back on, if you can state your name and say "I affirm," if you do indeed affirm.

Do you solemnly affirm that the evidence about to be given by you shall be the truth, the whole truth, and nothing but the truth?

MR. NESBITT: Hi. Thank you, Teresa.

Richard Nesbitt. I so affirm. Thanks.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, I have two exhibits for this intervener, being the presentation materials that they are about to present in English and Inuinnaqtun. And those will be filed as the next two exhibits in the public hearing.

And those are my procedural matters, Mr. Chair.

EXHIBIT 14 - Kitikmeot Inuit Association Public Hearing Presentation

EXHIBIT 15 - Kitikmeot Inuit Association Community Session Presentation

THE CHAIR: Thank you.

Go ahead, KIA.

Presentation by the Kitikmeot Inuit Association

MR. ROESCH: Thank you, Mr. Chairman.

Ladies and gentlemen of the Board, I'm going to give my presentation. It is a bit dated; it was submitted July 6th to the Board. There have been developments. So I'll read it as originally written; then I will speak to some developments. And at the end of my presentation, Richard Nesbitt will speak to points of discussion we have had with Sabina Gold & Silver on issues that we would like to make in commitments in the water licence. So he'll speak to that at the end of my presentation. Okay.

Hello, everyone. I am John Roesch. I'll wait 'til we bring up the slides. Are the slides up? There we go. You have to put it on the full slide. There we go. Thank you.

Hello, everyone. I am John Roesch, the Senior Hope Bay Project Officer for the Department of Lands

and Environment for the Kitikmeot Inuit Association. I am responsible for the project oversight for the KIA and provide input into the regulatory process on the Back River project to both the NWB and to NIRB. In performing this role, I make use of KIA's consultants, who are subject-matter experts in the areas of hydrology, hydrogeology, fisheries, aquatic environment, and geotechnical engineering. Next slide.

The purpose of this presentation is to provide a brief summary of our final submission on the modifications for the Back River project Type "A" water application. Our review covered hydrology, hydrogeology, fisheries, aquatic environment, water quality, monitoring.

KIA conducted the review in a collaborative manner with Sabina Gold & Silver, out of which we brought forward 17 issues in our information requests, which were addressed by Sabina in their response. Our review of the Hydrodynamic Model of Goose Lake produced six issues and recommendations, of which four were resolved prior to the technical meeting in March. The two outstanding issues were tentatively resolved upon reviewing the updated Hydrodynamic Model, through discussions with Sabina. The next slide, please.

The two outstanding issues and recommendations that were resolved were divergence from the Final

Environmental Impact Statement predicted impacts to Goose Lake, and water quality predictions and defining the mixing zone.

Sabina will provide site-specific water quality objectives document, documentation, and the basis for nitrate site-specific water quality objectives for Goose Lake. Sabina will provide the Total Phosphorus Equilibrium Criterion model, incorporating nitrogen as a contributor to the eutrophication of Goose Lake, as per KIA's and Environment and Climate Change Canada's requests.

There will be -- there will only be one discharge location for Goose Lake, which is Location B in the modeling, and only one discharge rate of 1,900 cubic metres per day. Location A and the discharge of 2,500 cubic metres per day has been eliminated.

Additional modeling and cryoconcentration conditions in the shallow area of the neck of Goose Lake will be undertaken. Additional monitoring will also be undertaken of the discharge Location B in Goose Lake. The Aquatic Environmental Monitoring Program will be updated to reflect this additional monitoring.

An assessment of the toxicity of total ammonia effluent quality will be provided for the full Metal and Diamond Mining Effluent Regulations range of pH to support the Metal Diamond Mining and Effluent

Regulations pH Equilibrium Criterion Model predictions.

And I just want to point out, we had provided recently four points of consideration to Sabina about what we'd like as commitments and conditions within the water licence. So that'll be in the framework that's proposed, and Richard Nesbitt will speak more of this at the end of my presentation. Next slide.

The KIA has agreed with Sabina on a total security of 48.5 million for the Back River project. KIA had proposed a split of 31 percent and 69 percent for Inuit-owned land and Crown land and water reclamation security, respectively, to CIRNAC and Sabina. Our review of reclamation security was conducted by our geotechnical engineering consultant.

The KIA is open to the receipt of staged security from Sabina, subject to particular water license conditions. The KIA, CIRNAC are currently discussing a proposed staged split of security for the Back River project.

And the update to this is that we have agreed upon a split of land and water security of 32.5 percent for IOL and 67.5 percent for Crown land, water. And I believe we are now -- have agreed upon the stages. Some stages have been -- have been combined, and I'll get that -- to this in the next slide. Thank you. Next slide.

As with the previous plan, Sabina's mine site construction phases start on IOL in the first and second phases, which are initial infrastructure (year minus 3), Umwelt underground (year minus 2), and Umwelt operations (year minus 2). The KIA is exposed to considerable risk and liability immediately. For this reason, the KIA will receive a higher level of security at the start of construction for major mine site components and infrastructure being built on IOL.

In this proposed staged split of security, as construction phases progress, the KIA's proportion of the allotted staged security is reduced. By the time Llama operation phase comes, KIA will have received 93 percent of our required security. By the time Goose Lake main underground phase -- both KIA and CIRNAC would have received 99 percent and 89 percent, respectively, of their required reclamation security for the project.

The KIA believes that this proposed staged security is equitable in meeting both KIA's and CIRNAC's security requirements, given the relative risk exposure in each of the construction phases.

Now, this was our proposal, and we provided it to Sabina and to CIRNAC. And since then, Umwelt -- the quarry has been combined with, I believe, Umwelt operations. And, also, Llama quarry has been combined

with another phase. So the number of phases has been reduced, and this was to meet CIRNAC's requirements. Next slide.

KIA still needs to work out with Sabina and CIRNAC to update the reclamation security for the Back River project, for the proposed modifications. This will result in an adjustment in the overall split required and the staging, given the proposed modifications and change in construction schedule. The KIA anticipates little or no change in the split of land and water with these proposed modifications.

And as I have just said previously, we've agreed upon a split of 32.5 percent for IOL and 67.5 percent for water. And the stages have been consolidated; they've been reduced. Next slide.

The KIA is still open to receiving security using the proposed staged split under particular water license conditions. These conditions are the same as presented to the Nunavut Water Board in August 2018, these being:

- the receipt of security 60 days prior to construction
- staged security is subject to the Nunavut Water Board process
- Sabina provides quarterly summary reports on construction progress
- reclamation costs are updated and reviewed

periodically

• and additional security is provided within 60 days of review and determination by the Nunavut Water Board.

Next slide.

The KIA believes that having resolved the two remaining technical issues of the Hydrodynamic Model, the issue of updating the staged security can be concluded with both Sabina and CIRNAC through further cooperation.

We thank you for listening, and we are open to questions. But before we go to questions, I'll ask Richard to explain the points of consideration that we wanted as commitments and conditions in the water licence. Thank you.

THE CHAIR: Thank you.

MR. NESBITT: Thank you for that, John.

Richard Nesbitt here, on behalf of the Kitikmeot Inuit Association. So, first of all, as John had mentioned, we have resolved our concerns with the nitrate site-specific water quality objective. Sabina had provided that supplemental information as part of their final submission.

They further resolved our initial concerns with the Hydrodynamic Model by clarifying that they will only be using the discharge Location B. We did raise some new concerns with the most recent Hydrodynamic

Model in our technical submission, and we believe that, through discussions with Sabina, we have come to some resolutions we would like to provide to the Board, for considerations for incorporation into the licence either as terms or conditions or as commitments by the proponent.

Our first consideration was with regards to total phosphorus in the effluent. KIA was concerned that the phosphorus concentrations under ice moved from the oligotrophic trophic status to a higher trophic status. And while we did agree with the proponent that, under ice, the concern was less, we were still worried about a divergence from model predictions and the potential for growth enrichment, for eutrophication, in the open-water season.

So KIA had proposed to Sabina that, given this concern about a trophic status shift, Sabina will develop an adaptive management approach for nutrients, in particular, phosphorus and nitrogen, in Goose Lake. And, specifically, Sabina has committed to develop triggers and thresholds for phosphorus and chlorophyll A; to implement adaptive mitigations; and form a working group with Environment and Climate Change Canada, Crown-Indigenous Relations and Northern Affairs Canada, and the Kitikmeot Inuit Association to develop more protective effluent quality criteria,

should increases in chlorophyll A suggest the potential for algal growth in the open-water season. We, of course, are also open to the inclusion of nitrogen in this adaptive management framework, as perhaps suggested by Environment Canada.

Through our discussions with Sabina, Sabina has agreed to address this as a commitment and has committed to submit, for Board approval prior to March 31st, 2022, an updated Aquatic Effects Management Plan that includes this and all the other commitments made during the regulatory review of the application and will specifically include the adaptive approach to managing nutrients in Goose Lake, but through an adaptive response framework, including action levels. And this will all be included in the updated Aquatic Effects Managing -- Management Plan.

Our second concern was with regards to the potential for two discharge scenarios, one at 1,900 cubic metres per day and a secondary higher discharge scenario at 2,500 cubic metres per day. And Sabina has agreed to add the following term and condition under Part F of the Draft Water Licence Framework, which we will, of course, be confirming this afternoon or this evening: The licensee shall demonstrate that the total quantity of effluent discharged from the final discharge point to monitoring stations -- which will be

determined -- in Goose Lake shall not exceed 1,900 cubic metres per day and 175,000 cubic metres per year unless otherwise approved by the Board in writing, subject to evidence resulting from model updates -- and this is referring to the Hydrodynamic Model -- are required by the licence.

We also raised concerns with elevated concentrations under ice, at 1,000-metre radius from the final point of discharge, as presented in the updated Hydrodynamic Model. And Sabina has committed to updating the Aquatic Effects and Management Plan to specifically address the current discharge location, that is Location B, which is now the preferred option for the -- or for the project. And the monitoring to address this location will also be included in the March 31st, 2022, Aquatic Effects Management Plan update.

Finally, okay, also as with Sergey's concern, we highlighted the discrepancy between the Metal and Diamond Mine Effluent Regulations and the effluent quality criteria proposed by Sabina. And it was nice to hear in Sabina's response to the Nunavut Water Board that, indeed, they would be working to meet both the effluent quality criteria outlined in the water licence as well as the Metal and Diamond Mining Effluent Regulations.

Okay, I also wanted to confirm, for Karén's comment, that the timeline for the Adaptive Management Plan as well as the timeline for the Hydrodynamic Model, which also seems to be targeting this March 31st, 2022, submission deadline, is acceptable to KIA and that Sabina, as part of the updated Hydrodynamic Model, has also committed to KIA to include closure in the updated modeling, to provide greater assurance to KIA as to the conditions in closure and post closure.

So that concludes my comments on the resolutions that we have reached with Sabina. And, of course, I'm open to any questions at this time. Thank you.

THE CHAIR: Thank you. There are more add -- there are some more to add in?

MR. ROESCH: No. This concludes our presentation. Thank you.

THE CHAIR: Okay, thank you.

Now I'll open up -- open up for questions.

MS. SILOU: This is for Panel or anybody?

THE CHAIR: No.

Okay, I'll start with the applicant.

MR. KEEFE: Thank you, Mr. Chair. Merle Keefe, Sabina. Thank you to the KIA for their presentation, but Sabina has no questions. Thank you.

THE CHAIR: Thank you.

Crown-Indigenous, you have any questions?

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. Can you hear me?

THE CHAIR: We can hear you.

MR. DEWAR: No questions. Qujannamiik.

THE CHAIR: Thank you.

And then is there a question from Environment and Climate Change Canada?

MS. SULLIVAN: Good afternoon, Mr. Chair. No questions from Environment and Climate Change Canada. This is Orlagh O'Sullivan.

THE CHAIR: Thank you.

Is there a question from Nunavut staff? Sorry, about that -- NWB Board, NW -- yes, kind of mixed up, Board staff.

Nunavut Water Board Staff Questions the Kitikmeot Inuit Association

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you, Mr. Chair. Just a few clarification with KIA.

Based on the information KIA provided, their numbers of security are slightly different from their presentation regarding the split of security between KIA and CIRNAC. So just to confirm whether KIA will be working, by tomorrow, by CIRNAC, to provide this final,

yes, input --

MR. ROESCH: Yes.

MR. KHARATYAN: -- which is maybe different from the one included within draft framework, licence framework or what is -- how they -- yes, they want to proceed.

MR. ROESCH: I believe that it'll be presented tomorrow. Sabina will be presenting the final -- the overall quantum is agreed upon, and the split is agreed upon. And I believe we have agreement on the final stages. KIA did not have any concerns with TMAC's -- I mean, with Sabina's stage breakdown, but CIRNAC did. So by the consolidation of the stages, our risk is reduced. And so we have no concerns.

So the final cost breakdown, I believe, will be produced by Sabina. And we're in agreement with it, if CIRNAC is. And so I believe, as it stands -- I'm going by memory -- the split is 32.5 percent for IOL and 67.5 percent for Crown water. And then they have -- we've consolidated stages, and that's okay with KIA.

MR. KHARATYAN: Thank you, KIA. Karén Kharatyan, Water Board.

Maybe also to confirm with Sabina whether their Draft Framework just submitted is different from the KIA presentation, about the split of security. If it's different, that they agree with this approach to

present something common -- jointly tomorrow.

MR. KEEFE: Thank you, Mr. Chair.

Thank you, Karén. It's Merle Keefe with Sabina. If it's okay with the Water Board, I'd like to pass this question and response to Matthew Pickard, who's on the line.

Matthew, please go ahead.

MR. PICKARD: Thank you, Merle.

Matthew Pickard with Sabina. And thank you to the Chair and the Water Board to be able to speak on this one.

As mentioned by John, the version he showed was, I guess, a couple of weeks ago. There was just some general shifting of the dollars. The split that John speaks about, 32-and-a-half and the -- what does it work out to be -- 67-and-a-half, are the same as what we're presenting. So the updated Interim Closure and Reclamation Plan, along with the Reclaim Model, are prepared by Sabina, but have not been submitted yet as exhibits. We were waiting to see the final presentations by both KIA and CIRNAC before doing that.

So we are aligned perfectly with KIA on this one. The numbers are just shifting slightly. And the primary cause of that shifting, just so everyone understands, is that there's three parties and we kinda gotta reach a middle between KIA and CIRNAC when we

stage and split. So there was a little bit of movement until the end of day, Friday.

So we will -- the KIA and CIRNAC have both been provided copies of that information as of Friday. And then we'll be providing the Board that following CIRNAC's presentation, will be the current plan. Thank you.

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you, Mr. Chair.

And thank you, KIA and Sabina, for response.

Another clarification with KIA: We are -- we know that KIA raised the issue of nutrients -- or nitrate and phosphorus concentration in Goose Lake that may be a result of discharge -- continuous discharge of effluent. And we heard that commitment with Sabina was to have Aquatic Effect Monitoring Plan updated and to address this issue.

Just to confirm at this stage with KIA -- because we have, actually, nitrate and phosphorus included as criteria for effluent discharge within the proposed Draft Licence Framework. Better they agree with the number of nitrate and phosphorus within this table, as a criteria, yes, for effluent discharge. Thank you.

MR. ROESCH: Okay. Was that a question you wanted us to confirm --

MR. KHARATYAN: Yes.

MR. ROESCH: -- in accordance with the table? I'll let Richard address that question.

MR. NESBITT: Richard Nesbitt here, on behalf of the Kitikmeot Inuit Association. We were a little concerned with the minimal amount of plant data in the effluent quality criteria, a site-specific water quality objective derivation. The document noted that there was a difference in the way plants and other aquatic life behaved in response to the hardness-dependent nitrate guideline.

That said, the Ekati guideline also met the minimum standards from the CCME. And so we found the guideline to be acceptable, also noting that the hardness range, which the guideline was validated against, was similar to that of Goose Lake. Thank you.

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you for confirmation. Yes, I don't have anything to add. Maybe Sergey has some question for KIA.

MR. KUFLEVSKIY: Thank you, Karén.

Thank you, Mr. Chair. This is Sergey Kuflevskiy. Just one more confirmation -- Richard just said it, but I just wanted to reconfirm that KIA is okay with using the Ekati mine -- diamond mine hardness-dependent equation.

MR. ROESCH: Yes, I believe so, but Richard will confirm it for you again.

MR. NESBITT: Thank you, Sergey. From the toxicological perspective, we are indeed comfortable using the guideline, as I had stated.

We know that there is the potential for some nutrient enrichment resulting from nitrate -- or nitrogen species in combination with phosphorus in Arctic environments, as some recent literature has demonstrated, which is why we are still concerned about the adaptive management framework for managing nutrients in Goose Lake and being prepared to adaptively manage them should enrichment be detected. But we feel that we have addressed that concern adequately through Sabina's commitment to update the Aquatic Effects Management Plan, as I had outlined during KIA's presentation. Thank you.

THE CHAIR: Thank you.

You have more to add?

MR. KHARATYAN: Nothing at this stage. No more questions or clarification, Mr. Chair. Karén Kharatyan, Water Board. Thank you.

THE CHAIR: Thank you.

Staff -- Panel members, you have questions? You have one, Sarah?

MS. SILOU: Yes.

THE CHAIR: Sarah, go ahead.

The Panel Questions the Kitikmeot Inuit Association

MS. SILOU: Because of COVID 19, we've been meeting by Zoom, so I think -- I'm sorry if I'm a bit behind in understanding your -- what you're talking about.

But a follow-up with my previous question, with John and Richard talking and the staff, I seem to have understood that -- I think I misunderstood Goose -- like, in this book, the airport is -- and this Goose property amendment are right close to each other. And for some reason, maybe because the Goose property amendment has a north signal -- and for me, when I see that, I think, automatically, "airport."

So I think I thought that this Umwelt underground extension was the extension of the airstrip, the air -- and I didn't quite understand it 'til John starts talking and I look at the numbers, the 1-million-and-a-half and the rest of it. Then I thought, well, that's not the airplane extension.

So I look again. And especially -- it looks like there's Crown land and Inuit-owned land. So for security, that's why there's different numbers coming from KIA and the Federal Government; is that right?

MR. ROESCH: Yes. The project is located primarily on Inuit-owned --

MS. SILO: Sorry, sorry, he has --

THE CHAIR: Please state your name before you talk.

MR. ROESCH: Yes. This is John Roesch for the KIA.

Just to explain the project, most of the infrastructure is on Inuit-owned land. The tailings storage facility is on Crown land. In fact, KIA, deliberately, when the project was originally approved, wanted that on Crown land. So that's why there is a split in security. And there's always a split between CIRNAC, which needs security for water, and we need security for our Inuit-owned land.

And so that's what we sort of negotiate with Sabina and CIRNAC. We get an agreement on the overall quantity and the amount of money required for security. And then what we do -- and this is what you saw in my presentation, is what -- we proposed to both Sabina and CIRNAC what the split of water would be. We had no problems with the staging that Sabina had proposed, so we didn't have any problem with it. But CIRNAC had a problem with the staging. They wanted a consolidation of staging, and so Sabina responded to that.

And then CIRNAC came out with their proposed split of land and water. And we had proposed 31 percent for us and 69 percent for CIRNAC. They had proposed, I believe, 34 percent for us and 66 percent for them. So

we split the difference, so we each gained a little bit. So that's why it's now at 32-and-a-half percent for KIA and 67.5 percent for CIRNAC. So we're -- agreement on that.

And we had looked at the final updated cost model on Friday. You know, Sabina had consolidated stages for CIRNAC. We weren't concerned with the proposed stages. So when it's consolidated, it just reduces risk for us as well, so we're satisfied with that. So we are in agreement with what has (INDISCERNIBLE) through this three-way discussion with Sabina and CIRNAC. And CIRNAC will give their presentation and explain, you know, security, from their perspective, to you.

And they -- just to remind you, the modifications to the Back River are not just the airstrip, but going underground at Umwelt earlier. They rearranged their process or stages from what was previously. And so we're dealing with that, and we're dealing with, you know, more underground water flow, through hydrogeology, then greater treatment of water.

And then our real concern was, they have to treat the water during operations, and then we require post-closure treatment as well. There's some uncertainty in the models they provided, that were a little uncertain. So we got extra money to address

that uncertainty.

And so when they make a production decision -- they're going to bring a water treatment plant to the site -- we get additional treat -- security for long-term water treatment. So we're addressing it in two ways, this uncertainty about the quality of water in Goose Lake: one, through the security, getting more money upfront, and also having Sabina make commitments in the water licence, and that's the other point we talked to. So we approach it in two ways.

So does this clarify things for you, in that?

MS. SILOU: Yes. Sarah Silou.

Thank you, John, KIA.

Thank you, Mr. Chair.

THE CHAIR: Okay, thank you.

Thank you, KIA, for your presentation.

Now, we will have Crown-Indigenous. Before going to that, Teresa will take the floor.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So, Mr. Chair, I have two procedural matters: The first is I have two presentations to mark as the next exhibits in this public hearing, being the presentations that are about to be provided by Crown-Indigenous Relations and Northern Affairs Canada in English and Inuktitut, in one version, and

Inuinnaqtun in the other version, so two documents.

EXHIBIT 16 - Crown-Indigenous Relations and Northern Affairs Presentation in English and in Inuinnaqtun

EXHIBIT 17 - Crown-Indigenous Relations and Northern Affairs Presentation in English and in Inuktitut

MS. MEADOWS: And I would now like to give the -- provide the affirmation. And then when we go to the witnesses who are attending by Zoom, if you can state and spell your name for the record and then state your name again and advise us if you affirm.

So do you solemnly affirm that the evidence about to be given by you shall be the truth, the whole truth, and nothing but the truth?

So now I will turn it to Crown-Indigenous Relations and Northern Affairs Canada.

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. I affirm. S-P-E-N-C-E-R D-E-W-A-R.

Qujannamiik, Mr. Chair. We would also like to affirm April Hussey with Tetra Tech. Quana.

MS. HUSSEY: April Hussey with Tetra Tech, A-P-R-I-L H-U-S-S-E-Y. April Hussey, I affirm.

SPENCER DEWAR, APRIL HUSSEY, Affirmed

MS. MEADOWS: Thank you, Mr. Chair. Teresa

Meadows, legal counsel for the Nunavut Water Board.

Mr. Dewar, are there any other witnesses that you need to affirm before you make your presentation?

MR. DEWAR: Qujannamiik, Mr. Chair. There will be no other affirmations on behalf of Crown-Indigenous Relations and Northern Affairs Canada. Quana.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, those are my procedural matters, so that Crown-Indigenous Relations and Northern Affairs Canada can now begin their presentation. Thank you.

THE CHAIR: Thank you, Teresa.

Go ahead, Crown-Indigenous Relations and Northern Affairs. Go ahead with your presentation.

Presentation by Crown-Indigenous Relations and Northern Affairs Canada

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. We would like to take this opportunity to thank the Water Board for this opportunity to make a presentation and intervention regarding Sabina Gold & Silver's application to amend the water licence for the Back River project. On behalf of Crown-Indigenous Relations and Northern Affairs Canada, I would like to

recognize the Nunavut Water Board's work in facilitating this licence application review process and Sabina's efforts to respond to our questions and concerns. Next slide.

I will start with a brief overview of Crown-Indigenous Relations and Northern Affairs Canada's responsibilities with respect to licensed applications and our department's contributions made during this process. Following that, I will speak to the topics of technical review as identified by the Nunavut Water Board.

Overall, Crown-Indigenous Relations and Northern Affairs Canada raised 19 information requests and 9 technical comments. Almost all issues identified have been resolved through discussions at the technical meeting and updated materials submitted by Sabina. Next slide, please.

Crown-Indigenous Relations and Northern Affairs Canada has a broad mandate for the co-management of freshwater resources and the management of Crown land in Nunavut under the Nunavut Agreement and the listed acts and regulations on this slide. Crown-Indigenous Relations and Northern Affairs Canada administers and ensures compliance with regulatory authorizations that permit -- pertain to Nunavut's Crown land and freshwater resources.

The department participates in water licence processes administered by the Nunavut Water Board along with other interested parties, providing technical advice and expertise for the Nunavut Water Board's consideration. Crown-Indigenous Relations and Northern Affairs Canada also issues land-use permits and leases for Crown land. Next slide, please.

Earlier, the Nunavut Water Board listed the interventions, to date, in their water licence amendment process. This slide details Crown-Indigenous Relations and Northern Affairs Canada's five contributions. Discussions with the Kitikmeot Inuit Association and Sabina relative to the reclamation and security occurred outside of the Board's process, but the conclusions are reported through submissions and this presentation. Next slide, please.

The first topic proposed by the Nunavut Water Board is the scope of the amendment, which is to add or modify the items listed on this slide. Our department agrees that the scope has been consistent throughout this process and did not submit any comments pertaining to the scope. Next slide, please.

Sabina is requesting increased water use from two lakes next to the project as well as along the winter ice road. They have also proposed changes to the timing of construction and operation of structures to

manage water on site, in particular, those for storing saline groundwater pumped from the underground. Crown-Indigenous Relations and Northern Affairs Canada requested further details on the Water and Load Balance model, which predicts how much water will flow into the pits in the underground mine, how much can be managed in the different ponds, and how much will be needed by the mill, and where the water will be stored.

Sabina provided answers about the water inflow in the Llama pit, the parameters used for the Umwelt underground extension and the saline water pond, and request for increased water use that have resolved all of our concerns. Next slide, please.

There is some overlap between the topics on this slide and the previous one since the Water and Load Balance model also predicts water quality. This picture is of Goose Lake, which is the main receiving water body, and we want to make sure that it remains healthy. Our comments on the water quality are related to the incorporation of effects of climate change into the model and salinity in the saline water pond and pit lake. Sabina's responses have addressed our concerns. Next slide, please.

Management plans and manuals allow us to understand the measures and procedures that will be used to control water and waste on site and to make

things -- make sure things go according to plan. Most of Crown-Indigenous Relations and Northern Affairs Canada's questions were about the differences between plans, like criteria for segregating potentially acid-generating rock; or clarifications, like timelines for temporary waste rock storage pile. Sabina provided satisfactory explanations for all but one comment. Five of the satisfactory explanations require follow-up, which will require changes to management plans the next time they are updated.

Our largest concern is about the water quality in Goose Lake, as predicted by the hydrodynamic modeling. The latest version of the model was restricted to operational period, and many parameters appear to increase the maximum concentration over the 12 years of operation, particularly in the final three years. The lack of data in closure and post-closure means that we are not able to evaluate the impacts of the proposed measures during these periods.

Sabina has committed to providing an updated model within 90 days of the licence approval or if the Board accepts Sabina's proposal to have it included within next year's annual report, with simulations -- with simulation periods extending into closure and post-closure, integrating commitments made in the technical review phase.

Our department considers this a suitable solution that mean the measure and commitments include more detailed inputs, include field data to be collected this summer, and what [sic] the water management plan be updated at the same time to integrate changes to the water management on site, that are being proposed based on the Hydrodynamic Model finding.

During our reclamation discussions with Sabina and the Kitikmeot Inuit Association, we had understood that Sabina would be submitting an updated Interim Closure and Reclamation Plan. We have received the plan, and we do believe it has been shared with the Nunavut Water Board for broader circulation. Next slide, please.

Since proposed changes to infrastructure are limited, there were few drawings to review. Our only two comments related to design criteria for event ponds, diversion berms and culverts. The criteria has not changed since 2018, when the licence was issued, and the two comments are resolved. Next slide, please.

Most of the discussions on the monitoring program are regarding proposed changes to waste management on site and criteria for effluent discharge to Goose lake. Crown-Indigenous Relations and Northern Affairs Canada asked about monitoring groundwater in the active layer near infrastructure, and Sabina clarified how permafrost will be used to contain potentially impacted

water and seeps will be used to identify any concerns.

Our department has not commented on effluent discharge criteria, which is the principal discussion topic for monitoring. We support Environment and Climate Change Canada and the Kitikmeot Inuit Association's efforts to ensure that the criteria are protective of the environment in maintaining Goose Lake's aquatic health in both the short and long term. Next slide, please.

Discussions during the course of the technical review identified items requiring monitoring, and adding them to the annual report will be the best way to follow performance. The first is an annual comparison of groundwater inflow rates to model predictions. Inflow rates are difficult to predict, given limited in situ and scalable data. And higher-than-expected rates can lead to difficulties managing saline groundwater. Checking the numbers annually will hopefully allow early identifications of important deviations so that changes to the water management plan can be made as necessary.

The next two items relate to progressive reclamation, which is touched on this slide as well as the next two. Progressive reclamation is an activity which Crown-Indigenous Relations and Northern Affairs Canada encourages on all sites. It is challenging to

ensure reclamation work is appropriate and properly executed since the closure and reclamation plan is still at an interim stage and the reclamation works are carried out over longer periods of time.

With Sabina, we are asking that the Nunavut Water Board to consider including two further requirements in the annual report of the amended water licence: Number one is a progressive reclamation work plan for the upcoming year so that all parties are aware of the work plan. This will allow our department to plan inspections of reclamation work, as needed, and allow opportunity to all parties to have an understanding of the evolution of environmental liabilities on site.

Number two is a progressive reclamation report for the previous year so that parties can evaluate what work has been done against the work plan and how the environmental liabilities are changing. The Draft Water Licence Framework submitted by Sabina includes these proposed changes. Next slide, please.

Sabina has provided an updated Interim Closure and Reclamation Plan yesterday, which we have reviewed. We did seek clarification from Sabina regarding reclamation methodologies for tailings storage at Echo and waste rock and tailings storage at Goose main. We seek that Sabina references this, post our presentation.

Crown-Indigenous Relations and Northern Affairs Canada participated in regular exchanges with Sabina and the Kitikmeot Inuit Association to estimate the cost of reclaiming the mine site. The majority of our questions were to better understand the mine plan, areas of exposed potentially acid-generating rock or tailings, and the volumes of potentially contaminated water.

Our estimate assumes progressive reclamation will occur as per the mine plan, resulting in smaller cost estimates than the total of each project component costed individually. The year with the highest cost estimate was Year 2 of operations and which was used to set the cost estimate security amount. As each party has spoken to, our department supports the agreed-upon estimate of $48,592,000 and is contingent on incorporation of mechanisms in the amended water licence to monitor that progressive reclamation that is occurring as planned.

Should there be changes to the reclamation activities that will lead to differences between security posted and environmental liabilities on site, the current licence contains mechanisms for parties to request revision. The mechanisms our department recommends were described in the previous slide and consists of items in the annual report: a progressive

reclamation work plan and a progressive reclamation report to ensure that reclamation work leads to long-term physical and chemical stability objectives. CIRNAC expects to review issued-for-construction drawings and designs before the works are executed.

Currently, Sabina, the Kitikmeot Inuit Association, and Crown-Indigenous Relations and Northern Affairs Canada have agreement on the total reclamation costs, and we also agree on the number -- or the names of the 12 stages being proposed, and we also agree on the split between the Crown and the Kitikmeot Inuit Association. However, we've not come to agreement on the value of each stage. Next slide, please.

Crown-Indigenous Relations and Northern Affairs Canada provided comments to the Nunavut Water Board on the Draft Water Licence Framework provided by Sabina on March 16th. Our review was limited to those terms and conditions pertaining to the amendments, and the lack of comments on other proposed changes does not constitute agreement on behalf of our department. We noted many proposed changes do not seem to have been discussed during the amendment process.

We recognize Sabina has provided an update to this Draft Framework, incorporating proposed changes discussed, to allow monitoring of progressive

reclamation efforts. Next slide, please.

This slide was written and sent to translation before Sabina provided their final written statement. Our department is satisfied with Sabina's commitment to provide an updated Hydrodynamic Model 90 days following the licence approval and recommends that the water management plan be updated on the same timeline. We realize that Sabina has requested an extension to that, and that is for the Board to consider.

Crown-Indigenous Relations and Northern Affairs Canada is also satisfied with most of the reclamation security discussions. We agree that the total security should be over $48 million, and we agree that it can be split into 12 stages. And we agree to the split between the Kitikmeot Inuit Association and our department.

However, the one outstanding issue is, we do not have agreement on how the total should be split between certain stages, and we will be submitting to the Nunavut Water Board our proposed splits. Questions? Quana.

THE CHAIR: Thank you. Thank you for your presentation, CIRNAC.

Now open up for questions. Start with applicant.

If you have questions, you may do -- ask CIRNAC.

Sabina Gold & Silver Corp. Questions Crown-Indigenous Relations and Northern Affairs Canada

MR. KEEFE: Thank you, Mr. Chair.

Thank you, CIRNAC, for your presentation. Just one moment, please.

Okay, thank you, Mr. Chair.

Again, thank you to the Crown for their presentation. We do have some comments or questions to make. I'm going to pass the microphone to Matthew Pickard on the phone, please. Thank you.

MR. PICKARD: Thanks, Merle.

Thanks, Mr. Chair, for allowing me to speak. I'm Matthew Pickard with Sabina Gold & Silver.

So I guess there's two follow-up points, I think, on CIRNAC's presentation, the first, just with some communications back and forth and to clarify and just make sure it's clear on the record. Any -- you know, any of the waste rock or tailings storage facilities associated with the project -- 'cause we know that there's some, you know, shifting and general discussion on those -- their closure standards are all basically the same.

And as agreed upon in our original Nunavut Impact Review Board process and Water Board processes, we either have to cover waste rock and tailings with 5 metres of non-acid-generating material or 5 metres of

water cover. And I know that was -- I don't know if it's really highlighted too much in Spencer's presentation. But I just wanted to make sure that, you know, people understand and that that's the intention.

You know, we do have different placements of waste rocks and different placements of tailings, and that standard applies across the board. That standard, for the Board's information, was developed early on in the process to ensure that we had a closure plan that could withstand climate change, and placing the most clean rock on top of acid-generating rock would basically ensure that. And that 5-metre cover is the most in the north, out of the mines. So that's Point 1, and that's just a general statement to make sure there's clarity.

Point 2 -- so we're -- to be honest, Sabina's surprised that CIRNAC didn't give us any heads-up that the stages were not being accepted. We had conversations on Friday which generated two questions, which we did respond to and give answers to. Our preference would be that CIRNAC would allow us to see their submission prior to just making it to the Board. We did use CIRNAC's -- for the most part, CIRNAC's breakdown when we proposed the final stage numbers back on Friday, so I'm not a hundred percent sure where that differentiation is coming from.

So I guess Sabina's request at this point is --

since I do believe, based on Teresa -- Nunavut Water Board's legal counsel's plan, is to -- is to allow people the evening to look at exhibits and submissions. Sabina would request that CIRNAC place an exhibit on the file so that we all have an opportunity to look at what their final submission states on closure security. Thank you.

THE CHAIR: Thank you.

Any more questions from the applicant?

MR. KEEFE: Thank you, Mr. Chair. Merle Keefe with Sabina. No further questions from Sabina at this time. Thank you. Quana.

THE CHAIR: Thank you.

Now I would like to ask Inuit -- Kitikmeot Inuit Association if you have any questions to the Crown-Indigenous and Northern Affairs Canada.

MR. ROESCH: Thank you, Mr. Chair. This is --

THE CHAIR: Before you go on, our legal counsel -- interruption.

MS. MEADOWS: Sorry, Mr. Roesch.

Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, perhaps if we can go to Crown-Indigenous Relations and Northern Affairs Canada. I did hear a question in there, to them, with respect to when they would be in a position to file that

additional submission. And the Water Board, similarly, is also very interested in what that proposed timing looks like.

So if we can have Crown-Indigenous Relations and Northern Affairs Canada respond to the question of timing of filing of that exhibit, and then we can proceed to additional questions. Thank you, Mr. Chair.

THE CHAIR: Thank you, Teresa, for guidance.

Crown-Indigenous and Northern Affairs.

MR. DEWAR: Qujannamiik, Mr. Chair. I just wanted to provide some clarification. I'm not sure Matthew captured it correctly. I did say several time that we do agree with the 12 stages, so we have no issue with 12 stages. However, what we've not come to agreement on is the value or the allocation of security at each stage. We can submit that at the supper break. Quana.

THE CHAIR: Karén.

MR. KHARATYAN: Mr. Chair, thank you. This is Karén Kharatyan, Water Board.

A clarification to CIRNAC: Spencer, please clarify what you mean when saying you disagree with the contribution or, yes, dollar value for every stage. And what is the result of your disagreeing? What is the rationale or points of disagreeing? The Board

needs to see how you disagree with each stage.

If you are not able to provide your rationale or clarification which -- with each stage, with the number figure, we don't have evidence, yes, how you disagree, really, for each stage. Just to clarify whether you are planning to submit this information to the Board maybe separately or maybe with KIA sometime tomorrow, because -- or if you propose other timing.

And to be fair, this information should be provided on a timely manner, yes, to allow also other parties to review, especially Sabina. Thank you.

THE CHAIR: Thank you, Karén.

Okay. Okay, Crown-Indigenous Relations and Northern Affairs Canada, continue.

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. I just want to reiterate: We do agree with the global amount of security, we do agree with the 12 stages that have been proposed to post the security. But we do have some differences of opinion on how much should be allocated at each of those stages.

So I can provide an example, for clarification, and -- the principal difference in our estimate is one Sabina is presenting, is for the split for the tailings storage facility. There are two stages, construction

and operation. And our estimate for the construction stage is principally related just to the cost of breaching the dam. So our total for this stage is relatively small, approximately $350,000. And most of the -- of the costs that we have were associated with what it would cost to reclaim once the facility -- once the facility was in operation. So at that stage, we see that amount of security to be held at 26.6 million.

So it's about how we're valuing each of those milestones. And we -- you know, will provide the information as soon as we can. We have to evaluate it or review, based on what we receive. So we've committed that we'd provide it at the supper break. Qujannamiik.

THE CHAIR: Thank you.

Karén.

MR. KHARATYAN: Okay. Karén Kharatyan, Water Board. Thank you, Mr. Chair.

So we understood that CIRNAC will be providing this information sometime by the end of day or around the end of day. And I can ensure Sabina that Sabina will be provided, yes, for their comments or clarification. Thank you.

THE CHAIR: Thank you.

Sabina.

MR. KEEFE: Thank you, Mr. Chair. Again,

I'm going to ask Matthew Pickard to speak, please.

MR. PICKARD: Thanks, Merle.

And thanks, Mr. Chair.

And thanks, Spencer, for the additional clarity and -- for the questions. I'm going to make a suggestion here. I hope -- I hope this is an acceptable one. But if acceptable to the Board, is it possible to allow -- and if CIRNAC's -- and KIA are both supportive of this -- to have a discussion immediately before the community presentations or during the dinner break, to walk through it?

The one example Spencer brings forward is something CIRNAC brought forward to us before. So that's not a surprise, and I don't want the Board to think it was. And if that's the -- one of the -- or the -- or one of the sticking points, I do believe that we can adjust and deal with that rather simply.

In the case that Spencer did bring forward, Sabina -- Sabina has likely significantly over-secured. But that being said, I think there's enough flexibility in the parties to work through that fairly quickly. And that might allow us, then, just to have a more streamlined approach to provide to the Board once completed.

So I'm going to make the suggestion then that, if acceptable to KIA, CIRNAC, and, of course, the Board,

would you grant us maybe until this evening, assuming both CIRNAC and KIA are willing to have a conversation with Sabina and walk through these points earlier? Thank you.

THE CHAIR: Thank you.

Teresa, go ahead.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board.

Recognizing that there is -- there's a little bit of questioning remaining, and then we will be going to Environment and Climate Change Canada, with the idea that we would break then and perhaps early so that you would have some time over the dinner break to have the discussions by teleconference.

If you wish to use the Board's teleconference line for the public hearing, we can certainly make that available. Or if you wish to have those discussions offline, on your own, that's also available to you, but outside of the public hearing venue and off of the record.

And then we can reconvene -- again, tomorrow morning, when we start off the day by the discussions of Sabina's Draft Water Licence Framework, we can then close that loop and follow up with the parties as to whether or not there will be additional filings that Crown-Indigenous Relations and Northern Affairs Canada

wishes to provide, or whether there'll be a joint submission from the Kitikmeot Inuit Association, Sabina, and Crown-Indigenous Relations and Northern Affairs Canada.

So, Mr. Chair, having interrupted the Kitikmeot Inuit Association's questioning, perhaps we can turn back to them and complete this part of the hearing. And whatever time remains, early -- if we can break early before the dinner break, then -- if parties can use that time, that would be beneficial. Thank you, Mr. Chair.

THE CHAIR: Thank you. Thank you for directions.

Okay, I think we are ready to have KIA. Go ahead.

Kitikmeot Inuit Association Questions Crown-Indigenous Relations and Northern Affairs Canada

MR. ROESCH: Yes. This is John Roesch for the Kitikmeot Inuit Association. I just want, first, to state, we had received Sabina's updated costs model on Friday. We had reviewed it on Friday. I reviewed it again with our geotechnical engineering consultant on Monday, and we had concluded that it was adequate for our needs, both the staging and the amount per stage and the split. And we had indicated this in my -- I had phoned Matthew Pickard.

So I'd like to know, from CIRNAC, is it all the amounts, each amount for each stage that you want revised, along with the split per stage? And, two, when will you provide KIA your cost model?

THE CHAIR: Thank you.

KIA, CIRNAC.

MR. DEWAR: Qujannamiik, Mr. Chair. I defer that question to April Hussey from Tetra Tech. Quana.

MS. HUSSEY: Thank you, Spencer.

Thank you -- thank you, Board. This is April Hussey with Tetra Tech.

John, the -- there are slight differences, as Spencer mentioned, in regards to the different assumptions underlying activities in select stages, and that is the majority of the difference.

There is also some slight differences in allocations between KIA and CIRNAC. As Matthew mentioned, I think, with some additional discussion, we can come to a rapid resolution of these items. They are not major items, I would say. They are not large issues. It's just a matter of trying to resolve the minor differences related to applying specific reclamation activities to either the KIA or CIRNAC liability.

Does that answer your question?

MR. ROESCH: When will KIA receive your updated model?

MS. HUSSEY: As Spencer indicated -- Spencer, I believe you said at the supper break.

And then Matthew indicated that we should have a discussion of some of these items prior to that; is that correct?

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. Yeah, we're open to meet at the supper break, and we're open to share the information, yes, post that meeting.

THE CHAIR: Teresa.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board.

So perhaps if we can park that discussion for now, use the time over the supper break. Hopefully, we'll have -- we'll break early, and then you'll be able to use that time to have a discussion and still get in some decent time to be fed before we come back for the community session at 6:30.

So, Mr. Chair, perhaps -- if there are any additional questions from the Kitikmeot Inuit Association to Crown-Indigenous Relations and Northern Affairs Canada.

MR. ROESCH: Thank you. We have no further

questions. Thank you.

THE CHAIR: Thank you.

Now I'd like to ask Environment and Climate Change Canada if you have any questions to the Crown-Indigenous and Northern Affairs.

MS. O'SULLIVAN: Orlagh O'Sullivan from Environment and Climate Change Canada. No questions. Thank you, Mr. Chair.

THE CHAIR: Thank you.

I'd like to ask the Board staff if there are any questions.

Nunavut Water Board Staff Questions Crown-Indigenous Relations and Northern Affairs Canada

MR. KHARATYAN: Karén Kharatyan, Water Board. Thank you, Mr. Chair, a couple of clarifications. I will start, then Sergey will follow up.

CIRNAC, within your presentation, I think it was maybe within the last slides, when you were speaking about the Interim Closure Reclamation Plan, you mentioned that there was a submission of interim -- updated Interim Closure Reclamation Plan that was reviewed by CIRNAC, and CIRNAC's understanding is that Sabina will be providing an updated Interim Closure Reclamation Plan. Maybe Sergey will follow up about whether you had questions, comments, et cetera.

Just looking at the Draft Water Licence Framework Sabina just provided, they propose to submit an updated Interim Closure Reclamation Plan within one year of operation, operation phase. That could be sometime maybe in 2023 or 2024. I don't know. And very likely, from our understanding, this updated Interim Closure Reclamation Plan will take into account all review comments, et cetera, including the finding of Hydrodynamic -- updated Hydrodynamic Model to be submitted by March -- end March, 2022.

So the question or clarification that I'm seeking from CIRNAC is to confirm whether they agree with the submitted -- or submission of updated Interim Closure Reclamation Plan within one year of operation phase, as suggested by Sabina. Thank you.

THE CHAIR: Thank you. Okay, go ahead, go ahead.

MR. KHARATYAN: Maybe -- Mr. Chair, maybe CIRNAC may clarify whether they agree with this timeline. Then Sergey may have follow-up questions or comments. Thank you.

THE CHAIR: Thank you.

Go ahead, Crown-Indigenous.

MR. DEWAR: Qujannamiik, Mr. Chair.

My understanding is that we received an Interim Closure and Reclamation Plan from Sabina yesterday. I

think it would be our hope that that plan would be forwarded to the Nunavut Water Board for all to see and that hopefully we could have it approved before one year. So I would hope that it could form part of this licence. Quana.

THE CHAIR: Thank you.

Staff? Sergey.

MR. KUFLEVSKIY: Thank you, Mr. Chair.

Thank you, Spencer. I just wanted to confirm, are you talking about the Interim Closure and Reclamation Plan that was submitted on June 15th? And if yes, from my understanding, you just said that you need more time to review it or you have reviewed it. And do you have any comments if you have reviewed it already? Thank you.

THE CHAIR: Thank you.

Sorry, I didn't have my mic on.

Crown-Indigenous and Northern Affairs, go ahead.

MR. DEWAR: Qujannamiik, Mr. Chair.

So there was an Interim Closure and Reclamation Plan that was submitted by Sabina in June, and we received updates to that plan yesterday. So, therefore, I think we could ask Sabina if they've submitted it to the Nunavut Water Board or are they waiting for our comments. But we believe that this is the plan that should be put in and form part of this

licence. Quana.

THE CHAIR: Thank you.

Sergey, go ahead. Go ahead.

MR. KUFLEVSKIY: Thank you.

So are you going to provide some comments, because this plan is going to be included into the list of management plans under this licence, under this amendment -- amended licence? So the Board would like to know if CIRNAC has any comments at this stage before the Board starts their discussions about the amendment of the licence.

THE CHAIR: Karén, do you want to add?

MR. KHARATYAN: Thank you, Mr. Chair. Karén Kharatyan.

I will try to make more clear maybe, CIRNAC, Spencer. Like we see from Draft Licence Framework, Sabina is proposing to have this updated Interim Closure Reclamation Plan implemented, as approved by the Board. So we want to make sure that CIRNAC doesn't have -- we want to make sure that CIRNAC doesn't have major concern with approval of this version of Interim Closure Plan -- Closure Reclamation Plan, with an assumption and the expectation to have an updated plan to come within one year of operation phase. Thank you.

THE CHAIR: Thank you.

Crown-Indigenous and Northern Affairs, go ahead.

MR. DEWAR: Qujannamiik, Mr. Chair.

Our only concerns with the Interim Closure Reclamation Plan that we received were in relation to the methodologies related to a couple of them. And I think we've highlighted those in my presentation. And Matthew did respond with affirmative, positive answers, so he did provide the clarification.

I don't think we have outstanding comments or issues related to the Interim Closure and Reclamation Plan, so we do believe that could be submitted to the Board for consideration, to form part of the licence.

THE CHAIR: Thank you.

Sergey, do you have more to add? Thank you. Go ahead.

MR. KUFLEVSKIY: Thank you, Spencer, for clarifying. This is Sergey Kuflevskiy, Nunavut Water Board.

I have one more clarification to ask for. In your final written submissions in Table 3, you stated that Technical Comment 6 is resolved and requires a follow-up. And when I read the description provided, it basically states that: (as read)

Sabina has clarified that temporary potentially acid-generating stockpiles will be within the quarry footprints, runoff from the quarries will be monitored, and the piles

will be in place a shorter period of time than the time for onset of acidic conditions from the rocks.

So what follow-up does CIRNAC require, an update to the plan? Or it was just an oversight in the table? Could you please clarify that? Thank you.

THE CHAIR: Thank you.

CIRNAC, go ahead.

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada.

I guess -- I guess what's outstanding is for Sabina to actually update that in their management plans. So we -- I think we have agreement -- it's been stated, Sabina needs to update the management plan. Quana.

MR. KUFLEVSKIY: Thank you. This answers my question.

THE CHAIR: Thank you.

So, okay, that was the staff.

Now, Panel members do you have any questions to the CIRNAC?

MS. SILOU: No.

THE CHAIR: Okay, there's none.

Thank you, CIRNAC, for your presentation.

Now, before we go on to another intervener, the

last intervener we have here, I'd like to take a short break, at least 10-minute break, before we have Environment and Climate Change Canada go on to have a presentation.

(ADJOURNMENT)

THE CHAIR: Let's get back to reconvene from the break. So we had -- the next intervener will be Climate Change Canada. Before we go into that, Teresa will take the floor.

Go ahead.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, I have two procedural matters. The first is that I have three presentations that will be filed as the next electronic exhibits in the public hearing, and that consists of the presentation materials that are about to be presented by Environment and Climate Change Canada: one version -- one copy is English, one copy is Inuktitut, and one copy is Inuinnaqtun. And so I propose to file those three exhibits as the next exhibits in this public hearing.

EXHIBIT 18 - Environment and Climate Change Canada Presentation in English

EXHIBIT 19 - Environment and Climate Change Canada Presentation in Inuktitut

EXHIBIT 20 - Environment and Climate Change

Canada Presentation in Inuinnaqtun

MS. MEADOWS: My second procedural matter, Mr. Chair, is that I will issue the affirmation. And if the witnesses for Environment and Climate Change Canada can please then state and spell their names for the record, and then state their name again and that they affirm. They can then be sworn in and -- or affirmed and ready to proceed.

Do you solemnly affirm that the evidence about to be given by you shall be the truth, the whole truth, and nothing by the truth?

MS. O'SULLIVAN: Orlagh O'Sullivan, Environment and Climate Change Canada. That's O-R-L-A-G-H, 'O', apostrophe, S-U-L-L-I-V-A-N. And Orlagh O'Sullivan, I affirm.

MS. TOBIN: Meagan Tobin with Environment and Climate Change Canada. That's M-E-A-G-A-N T-O-B-I-N, Meagan Tobin, and I affirm.

MR. EJECKAM: Reg Ejeckam, Environment and Climate Change Canada, R-E-G E-J-E-C-K-A-M. Reg Ejeckam, I affirm.

ORLAGH O'SULLIVAN, MEAGAN TOBIN, REG EJECKAM, Affirmed

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, those are all my procedural matters. Environment and Climate Change Canada can now proceed

to their presentation.

THE CHAIR: Thank you, Teresa.

Okay, now proceed with Climate Change Canada.

Go ahead with your presentation.

Presentation by Environment and Climate Change Canada

MS. SULLIVAN: Is the presentation coming up okay?

Okay. So good afternoon, Mr. Chair, Board members, Elders, other community members, Board staff, and parties that have joined us here today. My name is Orlagh O'Sullivan, and I'm an Acting Senior Environmental Assessment Officer with Environment and Climate Change Canada. With me, presenting, I have Meagan Tobin, our water quality analyst.

In this presentation, we will summarize the department's final written submission, which was submitted to the Nunavut Water Board on June 15th, 2021. Before we begin, I would like to thank the Board for allowing us to present and participate in this hearing virtually.

To start off, I will go through Environment and Climate Change Canada's mandate and then briefly touch upon the relevant acts and legislation. We will have a slide on the status, with each of the department's concerns from the technical review and Hydrodynamic

Model review that preceded the technical meeting. A summary of Environment and Climate Change Canada's final written submission will follow, that includes our comments and recommendations related to the updated Hydrodynamic Model and preliminary effluent quality criteria for parameters of concern provided by Sabina in May.

Under the Department of the Environment Act, the powers, duties, and functions of the Minister of Environment and Climate Change extend to matters such as the preservation and enhancement of the quality of the natural environment, including water, air, and soil quality and the coordination of the relevant policies and programs of the Government of Canada. It includes renewable resources, including migratory birds and other non-domestic flora and fauna, meteorology, and the enforcement of rules and regulations.

Environment and Climate Change Canada's mandate is governed by the Department of the Environment Act, the Canadian Environmental Protection Act, the "Pollution Prevention" provisions of the Fisheries Act, Migratory Birds Convention Act, and the Species at Risk Act.

Moving into the current status of our technical comments, so Environment and Climate Change Canada consider all of these comments resolved based on the proponent's responses. In the case of Technical

Comment 2, regarding the tailings storage facility in bedrock fracture zone, Environment and Climate Change Canada considers this to be resolved based on the proponent's responses, which include commitments to further testing. This comment was included as ECCC Number 1 in our final written submission.

With regards to the status of our comments on the Hydrodynamic Model, Environment and Climate Change Canada also considers these to be resolved, both through Sabina's responses in writing and the commitments they made at the pre-hearing conference and technical meeting. For Comments 1, 3, 4, and 6, we find these comments addressed by Commitment 6, which requires the proponent to submit an updated Hydrodynamic Model and report, following the approval of the licence.

Environment and Climate Change Canada's written submission included five comments, first was the comment on the resolution of our technical comment regarding the tailings storage facility. In addition, ECCC Number 2 through 5 are comments and recommendations on the updated Hydrodynamic Model and preliminary effluent quality criteria for parameters of concern, from our review of the May 20, 2021, effluent quality criteria report. Environment and Climate Change Canada find these comments to be resolved based

upon the proponent's responses.

I am going to turn the presentation over to Meagan to discuss how these comments were resolved.

MS. TOBIN: Thank you. Meagan Tobin with Environment and Climate Change Canada.

So Environment and Climate Change Canada Final Comment Number 2 recommended that predicted total phosphorus and nitrogen inputs be reviewed and the potential for eutrophication in Goose Lake be evaluated. In response, Sabina provided information on the relationship between phosphorus and nitrogen in Goose Lake; proposed effluent quality criteria for total phosphorus; and stated that, based on this, they do not expect a large increase in productivity or a decline in (INDISCERNIBLE) oxygen.

Based on the response provided and the additional discussions that occurred today, Environment and Climate Change Canada considers this comment to be resolved, noting that monitoring for nutrients in Goose Lake will be an important component to ensure that any changes can be detected and managed. In addition, Environment and Climate Change Canada is supportive of the proposed commitment Sabina has made to the KIA for an updated AEMP and development of an adaptive management approach, including action levels for nutrients in Goose Lake.

Environment and Climate Change Canada Final Comment 3 recommended that the proponent provide additional information on the candidate treatment options that would achieve the proposed effluent quality criteria and to discuss potential timelines for implementation.

In response, Sabina has provided a list of the potential treatment technologies and stated that all treatment will be implemented in advance of discharge. They have further clarified at this hearing that, with these technologies, they will be able to meet their proposed discharge limits. Based on this response provided by Sabina, Environment and Climate Change Canada considers this comment to be resolved.

Final Comment Number 4 made recommendations related to receiving-environment monitoring, action levels, and future model validation. In response, Sabina has reiterated their commitment to establishing action levels for Goose Lake within an adaptive management response framework in order to provide an early warning indication of the potential for adverse effects on water quality. They have also stated that they intend to validate the model, as required, by changes in operation or technology and will be updating modeling in the third year following commencement of operations.

Based on the response provided, Environment and Climate Change Canada considers this comment to be resolved and looks forward to reviewing the updated AEMP, the action levels, and adaptive management response framework once developed.

Final Comment Number 5 recommended Sabina provide additional information on how the United States Environmental Protection Agency water quality guideline for aluminum has been modified for this site. In response, Sabina has provided information on how the United States guideline is preferred over the Canadian Council for Ministers of Environment guideline, as it incorporates pH, organic carbon, and hardness as toxicity-modifying factors. They state that the United States guideline was refined to make the output compatible with the standardized Canadian procedures for site-specific water quality guideline developments that are established by the Canadian Council for Ministers of the Environment.

Based on the response provided by Sabina, Environment and Climate Change Canada considers this comment to be resolved. However, we do note that Environment and Climate Change Canada has developed a draft aluminum federal environment quality guideline that is currently out for public review prior to being finalized. This draft guideline incorporates the same

toxicity-modifying factors as the United States Environmental Protection Agency guideline. Environment and Climate Change Canada recommends Sabina consider use of the Canadian federal environmental quality guideline for application to Goose Lake once it has been finalized.

So that concludes my presentation, and so we'd just like to thank the Nunavut Water Board for this opportunity to provide input on Sabina Gold & Silver's Back River project water licence amendment, and we look forward to continuing our participation. And we can now take any questions.

THE CHAIR: Thank you, Climate Change Canada.

Now I think we are ready to open up for questions. I'd like to start with applicant. If you have a question, you may go ahead.

MR. KEEFE: Thank you, Mr. Chair. Merle Keefe, Sabina. No further questions. We thank Environment and Climate Change Canada for their presentation. And, yes, I mean, we'd be okay taking a look at the new federal effluent quality guidelines, as they relate to aluminum, once they are finalized. Again, thank you. Thank you Mr. Chair.

THE CHAIR: Thank you, Applicant.

Kitikmeot Inuit Association, if you have a

question to Environment and Climate Change Canada, go ahead.

MR. ROESCH: This is John Roesch for the Kitikmeot Inuit Association. We have no questions for Environment and Climate Change Canada. Thank you.

THE CHAIR: Thank you.

Crown-Indigenous Northern Affairs Canada, you have any questions to Climate Change Canada?

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. No questions. Quana.

THE CHAIR: Thank you.

Now I'd like to ask the staff, Board staff.

Go ahead, Sergey.

Nunavut Water Board Staff Questions Environment and Climate Change Canada

MR. KUFLEVSKIY: Thank you, Mr. Chair. Sergey Kuflevskiy, Nunavut Water Board. I just want to confirm that the criteria presented in the 'F' -- in the table, under Item F-23 in the Draft Water Licence Framework, is acceptable by the Environment and Climate Change Canada. I'm just going to bring up this table, just going to share my screen.

So for both nitrate and aluminum, for criteria in this table, does Environment and Climate Change Canada

agree with the numbers provided in the table just shared with everybody?

MS. TOBIN: Thank you, Mr. Chair.

And thank you, Sergey.

So Environment and Climate Change Canada has reviewed all of the proposed effluent quality criteria provide by Sabina, and the approach taken for EQC development was reasonable and appropriate. And the -- I guess there will -- the EQC will be supported and validated by end-of-pipe toxicity and ongoing receiving-environment monitoring.

MR. KUFLEVSKIY: Thank you, Meagan. One more question that's about the Hydrodynamic Model. We asked everybody, every party, if they are in agreement -- if they support the deadline of March 31st of next year as a deadline for the Hydrodynamic Model. Does the Environment and Climate Change Canada agree with this deadline as well?

MS. TOBIN: Thank you, Mr. Chair.

And thank you, Sergey. Meagan Tobin, Environment and Climate Change Canada.

Yes, we would agree that it is a reasonable timeline for the proponent to submit on March of next year.

MR. KUFLEVSKIY: Thank you, Meagan. And one more -- this Sergey Kuflevskiy, Nunavut Water Board.

One more clarification for your Comment Number 2 -- so you said that in your final written statement, you're saying that Environment and Climate Change Canada is satisfied, conditional to additional analysis for potential nutrient enrichment. So is this still -- should this still be considered, or you see this item as closed?

MS. TOBIN: Thank you, Mr. Chair. Meagan Tobin with Environment and Climate Change Canada.

So given the commitment provided by Sabina to the Kitikmeot Inuit Association to holistically look at nutrients within Goose Lake and adaptively manage accordingly, we would consider this to be resolved, with that commitment. Thank you.

MR. KUFLEVSKIY: Thank you.

THE CHAIR: Thank you.

Is the Panel members -- any questions to Climate Change Canada?

Go ahead, Sarah.

MS. SILOU: Sarah Silou. Thank you. No questions.

THE CHAIR: Thank you.

Sakiasie?

MR. SOWDLOOAPIK: Mr. Chair, no questions at this time. Qujannamiik.

THE CHAIR: Thank you.

Okay, in our agenda, we are done with the intervention. So we can recess for now and come back tomorrow morning and finish up the agenda in the morning then.

Before going to that, Teresa, go ahead.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So, Mr. Chair, that concludes the presentation from the interveners.

And so as Mr. Chair has directed, we will now adjourn, come back tonight for the community information session at 6:30. And it's our hope that that will give Sabina, Crown-Indigenous Relations and Northern Affairs Canada, and the Kitikmeot Inuit Association some time over the dinner break to have their discussions with respect to the outstanding issues in respect of reclamation security and the phasing of that reclamation security.

And so when we reconvene tonight, we will be doing the community information session. And then tomorrow morning we will start up with the discussion of the exhibits and the discussion of whether or not there is some follow-up from the three parties that are having the security discussions over the dinner break and then into the evening.

Thank you, Mr. Chair.

THE CHAIR: Okay, thank you.

We are done for now. We'll come back at 6:30 for community session and then tomorrow morning for -- continue on this public hearing agenda.

(DINNER ADJOURNMENT AT 3:47 PM)

(PROCEEDINGS RECOMMENCED AT 6:54 PM)

THE CHAIR: Good evening. Good evening. Now, yes, we're supposed to start -- we were going to start at 6:30 for the community session. Now almost -- it's 7 to 7 right now. So I need guidance from legal counsel how we will proceed for tonight's session.

Can you guide us, Teresa?

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So, Mr. Chair, perhaps -- I'm not sure there was sufficient progress made over the dinner break. But maybe what we'll do is continue on with that part of the hearing if those discussions can happen now. And then following that, Mr. Chair, I do have some additional documentation that we can talk about potentially marking, circulating, and having parties then review that material over the evening and getting back to us tomorrow morning with their comments and any objections to those materials being filed as the exhibits in this hearing.

So perhaps the thing to do is go to Sabina, and

then the Kitikmeot Inuit Association, and then Crown-Indigenous Relations Northern Affairs Canada to talk about the security update and whether or not the parties have an update for us on that, first, and then come back to me with respect to the exhibits in the hearing. Thank you, Mr. Chair.

THE CHAIR: Thank you, Teresa. Yes, we can proceed with that -- proceed with that.

So, Sabina, give us update of your (INDISCERNIBLE). Thank you.

Update on the Status of Discussions

MR. KEEFE: Okay. Sorry. Thank you, Mr. Chair. Merle Keefe with Sabina. We have -- progress has been made over the break, so I will ask, again, Matthew Pickard to just summarize the progress that we've made to date, for the Board. Thank you.

MR. PICKARD: Matthew Pickard with Sabina. Thanks, Merle.

And thanks, Mr. Chair, for passing us the mic.

Yeah, I'll give you a quick -- the group, a quick update. And then, as mentioned by Teresa, you can have KIA and CIRNAC confirm the current status. So we did receive CIRNAC's preferred breakdown of the dollars; we received that before we started the last break. As agreed, we -- Sabina worked those numbers and took a

look at -- basically just trying to summarize them into one spreadsheet and analyze them.

Subsequent to that, we did have a call at 5:30 Mountain Time, so about an hour-and-a-half ago, where we walked through those numbers with both KIA and CIRNAC and compared them to what Sabina had presented on -- to the group on Friday.

So the current status is that we've suggested to the parties that we accept CIRNAC's revised stages. The dollar values associated with those stages is what we're talking about here. Really, there was one -- only one stage -- or, sorry, two stages where we saw more significant money move. The rest of the adjustments were, I guess, let's say material -- moderately material or not very material, and so it wasn't a concern to Sabina to adjust those numbers, overall.

So we have agreed to a couple of things. Following that meeting, Sabina issued the summary of everything we talked about, including the Excel spreadsheets and breakdown to both KIA and CIRNAC, though, all parties agreed to meet tomorrow morning before the commencement of the public -- or, sorry, of the hearing to confirm the acceptance by both parties. They both wanted to go away and just take a quick look at it, and they would do that this evening. I think

both parties, generally, were supportive of it, but, again, wanted to look at the details and be sure they were -- they were in agreement.

So that's where that sits. We have adjusted our documentation, pending their support. In tomorrow's meeting, we will submit revised numbers. The group also discussed the submission methodology, and it was suggested that Sabina would present those to the Board tomorrow morning, and then both KIA and CIRNAC could confirm their support for those numbers and for that presentation.

So that gives you the -- the Board the updates. I'm happy to answer questions, if there are any, on the process and where we got to. Otherwise, I'll let the Board pass it off to KIA and CIRNAC. Thank you.

THE CHAIR: Thank you.

Teresa, go ahead.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So if we can just have the Kitikmeot Inuit Association sort of weigh in on their expectations for both the filing of documentation and then the follow-up tomorrow morning during the proceedings. Thank you, Mr. Chair.

THE CHAIR: Thank you.

Kitikmeot Inuit Association, go ahead.

MR. ROESCH: Thank you, Mr. Chairman. This

is John Roesch for the Kitikmeot Inuit Association. Yes, we did meet at 5:30. We went over CIRNAC's adjustments. The adjustments, per stage, KIA has no problem with. It's primarily they're adjusting the tailings storage facility, and they've decided for -- that they want to get $1.6 million one year later. That doesn't affect KIA, so we're not concerned about that.

The other adjustments were very minor. In fact, we consider them non-material in terms of dollar amounts. So we're fine with the dollar amounts per stage and the number of stages. My geotechnical engineering consultant is reviewing the splits per stage. KIA's concern is that we always want to get our money as soon as possible, upfront. Right? So I'm making sure that, given what we had agreed to before, there -- we're in an equal position or a better position in terms of receiving money sooner.

So that's why I'm seeking to confirm with my engineering consultant tonight. And as soon as he's done with that, he'll phone me and we'll discuss it, go over the spreadsheets. And we'll meet tomorrow morning at 20 minutes before our meeting, and we'll confirm it with Sabina that we agree with it. And they will present it to the Board, the final total quantum, the total stages, and the split that's agreed upon. Thank

you.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So if I can have Crown-Indigenous Relations and Northern Affairs Canada weigh in and give their summary of that timing or just confirmation of the timing.

With respect to tomorrow's meeting, it sounds like you may benefit from a little more time, so a later start tomorrow morning, so that you can have your conversations and prepare documentation that you would then turn around and present to the Board. And if that is indeed the case, perhaps if Crown-Indigenous Relations and Northern Affairs Canada can give us an indication of whether or not they could benefit from a slighter later start. I'm thinking nothing more than a 30-minute later start, but -- given that we are likely going to get through quite a bit of the remainder of the agenda tonight.

So, Crown-Indigenous Relations and Northern Affairs Canada, if you can provide the Board with your thoughts on the resolution of these issues. Thank you, Mr. Chair.

THE CHAIR: Thank you.

So, Crown-Indigenous -- what is it? CIRNAC, sorry about that.

MR. DEWAR: Qujannamiik.

THE CHAIR: Go ahead.

MR. DEWAR: Spencer Dewar. Sorry. Sorry, the hearing is coming in and out.

Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. I believe Sabina and the Kitikmeot Inuit Association, what we did here with the Kitikmeot Inuit Association, provided an accurate summary of the discussions. Things are positive. We just need to take a bit of a break for a final review before confirming.

We don't think that it's necessary to have a later start tomorrow morning. We do believe we should -- we'll know by the time the hearing is scheduled to start. And once all parties are in approval, we have no issue with Sabina submitting the document of behalf of us all. Quana.

THE CHAIR: Thank you, CIRNAC.

Teresa, go ahead.

Discussion

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. So, Mr. Chair, perhaps we'll poll the parties with respect to whether or not they think a 30-minute delay in start time might be a good thing or not. It's certainly up to you, in terms of the agenda having

room, I think, for a 30-minute delay. But if it's not necessary and you would rather proceed at the scheduled time, certainly, the Board is, of course, ready and willing to do that.

So perhaps if I can have the Kitikmeot Inuit Association -- and then, Sabina, you'll have the final word.

MR. ROESCH: This is John Roesch for the Kitikmeot Inuit Association. A 30-minute delay to the start would be prudent. If we don't need it, we can let you know. So you can book it in, and if we don't need it, then we can start at 9. Okay? And we'll let you know. Thank you.

MR. KEEFE: Thank you, Mr. Chair. Merle Keefe with Sabina.

We're fully aligned with John and the KIA on the start time tomorrow. That sounds good to us. Thank you.

MS. MEADOWS: Thank you, Mr. Chair. Teresa Meadows, legal counsel for the Nunavut Water Board. Mr. Chair, there were some materials that were provided to -- I believe all the parties were copied on those materials, but they were provided by Sabina just before the dinner break, with respect to the Reclaim Model, updates to the Reclaim Model, the closure cost estimate, and an updated Interim Closure and

Reclamation Plan that we heard about, being referenced by Crown-Indigenous Relations and Northern Affairs.

But perhaps if I can get legal counsel for Sabina to -- or anyone with Sabina who is in attendance tonight, to sort of walk us through what those documents are. Then we can talk about marking those as exhibits, with the understanding that the materials will be circulated to all the parties tonight. And then tomorrow, when we reconvene, we'll talk about whether or not there are any objections or further comments from any of the intervenes in respect of those materials before we file them on the public hearing record.

So, Sabina, if you can walk us through what those documents are, that came by way of email today.

Thank you, Mr. Chair.

THE CHAIR: Thank you.

Go ahead, Applicant.

MR. KEEFE: Thank you. Thank you, Mr. Chair. Merle Keefe with Sabina. Once again, I'll pass it to Matthew to walk us through those exhibits. Thank you.

MR. PICKARD: Here we go. Thank you, Mr. Chair.

And thank you, Merle.

So I'm just going to cover these off quickly. But

there was three exhibits provided at -- earlier today. There was actually a total of four, but we're only going over these three. The -- they all tie to the closure cost estimate.

So I -- there may, as a result of discussions -- or there will, as a result of discussions with CIRNAC and KIA, be a re-file of at least one of these exhibits, and that will be the reclaim closure cost estimate, Teresa, just so that you know.

So Sabina filed, late this afternoon, three documents: They were the updated Interim Closure and Reclamation Plan. We filed two versions of that with the Board; the first was a red-line version which showed all of the changes that were completed on that since the June 15th submission.

So we mentioned previously, the last one on the public register for the Interim Closure and Reclamation Plan was June 15th of this year. The one we submitted earlier today was an update to that, with tracked changes. So that will be easy for all parties, including the Board, to see the final edits. Okay?

We included a clean copy of the Interim Closure and Reclamation Plan also, which had those edits accepted. This Interim Closure and Reclamation Plan would be the one that the parties will be giving feedback on, well, I guess, tomorrow, as part of their

-- as part of our discussions, and that that would be the Closure and Reclamation Plan that we would look for the Board to accept, you know, should they accept these modifications into the licence.

And the final document that was provided, which is an Excel document, is the complete closure cost estimate that we've been working on, so that is the Reclaim Model. Okay?

Again, and just to add clarity to this, of those three exhibits that were filed, we anticipate that likely, almost certainly -- well, the closure cost estimate/Reclaim Model, there will be a new exhibit filed on that one. And then the Interim Closure and Reclamation Plan, both the red-line and clean versions, at this time, we do not think there'll be a new one filed.

I hope that answers your questions, Teresa, but I'm happy to provide any other clarity. Thank you.

THE CHAIR: Thank you.

Teresa, go ahead.

MS. MEADOWS: Thank you, Mr. Chair.

Thank you, Mr. Pickard.

So with respect to the draft that will be updated, of the closure cost estimate, the Board can file this draft as -- we'll mark this as an exhibit, recognizing that tomorrow we will likely receive an updated version

as well, and we will connect those two exhibits so that it's clear which one supersedes the other, so that someone looking at the record is able to know which of the versions is the one that the Board would be considering and which one has been agreed to by the parties, if there is agreement amongst the parties as to the appropriate updated figures for that particular document. So, Mr. Chair, I propose to mark those as the next three exhibits in this public hearing.

In looking at the email that was circulated, the time that it was circulated was 3:21 PM Mountain Time. And it was circulated to all of the interveners that are present here. It's my understanding that perhaps Mr. Nesbitt was missing from the email thread, but Sergey did forward it to him immediately.

So it's my understanding that all parties have a copy of these documents. But if you do not -- if any of the interveners do not have a copy of the document and have not -- the three documents referenced by Sabina, please advise Sergey, and we will make sure that you have a copy of that. And tomorrow morning, you will be expected, when we reconvene, to address any comments that you have on those documents, any objections that you have with respect to those documents being filed and considered by the Board, in the public hearing registry.

And if there are no objections following those discussions, the Board will then enter those documents on to the public hearing record, and those documents will be considered by the Board in decision-making in respect of this amendment application.

EXHIBIT 21 - Interim Closure and Reclamation Plan, Red-Line Version

EXHIBIT 22 - Interim Closure and Reclamation Plan, Clean Copy

EXHIBIT 23a - Closure Cost Estimate July 2021

MS. MEADOWS: So, Mr. Chair, with that, subject to any objections by the parties, perhaps we can continue on with the -- we'll park all of these procedural exhibit matters, and we will continue on with the remainder of the public hearing agenda, to complete as much as we can tonight and then reconvene tomorrow morning to deal with the remaining procedural matters. Thank you, Mr. Chair.

Mr. Chair, my apologies. I just have one more thing that -- I recognize that the discussions -- the next discussions, really, are in respect of the Draft Water Licence Framework document, and, likely, people would benefit from taking a look at that exhibit, seeing as they only received it today, to get their final comments to the Board. And so there's likely not much benefit in launching into those discussions.

But I do want to talk a little bit about what is the Draft Water Licence Framework and what the Board uses it for, how the Board considers that evidence, and how the Board considers the comments provided by interveners or members of the public, if there were some members of the public here tonight.

So the Draft Water Licence Framework is something that -- is a tool that is oftentimes used by proponents to help focus the technical discussions of the amendments that are proposed to a water licence. Many parties, many interveners, and members of the public often ask the Board, if they have not commented on a revision that's proposed by the proponent, does that mean that they necessarily agree with it because they've not said anything about it and they've not provided comments.

The way that the Board handles Draft Water Licence Frameworks and the comments that are provided by parties is, there is no assumption made. If a party doesn't comment on a particular term or condition, the Board doesn't automatically assume that you have accepted those changes.

As Mr. Dewar said during Crown-Indigenous Relations and Northern Affairs Canada's presentation, they provided comments only in respect of particular revisions that are proposed, over which

Crown-Indigenous Relations and Northern Affairs Canada considers themselves to have jurisdiction. That doesn't necessarily mean they accept all of the other proposed revisions or that they don't accept those revisions. They're simply neutral with respect to that.

The Board realizes that and recognizes that interveners are not expected to comment on all of the sections of the revised Draft Water Licence Framework.

The Board also recognizes that Draft Water Licence Frameworks -- there are times when parties have come to agreement about wording. But the Board still has jurisdiction to determine what is the appropriate way to convey that understanding and agreement under the licence, recognizing that sometimes there are standardized terms that the Board uses in other licences or that the Board has specific approaches for -- project-specific approaches for different regions, or different watersheds, or different licensees.

And so the fact that the Board doesn't necessarily just accept the version of the suggested amendments does not mean that the Board does not value or hear what the parties are saying or what the agreement is, in respect of those terms and conditions. It is simply a function of the regulator doing their job to regulate, as they see fit.

So with that, perhaps, Mr. Chair, that kind of concludes the content that we're able to get through tonight, recognizing that we have not had any community members come out tonight.

I do want to reassure the Board and the interveners, both here and online, and Sabina as well, that there was considerable outreach to the community. Notice was provided. Facebook notifications and, kind of, ongoing reminders were popping up on Facebook, on the community page. And so, you know, from the Board's perspective, the fact that people did not come out tonight is more indicative, likely, of no significant concern from communities.

The Board has also not received written comments from the community. Occasionally, it may happen that people are unavailable or on the land. But very often, there are many other ways to reach out to the Board to advise us of community concerns about particular amendments or licences. And the Board has not received anything in respect of this particular licence that would indicate concern.

So with that, Mr. Chair, I think that concludes the process that we can get through today. If any of the parties have any questions with respect to the agenda for tomorrow or any changes to the process, as we've outlined it, please advise the Board as soon as

you can.

If you do need that extra 30 minutes, we ask that you let us know as early as you can so that parties know not to gather and sit online and wait for that extra half-hour, if you need a delay. And in the interim, those conclude the process and procedure that we can get through today, Mr. Chair. And with that, I will be quiet now. Thank you, Mr. Chair.

THE CHAIR: Thank you, Teresa.

Any questions, Applicant? Do you have any questions, regard to what Teresa mentioned?

MR. KEEFE: Thank you, Mr. Chair. Merle Keefe with Sabina. No further questions from us. Thank you. Quana.

THE CHAIR: Thank you.

CIRNAC, do you have any questions?

MR. DEWAR: Qujannamiik, Mr. Chair. Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada. No questions.

THE CHAIR: Thank you, CIRNAC.

Environment and Climate Change Canada, do you have any -- do you have any questions?

MS. TOBIN: Hi. Meagan Tobin with Environment and Climate Change Canada. We have no questions.

THE CHAIR: Thank you.

All right, Teresa, go ahead.

MS. MEADOWS: Teresa Meadows, legal counsel for the Nunavut Water Board. I, of course, said I was going to be quiet, and I just have one more thing.

Sergey has advised me that in order to ensure we do have interpretation available on the Zoom call tomorrow, if everyone can use the same link that he sent you for tonight to sign on tomorrow, then we can ensure that you do have access to choose the interpretation feed that you want to listen to. So the link that you used to sign on tonight, please use that one tomorrow when we reconvene at 9 or 9:30.

Thank you, Mr. Chair. Now I really am done, I promise.

MR. KHARATYAN: Mr. Chair --

THE CHAIR: Go ahead, Karén.

MR. KHARATYAN: Karén Kharatyan, Water Board. Maybe to make it very clear for parties about tomorrow's discussion and agenda, the remaining agenda items for tomorrow's discussion are three. So before result -- before going to closing remarks, we have to discuss and hopefully finalize the security. So there would be questioning of parties and confirmation that an agreement is made regarding the security.

We will question parties about this additional submission, Interim Closure -- updated Interim Closure

Reclamation Plan, to get every party's or agency's confirmation, whether they are okay, they agree with this updated Interim Closure Reclamation Plan to be approved and implemented by Sabina until the next update of the plan.

And the third item will be discussion, general discussion, about the draft water licence -- updated Draft Water Licence Framework. Again, we will be questioning parties and get their comments, question, clarification and hopefully finalize or get a good, clear indication about their agreement or disagreement with certain amendment proposed by Sabina.

These are the main agenda items for tomorrow's discussion. Hopefully all three items will be resolved, and the Board will be able to go to closing remarks and finalize the public hearing. Thank you, Mr. Chair.

THE CHAIR: Okay, thank you.

So I think we are ready to have a -- for adjournment for tonight and then proceed again tomorrow morning. So any suggestion for the timing for tomorrow morning?

MS. MEADOWS: Mr. Chair, I promised. I'm not going to promise. Teresa Meadows, legal counsel for the Nunavut Water Board.

Mr. Chair, I would just suggest that we do just

reconvene at 9:30. Then it's clear for everyone. Everyone knows when we need to be back in the room. Everyone knows when they need to be online. And we don't have to worry about trying to reach out to people and letting them know, oh, no, actually, it's 9 instead of 9:30. So let's just make it clear that we'll reconvene at 9:30. Thank you, Mr. Chair.

THE CHAIR: Thank you. Yes, that's very good timing. We don't have to rush, too, in the morning. All right. So adjournment -- now it's adjourned for tonight. We reconvene tomorrow morning at 9:30. Thank you.

PROCEEDINGS ADJOURNED UNTIL 9:30 AM, JULY 14, 2021

CERTIFICATE OF TRANSCRIPT:

I, Tran Huynh, certify that the foregoing pages are a complete and accurate transcript of the proceedings, taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

Dated at the City of Calgary, Province of Alberta, this 30th day of July 2021.



Tran Huynh, CSR(A)
Official Court Reporter

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