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<p>NUNAVUT WATER BOARD</p> <p>Sabina Gold & Silver Corp. Type "A" Water Licence Number 2AM-BRP1831 Amendment Application</p> <hr/> <p>PUBLIC HEARING VOLUME 2</p> <hr/> <p>Cambridge Bay, Nunavut July 14, 2021</p>	<p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 Description Page</p> <p>4</p> <p>5 July 14, 2021 Morning Session 157</p> <p>6 Summary By Sabina of the Updated Security For 159</p> <p>7 Closure and Staged Phases</p> <p>8 Comments From the Kitikmeot Inuit Association on 163</p> <p>9 the Updated Closure Security and Staged Phases</p> <p>10 Comments From Crown-Indigenous Relations and 168</p> <p>11 Northern Affairs Canada on the Updated Closure</p> <p>12 Security and Staged Phases</p> <p>13 Summary By Sabina of the Updated Interim Closure 170</p> <p>14 and Reclamation Plan</p> <p>15 Comments From Crown-Indigenous Relations and 173</p> <p>16 Northern Affairs Canada on the Interim Closure</p> <p>17 and Reclamation Plan</p> <p>18 comments From the Nunavut Water Board on the 174</p> <p>19 Interim Closure and Reclamation Plan</p> <p>20 Summary By Sabina of the Draft Water Licence 177</p> <p>21 Framework</p> <p>22 Comments From Crown-Indigenous Relations and 187</p> <p>23 Northern Affairs Canada on the Draft Water</p> <p>24 Licence Framework</p> <p>25 Comments From Environment and Climate Change 199</p> <p>26 Canada on the Draft Water Licence Framework</p>
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<p style="text-align: right;">157</p> <p>1 (PROCEEDINGS COMMENCED AT 9:34 AM) 2 THE CHAIR: Thank you for coming back here 3 this morning, and good morning to everyone. So before 4 we hitting our agenda this morning, that I will -- I'd 5 like to ask Teresa, our legal counsel, to guide us 6 along, to start with. 7 Teresa. 8 MS. MEADOWS: Thank you, Mr. Chair. Teresa 9 Meadows, legal counsel for the Nunavut Water Board. 10 So, Mr. Chair, I do have a number of procedural matters 11 to finish off, in terms of exhibits and an update with 12 respect to the results of discussions on security. 13 But before I do that, I also received last night 14 an additional exhibit, which is the résumé of the 15 expert for the Kitikmeot Inuit Association, Richard 16 Nesbitt, who has filed his CV with the Board, to be 17 entered as an exhibit. And so as it is standard 18 practice for Board to receive these either prior to the 19 hearing or during the hearing, I think it's 20 non-controversial. I don't think anyone would have 21 objections to filing that. So we will file that as the 22 next exhibit in the public hearing. 23 EXHIBIT 24 - CV of Richard Nesbitt 24 MS. MEADOWS: And then the next thing on our 25 agenda is the discussion -- the update from Sabina, 26 Crown-Indigenous Relations and Northern Affairs Canada,</p>	<p style="text-align: right;">158</p> <p>1 and the Kitikmeot Inuit Association with respect to the 2 updates to the security cost estimate and, in 3 particular, the discussion of the allocation of 4 security in phases and applicable to specific phases. 5 The next thing that we will turn to after that 6 discussion -- so we'll go to Sabina to walk us through 7 that. Then we'll go to the Kitikmeot Inuit Association 8 and Crown-Indigenous Relations and Northern Affairs 9 Canada to give us their comments with respect to the 10 updated table. 11 I have also received just now the updated table 12 that Sabina will be referencing in their statement, and 13 I would propose to file that as the next exhibit. 14 EXHIBIT 25 - Updated Draft Water Licence 15 Framework, Part C, Item 1 - Table 1 16 MS. MEADOWS: So we'll go from security to 17 -- then we'll turn to a discussion of the Draft Water 18 Licence Framework, suggested amendments by Sabina to 19 various terms and conditions. 20 Then we will go to a final discussion of any 21 objections or motions or comments with respect to the 22 exhibits that were proposed to be filed by Sabina last 23 night. And then we will go to closing statements, 24 Mr. Chair. So there's a little bit of procedural work 25 that we still yet have to do to close off the public 26 hearing record for this application, and then we can go</p>

<p style="text-align: right;">159</p> <p>1 to closing statements, Mr. Chair. 2 THE CHAIR: Thank you, Teresa. 3 So, Sabina. 4 5 Summary By Sabina of the Updated Security For Closure 6 and Staged Phases 7 MR. KEEFE: Thank you, Mr. Chair. 8 Thank you, Teresa, the Nunavut Water Board. 9 I am going to pass it over to Matthew Pickard to 10 summarize the successful conversations we had with KIA 11 and CIRNAC last night. Thank you. 12 MR. PICKARD: Thank you, Mr. Chair. 13 And good morning, everybody. 14 I was wondering -- I'm not sure of the setup at 15 the hall there. But is it possible to pull up or 16 present the -- or, Sergey, is it possible to present 17 the table that we sent in? 18 MS. MEADOWS: Mr. Chair? Thank you, 19 Mr. Chair. Teresa Meadows, legal counsel for the 20 Nunavut Water Board. 21 Sergey is just pulling that up right now, as we 22 speak. So, yes, we can project it and share the 23 screen. 24 MR. PICKARD: If you can just give me one 25 moment here just so I get organized. I'll just mute 26 for a sec. Okay.</p>	<p style="text-align: right;">160</p> <p>1 Thank you, Mr. Chair. Thanks for giving me a 2 moment. Now that Sergey's got it up, I will use it. 3 So following our discussions yesterday, and as 4 noted last night, we believe we have agreement between 5 the three parties with respect to the closure security, 6 for presentation to the Board. I'm going to walk 7 through it. I'm going to spend about five minutes just 8 walking through it in, I think, sufficient detail to 9 give the Board staff and the interveners the same level 10 of understanding. And then, as Teresa mentioned, she 11 can confirm with the parties if they're -- of their 12 stance. 13 So, previously, in the current Type "A" water 14 licence, Sabina (INDISCERNIBLE) about a \$43 million 15 security -- or, excuse me, there is a \$43 million 16 security estimate on the project. As a result of these 17 discussions on the modification package, that number is 18 increased to 48.5, almost 48.6 million, as you can see 19 there, about an increase of -- I think it's 20 \$4.5 million. 21 Those increases are a result of a few things. In 22 summary, inflation was applied, so price increases 23 since the last one was signed. We've removed 24 discounting, which is something that CIRNAC no longer 25 supports or prefers is not in water licence, so that 26 increased the amounts. We added additional water</p>
<p style="text-align: right;">161</p> <p>1 treatments at the end of the mine, which you have heard 2 about already. And then there was general movements 3 and adjustments in some of the percentages and the 4 breakdowns through some of the other stages, okay, but 5 those are fairly minor. 6 Originally, there were 9 stages proposed; that has 7 now increased to 12 stages. And what this does is 8 allow Sabina the opportunity to place security on 9 activities in large clumps or groupings 60 days prior 10 to a trigger. In most cases, the trigger is, if we're 11 going to mine an open pit, we put the money up 60 days 12 before we start construction, so that way both the 13 Minister and the KIA remain fully secured. We don't 14 put security money up for things that haven't started 15 yet. If we don't build the open pit, then we shouldn't 16 really need to secure for it. 17 So this process is very supportive, and we 18 appreciate KIA and CIRNAC following this process, 19 because it does help significantly with cash flows, for 20 junior mining companies like Sabina. TMAC was another 21 opt -- another example of where this has been heavily 22 utilized. 23 So what you're seeing there are the 13 stages, 24 starting at "Initial Infrastructure," ending at "Mill 25 Start up ... Water Treatment." The first two stages, 26 "Initial Infrastructure" and "Umwelt Underground" --</p>	<p style="text-align: right;">162</p> <p>1 excuse me, I guess it was 12 stages. If I've stated 2 that incorrectly, my apologies. The "Initial 3 Infrastructure" and "Umwelt Underground" stages have 4 all already been secured; they've been paid. It totals 5 out to a little over, like, 7 -- or just under 6 \$7 million. Those are being held right now by KIA and 7 CIRNAC. The remainder of these stages have yet to be 8 paid. 9 The primary changes are enhancements that occurred 10 since Sabina's submission -- or since Sabina submitted 11 these documents to both KIA and Crown-Indigenous 12 Affairs, were related to the tailings storage facility 13 split. So you can see "TSF - Dam Construction" and 14 "TSF - Tailings Deposition & Use." There were some 15 movement in the dollars there last night and some minor 16 movement on the Echo underground and Echo open pit. 17 Otherwise, there was some shifting in percentages, 18 which CIRNAC proposed and provided their rationale. 19 And KIA went through all of that last night and is now 20 in agreement. 21 So in summary -- or the other point to mention is 22 that the split agreed upon by the parties remains the 23 same, overall. KIA will hold 32.5 percent of the 24 security once all of these stages are paid, while 25 CIRNAC will hold 67.5 percent of the security once all 26 stages are paid.</p>

<p style="text-align: right;">163</p> <p>1 I believe that gives the summary of where we sit, 2 the dollar values, the staging, and the split. So at 3 this point in time, and based on conversations we had 4 this morning, we believe both KIA and CIRNAC are in 5 agreement with now the -- with all three things, the 6 quantum, the staging, and the split presented in this 7 table. 8 I'm happy to answer questions, but, otherwise, I 9 will pass it back to the Water Board. Thank you, 10 Mr. Chair. 11 MS. MEADOWS: Thank you, Mr. Chair. Teresa 12 Meadows, legal counsel for the Nunavut Water Board. 13 So, Mr. Chair, with that, if we can have the 14 representatives from the Kitikmeot Inuit Association 15 speak to the exhibit and the summary that was just 16 provided by Matthew. Thank you. 17 18 Comments From the Kitikmeot Inuit Association on the 19 Updated Closure Security and Staged Phases 20 MR. ROESCH: Thank you, Mr. Chairman. This 21 is John Roesch for the Kitikmeot Inuit Association. We 22 agree with both quantum, the stages, and the quantity 23 per stage, and the split per stage, and the overall 24 split. 25 Last night, what we did is we went back to our 26 original proposal, combined stages, and allocated</p>	<p style="text-align: right;">164</p> <p>1 indirect costs in the same manner that CIRNAC did. And 2 we produced very much -- a very, very similar amount 3 and a similar amount of accumulation, because what's of 4 concern to KIA is that we receive our money as early as 5 possible. So our results were basically the same as 6 CIRNAC's, and it was an improvement over 2018. So 7 what's presented is acceptable to the KIA. Thank you. 8 THE CHAIR: Thank you. 9 Teresa. 10 MS. MEADOWS: Thank you, Mr. Chair. Teresa 11 Meadows, legal counsel for the Nunavut Water Board. 12 So, Mr. Chair, with that, I would recommend that we go 13 to Crown-Indigenous Relations and Northern Affairs 14 Canada and get them to weigh in on the revised table 15 that's proposed to be filed by Sabina and the summary 16 provided by Matthew. Thank you, Mr. Chair. 17 THE CHAIR: Thank you. 18 CIRNAC. You're on mute on your end. 19 MS. MEADOWS: Mr. Chair, it's Teresa 20 Meadows. Sorry to interrupt, Mr. Chair, and sorry -- 21 MR. DEWAR: Qujannamiik, Mr. Chair. 22 MS. MEADOWS: -- to interrupt 23 Crown-Indigenous Relations. 24 MR. DEWAR: Spencer Dewar, 25 Crown-Indigenous Relations. 26 MS. MEADOWS: It's my understanding that</p>
<p style="text-align: right;">165</p> <p>1 Crown-Indigenous Relations and Northern Affairs Canada 2 didn't hear John's comments because his microphone 3 wasn't on. 4 So, sorry, John, if you can repeat for the benefit 5 of Crown-Indigenous Relations and Northern Affairs. 6 Thank you. 7 MR. ROESCH: Yes. Thank you, Mr. Chairman. 8 And, yes, my mic is on. 9 KIA concurs with the table, as presented, the 10 overall quantum, and the breakdown of the stages, and 11 the amount per stage, and the split per stage, and the 12 overall split. 13 What we had done last night was what -- we had 14 taken CIRNAC's distribution or breakdown of indirect 15 costs and applied it to our original proposal. 16 MS. MEADOWS: Mr. Chair -- I'm sorry, John. 17 MR. ROESCH: Oh, they're gone? 18 MS. MEADOWS: We just lost our internet 19 connection. So if everyone can park it for a second, 20 we'll wait until we get our internet connection back 21 up. 22 MR. PICKARD: This is -- it's Matthew with 23 the Zoom call. We did lose connection there for a bit, 24 and we have lost -- we're getting sort of sketchy audio 25 out of the room. I apologize for speaking out of turn, 26 but I just wanted to give you guys some feedback. So</p>	<p style="text-align: right;">166</p> <p>1 we did not hear John's second response. 2 MS. MEADOWS: Third time lucky maybe? 3 MR. ROESCH: Thank you, Mr. Chairman. 4 And I'll repeat: KIA accepts the table, as 5 presented, both the overall quantum, the stages, and 6 the amount of security per stage, the split per stage 7 and the overall split. 8 What we had done last night was that we had 9 applied CIRNAC's split of indirect costs to our 10 original proposal, combined stages, and we achieved 11 very similar results to CIRNAC, and the difference was 12 immaterial. And what is of concern to KIA is that we 13 get our security as soon as possible, and this proposal 14 meets that. And it's actually a bit better than what 15 we had in 2018, so we accept what's presented. 16 MS. MEADOWS: Thank you, Mr. Chair. 17 And thank you, John, for bearing with us through 18 this. I hope that Crown-Indigenous Relations and 19 Northern Affairs Canada was able to hear that now. 20 And perhaps -- are they back online, Sergey? 21 MR. KUFLEVSKIY: Yes, they are. Maybe we 22 should confirm if they could hear (INDISCERNIBLE). It 23 was a very bad connection, yes. 24 MS. MEADOWS: I feel like we should just 25 read back from the transcript, John's statement. 26 But I -- there was -- I guess it was a bit bumpy</p>

<p style="text-align: right;">167</p> <p>1 upon re-entry, and so perhaps people didn't hear the 2 first part of what you said. So I'm going to ask you 3 to repeat it again. 4 And if -- people online, if you can actually -- 5 seriously, if you can post any comments if you are 6 having trouble, to let Sergey know immediately that 7 you're having trouble hearing, we would appreciate it. 8 We do realize that we did lose connection during the 9 first conversation, and so I will ask John to repeat it 10 again. Fourth time's the charm. And then perhaps we 11 can go to Crown-Indigenous Relations. 12 Oh, dear, we just got the blue screen of death, so 13 -- okay. Is everyone on? Zoom feed is going? 14 Okay, take it away. 15 MR. ROESCH: Hello, Mr. Chairman. This is 16 John Roesch for the Kitikmeot Inuit Association. And 17 we accept the table as presented by Sabina, both in 18 terms of the overall quantum, the breakdown of the 19 stages, the quantity per stage, the split per stage, 20 and the overall split between land and water. 21 What we had done last night, we had looked and 22 analyzed Sabina's proposal. We had gone back to our 23 original proposal, combined stages, and we adjusted our 24 split of indirect costs in the same manner that CIRNAC 25 had done, and we produced basically the same results. 26 Our results were very similar; the differences were</p>	<p style="text-align: right;">168</p> <p>1 immaterial. 2 What KIA is concerned with is receiving our money 3 as soon as possible, our security, and this proposal 4 does that. And, in fact, it's slightly better than 5 what we had in 2018. Thank you. 6 MR. KUFLEVSKIY: It worked. 7 THE CHAIR: Go ahead. 8 MS. MEADOWS: Thank you, Mr. Chair. Teresa 9 Meadows, legal counsel for the Nunavut Water Board. 10 Thank you very much for bearing with us, John. 11 And thank you, Matthew, for posting that you could 12 hear loud and clear this time. 13 So if we can go to Crown-Indigenous Relations and 14 Northern Affairs Canada, Spencer Dewar, to provide your 15 comments. 16 THE CHAIR: Thank you, Teresa. 17 Crown-Indigenous Relations Northern Affairs, go 18 ahead. 19 20 Comments From Crown-Indigenous Relations and Northern 21 Affairs Canada on the Updated Closure Security and 22 Staged Phases 23 MR. DEWAR: Qujannamiik, Mr. Chair. 24 Spencer Dewar, Crown-Indigenous Relations and Northern 25 Affairs Canada. 26 I concur with both Sabina's statements and John's</p>
<p style="text-align: right;">169</p> <p>1 four statements, that we are in support of security. 2 So we're all aligned with the submission that was made. 3 Quana. 4 THE CHAIR: Thank you. 5 Teresa, go ahead. 6 MS. MEADOWS: Thank you, Mr. Chair. Teresa 7 Meadows, legal counsel for the Nunavut Water Board. 8 So, Mr. Chair, kind of flowing out of the security 9 discussion -- I know I said we'd go to the Draft Water 10 Licence Framework. But perhaps, at this point, we 11 should actually go to the Interim Closure and 12 Reclamation Plan update because that kind of flows out 13 of the discussions on security as well, and any of the 14 changes to that documentation to reflect the changes to 15 the staged security. 16 So if I can turn it over to Sabina to walk us 17 through the updated Interim Closure and Reclamation 18 Plan. The July draft was proposed to be filed 19 yesterday as an exhibit. And then this morning, 20 accompanying the updated table that we just discussed, 21 was also an updated Interim Closure and Reclamation 22 Plan that reflects, I'm assuming, those revisions to 23 the phased security. 24 So if I can turn the microphone over to Sabina, 25 and then we'll have the Kitikmeot Inuit Association and 26 other interveners also comment on this exhibit. Thank</p>	<p style="text-align: right;">170</p> <p>1 you, Mr. Chair. 2 THE CHAIR: Thank you, Teresa. 3 Go ahead, Sabina. 4 5 Summary By Sabina of the Updated Interim Closure and 6 Reclamation Plan 7 MR. KEEFE: Thank you, Mr. Chair. Just 8 one moment, please. 9 Thank you, Mr. Chair. Merle Keefe at Sabina. 10 Once again, I'll pass it to Matthew. 11 MR. PICKARD: Thanks, Merle. 12 And thank you, Mr. Chair. 13 So, essentially, the updated version that was 14 submitted -- so we're talking about the updated Interim 15 Closure and Reclamation Plan itself. So the actual 16 text that was submitted to the -- last submitted to the 17 Board in June and then submitted again yesterday, all 18 that changes were related to updating some final 19 comments and requested edits from both the Kitikmeot 20 Inuit Association and CIRNAC, as part of the mod. 21 package. So they were minor tweaks in wording and 22 catching a few corrections and table links. 23 Those were provided to CIRNAC and KIA on Monday. 24 And I haven't seen -- we haven't seen any comments back 25 or any concerns back. I guess I shouldn't say "any 26 comments back." I think it's all okay. But, yeah, we</p>

<p style="text-align: right;">171</p> <p>1 think it's okay.</p> <p>2 The -- if I just summarize here what I'm being</p> <p>3 told, there's kind of four main areas of change: We</p> <p>4 updated the waste rock storage area's text to align</p> <p>5 with some of the analysis; we ensured the tailings</p> <p>6 storage facility pond was included in the deposition</p> <p>7 plan; we stated that there was significant water</p> <p>8 treatment and gave additional clarity on the water</p> <p>9 treatment aspects and included greater clarity on</p> <p>10 tailings facilities options, is generally what was</p> <p>11 included there.</p> <p>12 So that's kind of a quick summary, Teresa, and</p> <p>13 I'll pass it back.</p> <p>14 THE CHAIR: Thank you.</p> <p>15 Teresa, go ahead.</p> <p>16 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>17 Meadows, legal counsel for the Nunavut Water Board.</p> <p>18 So, Mr. Chair, if we can have the Kitikmeot Inuit</p> <p>19 Association provide any comments to the updated Interim</p> <p>20 Closure and Reclamation Plan that was filed as --</p> <p>21 proposed to be filed as an exhibit yesterday, in these</p> <p>22 proceedings.</p> <p>23 MR. ROESCH: Hello, this is John Roesch for</p> <p>24 the Kitikmeot Inuit Association. I don't think we have</p> <p>25 any comments on this. I had looked at it. If Richard</p> <p>26 Nesbitt is online, if he has any comments, he can</p>	<p style="text-align: right;">172</p> <p>1 provide it now.</p> <p>2 MR. NESBITT: Thanks, John.</p> <p>3 Richard Nesbitt here, on behalf of the Kitikmeot</p> <p>4 Inuit Association. No, I had no comments with the</p> <p>5 edits proposed in the version Matthew circulated this</p> <p>6 week. Thank you.</p> <p>7 MR. ROESCH: So on behalf of the Kitikmeot</p> <p>8 Inuit Association, we have no more -- we have no</p> <p>9 comments on the Interim Closure Plan. Thank you.</p> <p>10 THE CHAIR: Thank you.</p> <p>11 Teresa.</p> <p>12 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>13 Meadows, legal counsel for the Nunavut Water Board.</p> <p>14 Mr. Chair, as it's my understanding that</p> <p>15 Crown-Indigenous Relations and Northern Affairs Canada</p> <p>16 and the Kitikmeot Inuit Association were the genesis of</p> <p>17 the revisions that were provided in the updated plan, I</p> <p>18 don't propose to take time going to Environment and</p> <p>19 Climate Change Canada to ask if they have any comments.</p> <p>20 But while Crown-Indigenous Relations and Northern</p> <p>21 Affairs Canada is speaking, if Environment and Climate</p> <p>22 Change Canada does have any comments, they can message</p> <p>23 Sergey on Zoom and let him know that they would like to</p> <p>24 -- they would like to speak.</p> <p>25 But for now, if we can turn it over to</p> <p>26 Crown-Indigenous Relations and Northern Affairs Canada</p>
<p style="text-align: right;">173</p> <p>1 for their comments on the Interim Closure and</p> <p>2 Reclamation Plan proposed to be filed as an exhibit</p> <p>3 yesterday by Sabina. Thank you, Mr. Chair.</p> <p>4 THE CHAIR: Thank you.</p> <p>5 CIRNAC.</p> <p>6</p> <p>7 Comments From Crown-Indigenous Relations and Northern</p> <p>8 Affairs Canada on the Interim Closure and Reclamation</p> <p>9 Plan</p> <p>10 MR. DEWAR: Qujannamiik, Mr. Chair.</p> <p>11 Spencer Dewar, Crown-Indigenous Relations and Northern</p> <p>12 Affairs Canada. Yesterday, during our presentation, we</p> <p>13 made reference to the concerns we had with the Interim</p> <p>14 Closure and Reclamation Plan. They had to do with the</p> <p>15 methodology for cover, and we believe that Sabina has</p> <p>16 responded on the record to those concerns. So we have</p> <p>17 no further concerns about the Interim Closure and</p> <p>18 Reclamation Plan. Quana.</p> <p>19 THE CHAIR: Thank you.</p> <p>20 Okay, go ahead.</p> <p>21 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>22 Meadows, legal counsel for the Nunavut Water Board.</p> <p>23 Mr. Chair, it's my understanding that staff have a</p> <p>24 follow-up question with respect to the Interim Closure</p> <p>25 and Reclamation Plan, Mr. Chair.</p> <p>26</p>	<p style="text-align: right;">174</p> <p>1 Comments From the Nunavut Water Board on the Interim</p> <p>2 Closure and Reclamation Plan</p> <p>3 MR. KHARATYAN: Thank you, Mr. Chair. Karén</p> <p>4 Kharatyan, Water Board.</p> <p>5 From my understanding, CIRNAC's statement about</p> <p>6 not having concern means that they will agree with</p> <p>7 Sabina's proposed term within the licence, to have this</p> <p>8 updated plan implemented, with the condition to have an</p> <p>9 updated plan submitted during the future, within one</p> <p>10 year of operation.</p> <p>11 I would like to have the same confirmation from</p> <p>12 KIA that they don't have any concern within this</p> <p>13 proposed plan or updated plan to be implemented,</p> <p>14 because this plan, updated plan, was submitted only</p> <p>15 yesterday.</p> <p>16 We will have our staff -- we will have ourself</p> <p>17 check the plan, going through this update, before</p> <p>18 making decision whether this term is applicable, but</p> <p>19 would like to get confirmation from parties before</p> <p>20 considering this. Thank you.</p> <p>21 MR. ROESCH: This is John Roesch for the</p> <p>22 Kitikmeot Inuit Association. The plan is acceptable to</p> <p>23 the KIA, as presented to you. Thank you.</p> <p>24 THE CHAIR: Thank you.</p> <p>25 Teresa.</p> <p>26 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p>

<p style="text-align: right;">175</p> <p>1 Meadows, legal counsel for the Nunavut Water Board. 2 So, Mr. Chair, that -- with those comments, the updated 3 Interim Closure and Reclamation Plan offered to be 4 filed as an exhibit and marked as an exhibit yesterday 5 will now be entered on to the public hearing record, as 6 there were no objections to the plan and there was 7 agreement with respect to the plan. And so the record 8 will reflect that those -- that plans, both plans, the 9 red-line version and the clean line version of that 10 plan will be filed on the public hearing record as 11 exhibits. 12 EXHIBIT 23b - Updated Closure Cost Estimate, 13 July 14, 2021 14 MS. MEADOWS: And now we turn -- so, 15 Mr. Chair, I'm being hailed from my right-hand man, who 16 is on my left, Karén, who is the director of technical 17 services, that there is one more follow-up point that 18 he would like to address now before we turn to the 19 Draft Water Licence Framework. 20 MR. KHARATYAN: Thank you, Mr. Chair. Karén 21 Kharatyan, Water Board. Maybe I should clarify that 22 the second part of this proposed term was to have the 23 next update within one year of operation. So whether 24 parties are in agreement with the proposed timing of 25 submission of updated -- next updated plan -- KIA, 26 would you agree with this timing?</p>	<p style="text-align: right;">176</p> <p>1 MR. ROESCH: This is John Roesch for the 2 KIA. Yes, we agree with the timing. Thank you. 3 MR. KHARATYAN: Thank you, John. 4 Karén Kharatyan, Water Board. Maybe we should ask 5 also CIRNAC whether Spencer is in agreement with the 6 proposed timing for next update. Thank you. 7 THE CHAIR: Thank you. 8 MR. DEWAR: Qujannamiik, Mr. Chair. 9 Spencer Dewar, Crown-Indigenous Relations and Northern 10 Affairs Canada. Yes, we agree with that timeline. 11 THE CHAIR: Thank you. 12 Teresa, go ahead. 13 MS. MEADOWS: Thank you, Mr. Chair. Teresa 14 Meadows, legal counsel for the Nunavut Water Board. 15 So, Mr. Chair, the next item on the agenda is Agenda 16 Item 13, which is walking us through the Draft Water 17 Licence Framework that was provided by Sabina. Several 18 versions have been provided by Sabina throughout this 19 process. 20 As we discussed yesterday, the Draft Water Licence 21 Framework is a tool that is provided to -- by 22 proponents to focus the discussion on amendments to the 23 existing terms and conditions in the licence that -- as 24 proposed by the proponent and then, oftentimes, as 25 discussed and negotiated with the interveners. 26 As I said yesterday, the Draft Water Licence</p>
<p style="text-align: right;">177</p> <p>1 Framework is a tool that the Board does consider, but 2 the Board is not bound to adopt any of the revisions 3 that are proposed. They consider them and determine 4 whether or not it is appropriate in the circumstances 5 of the application, in the event that the Board agrees 6 to issue an amended licence. So from a decision-making 7 perspective, the Board is not bound, but it is 8 information that is considered. 9 So with that, I will turn the microphone over to 10 Sabina to walk us through the general categories of the 11 amendments and any specific discussion that you wish to 12 have, in terms of highlighting particular suggested 13 amendments to the terms and conditions. Thank you, 14 Mr. Chair. 15 THE CHAIR: Thank you. 16 MR. KEEFE: Thank you, Mr. -- 17 THE CHAIR: Sabina, go ahead. 18 19 Summary By Sabina of the Draft Water Licence Framework 20 MR. KEEFE: Oh, sorry. Thank you, 21 Mr. Chair. Merle Keefe at Sabina. Just one moment, 22 please. 23 MS. MEADOWS: So, Mr. Chair, perhaps we can 24 get -- Merle, if you're okay with it, perhaps you can 25 share your screen and highlight the parts of the -- so 26 for the benefit of those who are on Zoom and did not</p>	<p style="text-align: right;">178</p> <p>1 hear the discussions that Sergey just had with Merle, 2 so Sabina is going to share -- Merle is going to share 3 his screen so that he can walk us through, in very 4 general terms, with respect to the suggested revisions 5 under the most recent version of the Draft Water 6 Licence Framework that was proposed to be filed as an 7 exhibit yesterday. 8 MR. KEEFE: Thank you. 9 Thank you, Mr. Chair. It's Merle Keefe with 10 Sabina. 11 How is that resolution for everyone, either in the 12 meeting or online? Bigger? Is that okay? Yes? Okay. 13 So I will summarize the Draft Water Licence 14 Framework and the revisions that we made to it 15 throughout this amendment application process, ending 16 in the most recent version, which was just, well, 17 mostly recently submitted to include the agreed-upon 18 closure, staging, and splitting monetary values. 19 So with Sabina's original application for the 20 amendment to this Type "A" water licence process -- or 21 shortly thereafter, Sabina provided a red-line version 22 of the Draft Water Licence Framework. Those changes, 23 at a high level, were made to incorporate the scope of 24 the modification package and were captured -- or are 25 shown here in red text. 26 So if I scroll down, for example, there have been</p>

<p style="text-align: right;">179</p> <p>1 conversations on the addition of the definition of 2 "reservoir" to the Draft Water Licence Framework, and 3 that is shown here in red text. If I continue to 4 scroll down, another example of that first Draft Water 5 Licence Framework is showing the all-weather airstrip 6 added to the marine laydown area, and that's captured 7 again in red text. 8 If I continue to scroll down, again, using the 9 marine laydown area as an example, there were two 10 additional amendment activities applied for in this 11 Type "A" water licence. Those included the shoreline 12 pad extension and the addition of a fuel transfer area 13 at the MLA, and those are also captured in red text. 14 Moving on to the next addition of the Draft Water 15 Licence Framework, which incorporated parties' feedback 16 throughout the technical review of this process, that 17 was submitted in the 25th of June, and those changes 18 are denoted in blue text. At a high level, again, 19 those changes incorporate feedback received from 20 parties. 21 For example, we, I believe, at that point, 22 included -- searching for "water" in the Water Licence 23 Framework is going to get a lot of results. 24 We included such commitments as updating the water 25 management plan. Yes, here we go. So this was a 26 commitment coming out of the technical review process</p>	<p style="text-align: right;">180</p> <p>1 that we heard from parties. And, you know, this is: 2 (as read) 3 The licensee shall submit to the Board, for 4 review, a revised water management plan. The 5 updates are to take into account commitments 6 made with respect to submissions received 7 during the technical review of the 8 application as well as final submissions and 9 issues raised during the public hearing 10 process. 11 So, at a high level, that is a summary of the changes 12 that were submitted and provided in the next, or the 13 second, revision of the Back River project Draft Water 14 Licence Framework. 15 The third and final edition of the Draft Water 16 Licence Framework, which was just recently provided 17 during this public hearing process, captured the 18 agreed-upon changes to the framework that were 19 discussed and agreed upon through this public hearing. 20 Those changes are denoted in green text. 21 So we have red, blue, and green text to denote the 22 various revisions and hopefully aid the Water Board in 23 making their determination of what is going to be in 24 the revised or the amended Draft Water Licence 25 Framework, if approved. And, again, at a high level, 26 the most recent revision, which is denoted in green</p>
<p style="text-align: right;">181</p> <p>1 text, includes the changes to the closure, staging, and 2 splitting the monetary values. 3 So I think I'll stop there. That's sort of the 4 summary of the three revisions to the Draft Water 5 Licence Framework that Sabina provided. I'm happy to 6 answer any additional questions. Thank you. Quana. 7 THE CHAIR: Thank you, Sabina. 8 Teresa, go ahead. 9 MS. MEADOWS: Thank you, Mr. Chair. Teresa 10 Meadows, legal counsel for the Nunavut Water Board. So 11 if we can turn to the interveners, starting with the 12 Kitikmeot Inuit Association, to provide any further 13 feedback or comments with respect to the Draft Water 14 Licence Framework, as updated and presented by Sabina. 15 MR. ROESCH: Thank you, Mr. Chairman. 16 Before we provide comments, I just want confirmation 17 from the Nunavut Water Board legal counsel. Since we 18 have a court reporter or recorder here, that oral 19 comments are sufficient. We have no written comments, 20 so ... 21 MS. MEADOWS: Thank you, Mr. Chair. 22 And thank you for the question. Yes, the public 23 hearing -- any oral testimony that is provided is 24 considered to be oral evidence, the same as any written 25 submissions that have been provided, so, yes. 26 Thank you, Mr. Chair.</p>	<p style="text-align: right;">182</p> <p>1 MR. ROESCH: Okay, thank you. I'll ask 2 Richard Nesbitt, our water quality specialist, to 3 provide you comments on the Draft Water Licence 4 Framework Addendum. Thank you. 5 MR. NESBITT: Thank you, John. 6 Richard Nesbitt, on behalf of the Kitikmeot Inuit 7 Association. We have no comments on the Draft Water 8 Licence Framework, as presented by Sabina. Our primary 9 concern, overarching, is that the commitments that 10 Sabina has made to us during these meetings as well as 11 during the review process have been adequately captured 12 for consideration by the Board, which, in parts, drives 13 John's comment regarding whether the oral testimony 14 that we have provided is sufficient. 15 So the main comment, then, is that our -- the 16 commitments that we have achieved are being tracked by 17 the Board, as a question, just to have confirmation 18 that they are, so that when a commitment or -- sorry, 19 when a revision to the water licence indicating that 20 all commitments will be adhered to is made, we can have 21 some certainty that the commitments will indeed be 22 captured as a result. Thank you. 23 MS. MEADOWS: Thank you for the comment, and 24 I saw an imbedded question in there. Teresa Meadows, 25 legal counsel for the Nunavut Water Board. 26 Mr. Nesbitt, when you say commitments that are</p>

<p style="text-align: right;">183</p> <p>1 made in this process and in this -- in the discussions 2 of the proposed amendments to the water licence, as I 3 said, with respect to the Draft Water Licence 4 Framework, the Board considers that as a tool that is 5 useful to help focus discussion. But the Board is not 6 bound by the -- either the wording or the statements 7 that are made, or commitments that are made, by parties 8 in the discussions. 9 We certainly are mindful of the importance of that 10 agreement and those kinds of commitments. But 11 sometimes the parties make commitments that are either 12 outside the Water Board's jurisdiction or don't accord 13 with the way that the Water Board has standard wording 14 in respect of those kinds of matters or issues, or 15 mitigations, or monitoring. 16 And so the Board isn't bound to accept the wording 17 that is being proposed. They consider it and they 18 consider whether that wording is appropriate for the 19 context. So that is the extent to which the Board 20 commits to consider the information. But, as I've 21 said, the Board is not bound to accept the wording even 22 if the parties come to agreement. That's not the role 23 of the regulator to accept, necessarily, in whole or in 24 part, the wording, as the parties have come to 25 agreement. 26 So I'm not sure that that's exactly the</p>	<p style="text-align: right;">184</p> <p>1 reassurance that you're seeking, but that is the way 2 the Board views the Draft Water Licence Framework. 3 It's simply a tool that helps focus the discussions, 4 and it is very seriously considered by the Board, but 5 is not necessarily going to be adopted, in whole or in 6 part. 7 MR. NESBITT: Thank you, Teresa. Richard 8 Nesbitt on behalf of the Kitikmeot Inuit Association. 9 My comment comes, in part, from some recent hearing 10 experience, where proponents have provided an ongoing 11 list of commitments that they have made to facilitate 12 the Board's review of those commitments. 13 And I'm wondering whether something like that 14 would be of benefit to the Board in this case or 15 whether the oral and written testimony over the course 16 of this process has been sufficient. Thank you. 17 MS. MEADOWS: Thank you, Mr. Chair. Teresa 18 Meadows, legal counsel for the Nunavut Water Board. 19 So to be clear, for all parties, oral testimony is 20 the same as written testimony; it's considered by the 21 Board. The Board does consult the transcripts when 22 drafting a decision and also when making their 23 deliberations and their determination of whether or not 24 to grant an amendment, as requested. With respect to 25 -- so written comments and written summaries are not 26 necessary at this point.</p>
<p style="text-align: right;">185</p> <p>1 With respect to what the Board is asking right 2 now, in terms of the confirmation of the parties, is -- 3 we recognize that there are a number of commitments 4 that have been met or technical issues that have been 5 resolved between the parties, on the basis of suggested 6 revisions to the Draft Water Licence Framework. 7 And so, really, what we're looking for -- what the 8 Board is looking for here, in terms of evidence, is, 9 are the parties satisfied with the revised wording 10 that's suggested in the Draft Water Licence Framework 11 to address the issues and commitments that were made 12 during this process. And if they have any reservations 13 or concerns about suggested wording not adequately 14 capturing their understanding, that they flag that for 15 the Board at this point. And, again, not necessary to 16 provide it to the Board in writing, but if they have a 17 concern, just to identify it. 18 So, for example, if there was a commitment made 19 for a particular type of monitoring or additional 20 changes to the monitoring program and you don't think 21 it adequately captures the entirety of the issue that 22 you'd identified during technical review, you could 23 come back to the Board and say, "We're not quite sure 24 that that revised term or condition in the Draft Water 25 Licence Framework really captures it. We're concerned 26 that there's something missing here."</p>	<p style="text-align: right;">186</p> <p>1 You don't have to suggest, necessarily, revised 2 wording if you don't have it. But it's simply to 3 indicate whether or not you're satisfied that the 4 issues that you've identified have been adequately 5 addressed and, if not, just flag for the Board that 6 there are -- remain outstanding issues with respect to 7 the suggested revisions. 8 If you have nothing further and there are no 9 additional concerns, then that's fine. If there's 10 something that you still think is partially unresolved 11 or remains unresolved, all the Board asks is just that 12 you flag it for us as a topic area. And if you choose 13 to rely on the previous written submissions that you've 14 provided, then we'll do that. If you have any 15 supplementary comments that you care to share in oral 16 testimony, the Board will consider that and rely on 17 that. 18 So I don't know, Karén, if there's any additional 19 explanation that you want with respect to that, given 20 that the Board is still working through the review of 21 the Draft Water Licence Framework, having received it 22 yesterday. 23 Thank you, Mr. Chair. 24 MR. ROESCH: Thank you, Mr. Chair. This is 25 John Roesch. 26 Richard, if you have any specific wording or a</p>

<p style="text-align: right;">187</p> <p>1 specific issue you want to bring up with the Board, do 2 so now, or we'll close our comments. Thank you. 3 THE CHAIR: Thank you. 4 MR. NESBITT: Richard Nesbitt on behalf of 5 the Kitikmeot Inuit Association. 6 Thank you, Teresa, for the clarifications there. 7 We don't have any more comments on the Draft Water 8 Licence Framework. Thank you. 9 THE CHAIR: Thank you. 10 MR. ROESCH: Mr. Chairman, this is John 11 Roesch for the KIA. We have no further comments on 12 this. Thank you. 13 THE CHAIR: Thank you. 14 Teresa, go ahead. 15 MS. MEADOWS: Thank you, Mr. Chair. 16 So the next intervener to provide comments with 17 respect to the Draft Water Licence Framework that was 18 filed with the Board yesterday is Crown-Indigenous 19 Relations and Northern Affairs Canada. 20 THE CHAIR: Thank you, Teresa. 21 Crown-Indigenous Northern Affairs, go ahead. 22 23 Comments From Crown-Indigenous Relations and Northern 24 Affairs Canada on the Draft Water Licence Framework 25 MR. DEWAR: Qujannamiik, Mr. Chair. 26 Spencer Dewar, Crown-Indigenous Relations and Northern</p>	<p style="text-align: right;">188</p> <p>1 Affairs Canada. 2 First of all, I thank Teresa for providing 3 guidance on how the draft water licence process and how 4 comments are considered by the Board. We support this 5 process. We find it helpful in providing advice to the 6 Board. 7 I just wanted to provide some insights on our own 8 approach and just to let you know that Crown-Indigenous 9 Relations and Northern Affairs Canada has combined our 10 comments to terms and conditions that we feel are 11 related to the proposed amendment. And, further, we've 12 worked with Sabina to draft terms and conditions 13 related to progressive reclamation for the Board to 14 consider. These are discussed in Schedules D and E of 15 the draft water licence. 16 And I'd just like to close with thanking you for 17 the opportunity. And we do defer to the Nunavut Water 18 Board's judgment and expertise in developing a licence 19 for this project. Quana. 20 THE CHAIR: Thank you. 21 Teresa, go ahead. 22 MS. MEADOWS: Mr. Chair, Teresa Meadows, 23 legal counsel for the Nunavut Water Board. It's my 24 understanding staff have a follow-up question to 25 Crown-Indigenous Relations and Northern Affairs Canada, 26 with respect to some of their comments on the previous</p>
<p style="text-align: right;">189</p> <p>1 Draft Water Licence Frameworks as well. So I think the 2 microphone should be turned over to Sergey. 3 MR. KUFLEVSKIY: Thank you, Mr. Chair. 4 Thank you, Teresa. 5 This is Sergey Kuflevskiy, Nunavut Water Board. 6 I just wanted to confirm one thing from CIRNAC: 7 In the final written submission, in the table provided 8 at the end of your final written submission, you stated 9 that you needed -- you stated that CIRNAC does not 10 recall discussing changes to include reservoirs and the 11 de-watering of additional structures into the scope of 12 the licence, for which the proponent provided their 13 explanation. 14 Did this response from Sabina address CIRNAC's 15 comments? So is CIRNAC okay with including reservoirs 16 and de-watering of additional structures into the scope 17 of the licence? Thank you. 18 THE CHAIR: Thank you. 19 Teresa. 20 MS. MEADOWS: Thank you, Mr. Chair. 21 So, Crown-Indigenous Relations and Northern 22 Affairs Canada, if you can respond to Sergey's 23 question, please. 24 THE CHAIR: Thank you, Teresa. 25 CIRNAC. 26 MR. DEWAR: Qujannamiik, Mr. Chair.</p>	<p style="text-align: right;">190</p> <p>1 Spencer Dewar, Crown-Indigenous Relations and Northern 2 Affairs Canada. 3 We don't feel that the discussion related to 4 reservoirs is part of this amendment, so, therefore, 5 our comment stands. Quana. 6 THE CHAIR: Thank you. 7 MR. KHARATYAN: Karén Kharatyan, Water Board. 8 Mr. Chair, thank you. 9 One additional follow-up -- and maybe we could ask 10 even Sabina why they suggest going through this 11 additional, yes, amendments. But before asking Sabina, 12 one follow-up, again, with CIRNAC. 13 We think that Draft Water Licence Framework, 14 updated framework, submitted yesterday, there is one 15 additional schedule condition supplying to progressive 16 reclamation. This schedule is completely new. You 17 never included this type of schedule with the different 18 requirements. And from our understanding, this was 19 submitted as per discussion with Crown-Indigenous 20 Relations and Northern Affairs and Sabina. 21 I just want to confirm with -- of course, we will 22 look at this schedule and items included within this 23 schedule before consideration. Before that, just -- I 24 would like to confirm with Crown-Indigenous Relations 25 and Northern Affairs that their previous 26 recommendations or questions or issues are addressed</p>

<p style="text-align: right;">191</p> <p>1 through this recommended requirement between the 2 schedule, also (INDISCERNIBLE) with progressive 3 reclamation. Thank you. 4 THE CHAIR: Thank you. 5 MR. DEWAR: Qujannamiik, Mr. Chair. 6 Spencer Dewar, Crown-Indigenous Relations and Northern 7 Affairs Canada. 8 Thank you, Karén, for the question. The study of 9 the global security amount that's been agreed to by all 10 parties was heavily contingent on progressive 11 reclamation. And we felt it was very important that 12 the water licence outlined sort of the expectation of 13 parties to ensure progressive reclamation occurs. I 14 hope that works -- that that explains your question. 15 Quana. 16 THE CHAIR: Thank you. 17 Karen, go ahead. 18 MR. KHARATYAN: Karén Kharatyan, Water Board. 19 Spencer, can we assume that you don't have concern 20 with this proposed schedule? 21 MR. DEWAR: Qujannamiik, Mr. Chair. 22 Spencer Dewar, Crown-Indigenous Relations and Northern 23 Affairs Canada. 24 No. Those -- that schedule is written with 25 Sabina, so we approve the wording that's been provided. 26 I hope that clarifies your question. Quana.</p>	<p style="text-align: right;">192</p> <p>1 MR. KHARATYAN: Karén Kharatyan, Water Board. 2 Thank you, Spencer, for confirmation. 3 Now, a small, quick follow-up with Sabina to just 4 provide the rationale, why additional amendments were 5 included as per CIRNAC, yes, suggestion that some of 6 the proposed items weren't discussed previously, or 7 weren't part of amendment application. Thank you. 8 THE CHAIR: Thank you. 9 Sabina, go ahead. 10 MR. KEEFE: Thank you. Thank you, 11 Mr. Chair. It's Merle Keefe with Sabina. 12 I think I can -- I understand and hopefully can 13 simply clarify the issue around the addition of 14 "reservoir." To be clear, "reservoir" is not a new 15 term in the Type "A" water licence; it was in the 16 original Type "A" water licence. CIRNAC -- it is under 17 "Llama reservoir," which is in the original Type "A" 18 water licence. When we started this amendment 19 application process and reviewed -- and were preparing 20 the new Draft Water Licence Framework, we recognized 21 that there was an oversight and that "reservoir" did 22 not have a definition, by itself. 23 If I take a step back, a reservoir is simply a 24 mined-out open pit that, once exhausted, becomes a 25 water management facility for contact water. On the 26 reverse, a tailings facility is a mined-out open pit</p>
<p style="text-align: right;">193</p> <p>1 that, once exhausted, becomes a water management 2 facility for tailings. So those are the two 3 differences. 4 We recognize -- Sabina recognized that "tailings 5 facilities" had their own definition in the Draft Water 6 Licence Framework, whereas the counterpart, the 7 reservoir, did not have its own definition in the Draft 8 Water Licence Framework. So we felt it was prudent, 9 while we were revising the Draft Water Licence 10 Framework as part of this amendment application, to 11 include the definition of "reservoir" so that it was 12 fulsome, the list of definitions were fulsome. Again, 13 it wasn't a new term. We just recognized that it 14 didn't have its own definition. 15 So I hope that provides the clarity that 16 Crown-Indigenous Relations and Northern Affairs Canada 17 are looking for. And furthermore, through the 18 conversations had yesterday, we revised that definition 19 to better accurately describe reservoirs so that there 20 was no confusion as to discharge of untreated water 21 into, you know, an unapproved water body. So with 22 that, I hope that provides the clarity that the Crown 23 is looking for. Thank you. Quana. 24 THE CHAIR: Thank you. 25 Sergey, go ahead. 26 MR. KUFLEVSKIY: Thank you, Mr. Chair.</p>	<p style="text-align: right;">194</p> <p>1 Thank you, Merle. 2 This is Sergey Kuflevskiy, Nunavut water Board. 3 We understand that you included a new definition into 4 the Schedule A. However, I think CIRNAC's concern was 5 with the inclusion of reservoirs and de-watering of 6 additional structures into the scope of the 7 application. So can you comment on that? 8 And also, could you please provide examples of 9 additional structures as -- for the water discharges of 10 -- what are you de-watering? 11 MR. KEEFE: Thank you. 12 Thank you, Mr. Chair. 13 Thank you, Sergey. So, yes -- sorry -- the second 14 part of that question, as it relates to the de-watering 15 of approved water bodies from the NWB, I believe is our 16 language -- if I could just take a step back. There 17 are two larger water bodies on the Back River project 18 that Sabina needs -- or is required to de-water in 19 advance of mining, to get to the deposits. Or for 20 water management infrastructure, we need to de-water 21 these lakes. These are larger lakes that are 22 fish-bearing. The de-watering requires many approval 23 processes including, you know, the Fish Compensation 24 Approval Plan from the DFO. Those specific lakes and 25 the de-watering of those lakes are very clearly 26 identified in the Back River project Type "A" water</p>

<p style="text-align: right;">195</p> <p>1 licence.</p> <p>2 The reason that Sabina added the additional</p> <p>3 language for de-watering of NWB-approved water bodies</p> <p>4 is to target smaller ponds, basically, that would</p> <p>5 exist, for example, in a waste rock storage area.</p> <p>6 There are what we call "ephemeral ponds," so there are</p> <p>7 ponds that are -- during freshet, they are connected to</p> <p>8 streams and hydraulic -- hydrological flow. But in the</p> <p>9 summer and the fall, they dry up. The streams dry up.</p> <p>10 They are non-fish-bearing, and we have identified that</p> <p>11 through our baseline field programs.</p> <p>12 In advance of placing waste rock into these ponds,</p> <p>13 Sabina is add -- would add this definition to be able</p> <p>14 to, essentially, pump out these small ponds that are</p> <p>15 non-fish-bearing prior to placing the waste rock.</p> <p>16 Sabina would, of course, in advance of de-watering</p> <p>17 these small ponds that are non-fish-bearing and are not</p> <p>18 connected to the greater hydrological system, provide</p> <p>19 advance notice to the Water Board, outlining</p> <p>20 de-watering that is about to occur and highlighting --</p> <p>21 showing the baseline information that shows that these</p> <p>22 water bodies are non-fish-bearing, for review and</p> <p>23 approval.</p> <p>24 So in summary, the addition to the water licence,</p> <p>25 as it relates to the de-watering, was in an effort to</p> <p>26 capture the small, non-fish-bearing ponds that will</p>	<p style="text-align: right;">196</p> <p>1 need to be pumped out prior to placing waste rock. It</p> <p>2 was Sabina's attempt to sort of mitigate any lengthy</p> <p>3 amendment process that would have to occur in advance</p> <p>4 of that.</p> <p>5 I think I'll pass it back to the Water Board now.</p> <p>6 Thank you. Quana.</p> <p>7 MR. KUFLEVSKIY: Thank you, Merle. This is</p> <p>8 Sergey Kuflevskiy, Nunavut Water Board.</p> <p>9 So if you are -- if additional structures are</p> <p>10 essentially the non-fish-bearing water bodies, why</p> <p>11 didn't you just have it stated that way, "de-watering</p> <p>12 of non-fish-bearing water bodies"? Thank you.</p> <p>13 THE CHAIR: Thank you.</p> <p>14 Sabina.</p> <p>15 MR. KEEFE: Thank you, Mr. Chairman.</p> <p>16 Thank you, Sergey. To be honest with you, we</p> <p>17 could have -- we could have put it that way, if that's</p> <p>18 -- the Water Board prefers. It was just the language</p> <p>19 that we came to. I guess it's probably a bit of an</p> <p>20 oversight on my part.</p> <p>21 We -- you know, there is federal regulatory</p> <p>22 process that has to occur before you de-water</p> <p>23 fish-bearing waters, so that was my rationale.</p> <p>24 THE CHAIR: Thank you.</p> <p>25 Karén, go ahead.</p> <p>26 MR. KHARATYAN: Karén Kharatyan. Thank you,</p>
<p style="text-align: right;">197</p> <p>1 Mr. Chair. Karén Kharatyan, Water Board.</p> <p>2 This is fine, Merle, with the proposed wording,</p> <p>3 "de-watering of Llama Lake, Umwelt Lake, and other</p> <p>4 water bodies as approved by the Board." We take your</p> <p>5 comments about the potential de-watering of</p> <p>6 non-fish-bearing ponds, and this is within the record;</p> <p>7 yes, we heard this.</p> <p>8 Just a small follow-up, our question: How you</p> <p>9 expect the approval process with the Board and saying,</p> <p>10 for example, "and other water bodies as approved by the</p> <p>11 Board"? What you expect as approval? What do you,</p> <p>12 yes, consider the process of approval could be, if you</p> <p>13 have additional water bodies to be de-watered?</p> <p>14 THE CHAIR: Thank you.</p> <p>15 Sabina, go ahead.</p> <p>16 MR. KEEFE: Thank you, Mr. Chair. Just</p> <p>17 one second, please. Thank you, Mr. Chair.</p> <p>18 Thank you, Nunavut Water Board. I just wanted to</p> <p>19 confer with my team to make sure I got the language</p> <p>20 correct. But our understanding is that we would submit</p> <p>21 that process for approval, through Part G, Item 1 -- so</p> <p>22 "Conditions Applying to Modifications." We would</p> <p>23 submit that modification through that process to the</p> <p>24 Nunavut Water Board, who then -- and I guess you could</p> <p>25 confirm -- who would then circulate that to the parties</p> <p>26 for review prior to providing any feedback to us,</p>	<p style="text-align: right;">198</p> <p>1 Sabina. Thank you.</p> <p>2 THE CHAIR: Thank you.</p> <p>3 Karén, go ahead.</p> <p>4 MR. KHARATYAN: Just, yes, to clarify -- Karén</p> <p>5 Kharatyan, Water Board -- Merle, you still expect</p> <p>6 something from your team, or this is your final thought</p> <p>7 about through modification process?</p> <p>8 MR. KEEFE: Thank you, Mr. Chair.</p> <p>9 Thank you, Karén. No, that's it. That -- no more</p> <p>10 follow-up from Sabina or our team. Thank you.</p> <p>11 MR. KHARATYAN: Karén Kharatyan, Water Board.</p> <p>12 Thank you. And you may realize that this additional</p> <p>13 water bodies to be de-watered, (INDISCERNIBLE), et</p> <p>14 cetera, like you said, could be through modification</p> <p>15 process, which seems reasonable. But at that time, we</p> <p>16 will -- because it's modification to licence, whether</p> <p>17 or not -- we don't really have in our right all</p> <p>18 requirement under your project certificate, et cetera.</p> <p>19 We will ask you whether this is in line with your</p> <p>20 project certificate, just to be confirmed with all</p> <p>21 regulators before starting any modification processing.</p> <p>22 Thank you.</p> <p>23 THE CHAIR: Thank you.</p> <p>24 Sabina, go ahead.</p> <p>25 MR. KEEFE: Thank you, Mr. Chair.</p> <p>26 Thank you, Karén. I appreciate the additional</p>

<p style="text-align: right;">199</p> <p>1 follow-up. Thank you.</p> <p>2 THE CHAIR: Thank you.</p> <p>3 Teresa.</p> <p>4 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>5 Meadows, legal counsel for the Nunavut Water Board. So</p> <p>6 I'm just looking at my colleagues to confirm that they</p> <p>7 have nothing further from Crown-Indigenous Relations</p> <p>8 and Northern Affairs Canada on this point.</p> <p>9 So now we'll turn to Environment and Climate</p> <p>10 Change Canada, the other intervener in this matter,</p> <p>11 with respect to any comments they may have on the Draft</p> <p>12 Water Licence Framework that was filed yesterday.</p> <p>13 THE CHAIR: Thank you, Teresa.</p> <p>14 Go ahead, Environment and Climate Change Canada.</p> <p>15</p> <p>16 Comments From Environment and Climate Change Canada on</p> <p>17 the Draft Water Licence Framework</p> <p>18 MS. O'SULLIVAN: Thank you, Mr. Chair. Orlagh</p> <p>19 O'Sullivan for Environment and Climate Change Canada.</p> <p>20 We do have one question. I'm going to turn it over to</p> <p>21 Reg Ejeckam, our mining officer, to speak to it.</p> <p>22 MR. EJECKAM: Thank you, Mr. Chair. Reg</p> <p>23 Ejeckam, Environment and Climate Change Canada.</p> <p>24 My comment has to do with the modification on</p> <p>25 Part D, Item Number 5. The modification was in red,</p> <p>26 that included "unless otherwise approved by the Board."</p>	<p style="text-align: right;">200</p> <p>1 This has to do with using the rocks that's</p> <p>2 acid-generating for construction. Environment and</p> <p>3 Climate Change Canada is of the view that any rock</p> <p>4 that's been determined to be potential acid-generating</p> <p>5 should not be used for construction. Thank you.</p> <p>6 THE CHAIR: Thank you.</p> <p>7 Teresa, go ahead.</p> <p>8 MS. MEADOWS: Thank you, Mr. Chair. Perhaps</p> <p>9 if we can turn to Sabina for any justification in terms</p> <p>10 of their suggested amendment.</p> <p>11 MR. KEEFE: Thank you.</p> <p>12 Thank you, Mr. Chair. I'm going to ask Matthew</p> <p>13 Pickard to please speak to this.</p> <p>14 MR. PICKARD: Thank you, Mr. Chair.</p> <p>15 And thanks, Reg, for the question. So the mod --</p> <p>16 or the change there relates to structures. So, in our</p> <p>17 opinion, structures can be constructed with potentially</p> <p>18 acid-generating rock as long as they follow the closure</p> <p>19 criterion. So an example of that would be divergent</p> <p>20 systems inside the tailings storage facility, which are</p> <p>21 then covered by tailings and then closed out fully in</p> <p>22 the closure plan, which is encapsulating the entire</p> <p>23 area with NPAG material.</p> <p>24 So early on in the mine life -- and I'll under --</p> <p>25 you know, I'll clarify. Environment Canada and Climate</p> <p>26 Change wasn't privy to all the discussions on closure</p>
<p style="text-align: right;">201</p> <p>1 between ourselves and the Kitikmeot Inuit Association</p> <p>2 and Crown-Indigenous Relations.</p> <p>3 But divergent systems -- or to manage tailings</p> <p>4 within the TSF are going to be important to manage the</p> <p>5 closure exposure, and we want to make sure that we have</p> <p>6 non-potential-acid-generating rock being used as</p> <p>7 sufficiently as possible, especially in the first few</p> <p>8 years of the mine. So building those structures, where</p> <p>9 we're about to cover them with tailings, it doesn't</p> <p>10 make any sense to use valuable NPAG rock and, instead,</p> <p>11 using PAG. So that's the clarity, to be clear to the</p> <p>12 groups.</p> <p>13 And KIA can confirm this: We have a similar</p> <p>14 requirement within our commercial lease with KIA, that</p> <p>15 it doesn't allow us to construct items out of</p> <p>16 potentially acid-generating rock without approval. So</p> <p>17 we're just trying to make sure that we've got that</p> <p>18 ability if we need it, and we would make that public</p> <p>19 before and ensure that it's covered off properly in the</p> <p>20 closure plan. But the intention is not to build, you</p> <p>21 know, a majority of structures out of potentially</p> <p>22 acid-generating rock, just some that are contained</p> <p>23 within closed-out structures. Thank you.</p> <p>24 THE CHAIR: Thank you.</p> <p>25 Karén, go ahead.</p> <p>26 MR. KHARATYAN: Karén Kharatyan, Water Board.</p>	<p style="text-align: right;">202</p> <p>1 Just to clarify for Sabina and ECCC, this is a</p> <p>2 standard term condition we have within the licences; it</p> <p>3 have "unless otherwise approved by the Board." But the</p> <p>4 general understanding of this condition was this PAG</p> <p>5 rock may be used during construction, and it's</p> <p>6 happening always, if this is not used -- or if this is</p> <p>7 encapsulated within permafrost. So this</p> <p>8 non-acid-generating rock is used for construction of</p> <p>9 roads or anything -- or covering your tailings storage</p> <p>10 facility with the -- permanently or for final cover.</p> <p>11 But, generally, it happens, to have this</p> <p>12 acid-generating rock to be used within the construction</p> <p>13 activity that embedded within the permafrost.</p> <p>14 The term of licence -- the previous term of</p> <p>15 licence, is saying, yes, the licensee shall use. But</p> <p>16 the general understanding, like I said, was slightly</p> <p>17 different. I think Sabina wanted to make sure that</p> <p>18 this general understanding is also reflected within the</p> <p>19 licence terms and conditions. Thank you.</p> <p>20 THE CHAIR: Thank you.</p> <p>21 Teresa -- or Karén.</p> <p>22 MR. KHARATYAN: Karén Kharatyan, Water Board.</p> <p>23 Hopefully, this clarifies a little bit for ECCC,</p> <p>24 Mr. Chair, unless they want to follow up.</p> <p>25 MR. EJECKAM: Thank you, Mr. Chair. The</p> <p>26 clarification is acceptable and as long as there's</p>

<p style="text-align: right;">203</p> <p>1 mitigation to mitigate any acid rock drainage or metal 2 leaching. Thank you. 3 THE CHAIR: Thank you. 4 Okay, Teresa, go ahead. 5 MS. MEADOWS: Thank you, Mr. Chair. Teresa 6 Meadows, legal counsel for Nunavut Water Board. So 7 back to Environment and Climate Change Canada. 8 Are there any further questions with respect to 9 the Draft Water Licence Framework filed by Sabina 10 yesterday? 11 MS. SULLIVAN: Orlagh O'Sullivan from 12 Environment and Climate Change Canada. No further 13 questions. Thank you, Mr. Chair. 14 THE CHAIR: Thank you. 15 Sergey. 16 MR. KUFLEVSKIY: Thank you, Mr. Chair. This is 17 Sergey Kuflevskiy, Nunavut Water Board. 18 I have a follow-up question to the Environment and 19 Climate Change Canada, about Item F-22. From June 1st 20 -- and this is to do with the acute lethality testing. 21 As it was stated in the draft water licence, the test 22 used is going to be a rainbow trout test. On June 1st 23 of this year, the regulations were changed again to 24 include daphnia into this testing process. 25 What would be the view of Environment and Climate 26 Change Canada on this specific item, F-22, and daphnia</p>	<p style="text-align: right;">204</p> <p>1 to this specific ... 2 MS. TOBIN: Meagan Tobin with Environment 3 and Climate Change Canada. 4 So the additional testing would be required under 5 the MDMER. So in order to maintain consistency with 6 the licence, it could also include the daphnia testing. 7 MR. KUFLEVSKIY: Thank you, Meagan. 8 Does Sabina have anything to comment on this? 9 Thank you. 10 MR. KEEFE: Thank you, Mr. Chair. 11 Thank you, Sergey. Again, just one moment, 12 please. 13 Thank you, Mr. Chair. 14 Thank you, Sergey, again, for your question and 15 comments. So it's Sabina's understanding that MDMER, 16 Metal Diamond Metal Effluent Regulations, are 17 consistently changing, and Sabina is regulated and must 18 comply with the Metal Diamond and Effluent Regulations. 19 And Sabina doesn't agree with duplicating the 20 requirements between the water licence and between the 21 required Metal -- Diamond and Metal Effluent 22 Regulations. 23 We wouldn't want the site to get confused. So, 24 again, we don't agree with duplicating the requirements 25 between the water licence and the federally regulated 26 MDMER. Thank you. Quana.</p>
<p style="text-align: right;">205</p> <p>1 MR. KUFLEVSKIY: Okay, thank you, Merle. Just 2 for your information, I just wanted to clarify that in 3 the most recent licences, we considered the fact that 4 the regulations keep changing from year to year. And 5 we worded it in a way to accommodate this factor, to 6 consider this factor, stating that testing has to be 7 done as stated in this item or in accordance with the 8 most recent MDMER requirements. 9 And I just wanted to confirm with the Environment 10 and Climate Change Canada if wording like this would be 11 acceptable for them. And Karén wanted to say something 12 as well. 13 MR. KHARATYAN: Karén Kharatyan, Water Board. 14 Thank you, Mr. Chair. 15 Just to clarify for Sabina, I think duplicating -- 16 we are not asking, generally, to duplicate activities. 17 This is to -- because whether or not we include this, 18 you are required by MDMER to complete this activity. 19 It is just maybe double reporting, but not duplicating 20 the activity. Thank you. 21 THE CHAIR: Thank you. 22 Sabina, go ahead. 23 MR. KEEFE: Okay, so thank you. Merle 24 Keefe at Sabina. Again, just give me one moment, 25 please. Thank you, Mr. Chair. 26 Thank you, Sergey.</p>	<p style="text-align: right;">206</p> <p>1 Thank you, Karén, for the clarification. So 2 perhaps "duplication" was the incorrect word. Our 3 concern remains that if there are specifics mentioned 4 of the MDMER in Sabina's water licence, it just 5 increases the risk to our site personnel and creates 6 confusion in maintaining compliance with the water 7 licence. 8 Irregardless of that language and the fact that 9 MDMER are always changing, Sabina must comply with both 10 under the water licence already. We understand that 11 both apply. Again, the issue is providing clarity to 12 our site personnel and conflicting requirements. We 13 think that restating the MDMER requirements in the 14 water licence only increases risk of confusion and 15 inconsistency and does not provide any better clarity 16 to anyone. 17 I think I'll stop there. Thank you. Quana. 18 Thank you, Mr. Chair. And if I just may add just 19 one more comment, Sabina's concerns come from 20 precedent. There have been issues known to happen at 21 the site level, where site thinks they're in compliance 22 with the water licence, and then federal parties have 23 charged them because they don't know the details of the 24 MDMER. So that's where our hesitation is coming from, 25 and I just wanted to make sure that that was clear to 26 the Board. Thank you. Quana.</p>


<p style="text-align: right;">207</p> <p>1 MR. KHARATYAN: Can I respond? Thank you. 2 Karén Kharatyan, Water Board. Thank you, 3 Mr. Chair. 4 I think we may come back to this discussion later 5 on. However, just -- I'm a little bit curious and a 6 little bit strange for me that this is creating some 7 issues, because you are already required to do this 8 activity under MDMER, whether or not licence mentions 9 about it. So I don't really see the risk for noting 10 (INDISCERNIBLE) within the licence. But we can come 11 back to this later on. Thank you. 12 THE CHAIR: Thank you. 13 Yes, we take a break. We'll continue from this 14 end after the break. So we take at least 15-minute 15 break for now. 16 (ADJOURNMENT) 17 THE CHAIR: Good morning. Okay, get back 18 to -- get back to our seat then. 19 So continue our discussion going on. So I'll ask 20 Teresa to start us out again after -- from the end of 21 the break. Thank you. 22 MS. MEADOWS: Thank you, Mr. Chair. Teresa 23 Meadows, legal counsel for the Nunavut Water Board. 24 So, Mr. Chair, it's my understanding that, at the 25 break, Environment and Climate Change Canada and 26 Crown-Indigenous Relations and Northern Affairs Canada</p>	<p style="text-align: right;">208</p> <p>1 have confirmed that they do not have any further 2 follow-up with respect to this matter. 3 But Sabina Gold & Silver Corporation would like to 4 just provide a little bit of follow-up for us on the 5 discussions that we had just before the break. And 6 then we'll go to the Kitikmeot Inuit Association, 7 which, it's my understanding may have an additional 8 follow-up question. So with that, Mr. Chair, Sabina 9 Gold & Silver. 10 MR. KEEFE: Thank you. Thank you, 11 Mr. Chair. 12 Thank you, Teresa. 13 If it's okay with the Board, I'll share my screen 14 and pull up the Draft Water Licence Framework. Thank 15 you. 16 Thank you, Mr. Chair. 17 So I'm sharing the Draft Water Licence Framework 18 on my screen here. This Term and Condition 22 is the 19 term and condition in question, or has been discussed 20 recently. I just wanted to come back and -- or Sabina 21 wanted to come back and reiterate our stance or clarify 22 a little what our hesitation is specific to this term 23 and condition. Sabina is, you know, absolutely okay 24 with the first part of this term and condition, the 25 part that I have highlighted here. Our issue is with 26 the remainder of the language in having the specifics</p>
<p style="text-align: right;">209</p> <p>1 of the mining -- Metal and Diamond Mining Effluent 2 Regulations in the water licence. 3 We understand the Water Board's rationale for 4 including this language, but our concern is that these 5 regulations do consistently change. For example, you 6 can see that the term and condition in our water 7 licence specifically highlights December of 2000 as 8 well as May of 2007. If new regulations were to be 9 released, say, in 2021, then under Sabina's water 10 licence, we are compelled to comply -- or we must 11 comply with both the December 2000, which is listed on 12 the water licence, as well as the new regulations that 13 come out in 2021. 14 Similarly, if the specific language -- it doesn't 15 really matter if the water licence or if the 16 regulations highlight rainbow trout versus daphnia 17 versus a different type of fish. Whatever is regulated 18 in the Metal and Diamond Mining Effluent Regulations is 19 what Sabina must comply with. So I just wanted to take 20 a step back and reiterate that. I mean, we are okay 21 with the language. We are okay with simplifying the 22 language in this term and condition. It's just the 23 specific mention of federal regulations, which are 24 consistently changing, which concerns us. Thank you. 25 Quana. 26 THE CHAIR: Thank you. Thank you.</p>	<p style="text-align: right;">210</p> <p>1 Go ahead, Teresa. 2 MS. MEADOWS: Thank you, Mr. Chair. Teresa 3 Meadows, legal counsel for the Nunavut Water Board. So 4 it's my understanding that there's additional -- is 5 there additional follow-up, Merle? 6 MR. KEEFE: Sorry. Thank you, Mr. Chair. 7 Thank you, Teresa. No, I should have ended off by 8 saying that that is Sabina's stance or that is our 9 position. Thank you for allowing me the time to 10 reiterate that. And now it's with the Water Board to 11 make the final direction. Thank you. 12 MR. KHARATYAN: Karén Kharatyan, Water Board. 13 Thank you, Mr. Chair. 14 If Sabina looks at the reference there, "as 15 stipulated in Schedule J of the Licence," this refers 16 to MDMER, actually. If you go to Schedule J, we are 17 referring to MDMER. Yes, they likely should be on 18 their monitoring schedule, yes. I -- so within the 19 table -- 20 MR. KEEFE: Yes. 21 MR. KHARATYAN: -- so this -- we are referring 22 to MDMER. 23 MR. KEEFE: Yes. 24 MR. KHARATYAN: So I don't really understand 25 what is your -- what Sabina's concern to include, for 26 example, instead of -- even maybe not stating "rainbow</p>

<p style="text-align: right;">211</p> <p>1 trout" but referencing most recent MDMER or updated 2 MDMER, I don't really see the risk for Sabina when 3 saying that there is a risk with personnel, et cetera, 4 on site. I am thinking it should be the opposite. 5 Sabina should be maybe more interested to include this 6 wording, referring to most recent update of regulation, 7 to have their staff on site more educated or more 8 prepared to any changes of regulation. 9 MR. KEEFE: Thank you, Mr. Chair. 10 Thank you Karén. So, again, I do appreciate -- I 11 do appreciate where you're coming from. My staff, my 12 team that is going up there to monitor for compliance 13 with the water licence and the MDMER, I expect and 14 anticipate them to be fully versed and compliant with 15 both regulations before heading up to site. They need 16 to understand the sampling plans and have the sampling 17 bottles in place for both regulations, to meet 18 compliance with the water licence and meet compliance 19 with MDMER. 20 My stance would not be to have my individual team 21 members relying on a specific term and condition in the 22 water licence. I want my team going up there, 23 sampling, fully versed in the entirety -- in compliance 24 with the water licence as well as the ever-changing 25 regulations of the metal -- or the mining -- the Metal 26 Diamond and Mining Effluent Regulations.</p>	<p style="text-align: right;">212</p> <p>1 So as long as the details of the MDMER, the Metal 2 Diamond and Mining Effluent Regulations, are left to 3 the Metal and Diamond Mining Effluent, with a reference 4 in Sabina's licence to the Metal and Diamond Mining 5 Effluent Regulations, then Sabina is okay with that. 6 Thank you. 7 THE CHAIR: Karén. 8 MR. KHARATYAN: Karén Kharatyan, Water Board. 9 Thank you, Mr. Chair. 10 And thank you, Merle. Just a remainder that, as 11 per Nunavut Waters and Nunavut Surface Rights Tribunal 12 Act, the NWB requirements or conditions within the 13 licence could be stringent than existing regulations, 14 not more relaxed, could be stringent. So we have to 15 comply with diff -- or requirement under different 16 regulations, and it include requirement or terms and 17 condition within the licence. 18 So I acknowledge you're, yes (INDISCERNIBLE). You 19 will be fine with having just reference to most of it 20 in MDMER, and we are fine with this. We will consider 21 this when drafting potential amended licence. Just to 22 remind you that Nunavut Water Board doesn't have its 23 own regulations or acts, et cetera. To accomplish its 24 mandate, we are using different regulations, and MDMER 25 is one of them. 26 So when imposing some monitoring requirements</p>
<p style="text-align: right;">213</p> <p>1 under the licence, we don't have our own regulations 2 the except Nunavut Water regulations. But imposing 3 this different type of monitoring -- so we are using -- 4 we are using, actually, different regulations by 5 different agencies to accomplish our mandate. Thank 6 you. 7 Thank you, Mr. Chair. 8 THE CHAIR: Thank you. 9 Teresa. 10 MS. MEADOWS: Thank you, Mr. Chair. Teresa 11 Meadows, legal counsel for the Nunavut Water Board. So 12 just picking up on what Karén just said, I will just -- 13 I will read aloud from the Nunavut Waters and Nunavut 14 Surface Rights Tribunal Act. And that is how you know 15 I am a lawyer, because I love to read from legislative 16 enactments. 17 So in all of this discussion, the Water Board is 18 bound by a couple of very clear directions under the 19 Nunavut Waters and Nunavut Surface Rights Tribunal Act, 20 as Karén referenced, because the Nunavut Water Board 21 does not set its own regulatory criteria for waste 22 deposit. 23 So Section 72 of the Nunavut Waters and Nunavut 24 Surface Rights Tribunal Act states as follows: (as 25 read) 26 Conditions of waste deposit. The conditions</p>	<p style="text-align: right;">214</p> <p>1 in a licence relating to the deposit of waste 2 in waters shall be based on the water quality 3 standards prescribed for those waters by the 4 regulations, if any; and be at least as 5 stringent as the effluent standards 6 prescribed for those waters by the 7 regulations, if any. 8 And then the second applicable section is regulations 9 specifically under the Fisheries Act. Under 10 Section 73, the Act states: (as read) 11 Where the Board issues a licence in respect 12 of any waters to which regulations made under 13 Subsection 36(5) of the Fisheries Act apply, 14 any conditions in the licence relating to the 15 deposit of waste in those waters shall be at 16 least as stringent as the conditions 17 prescribed by those regulations. 18 So where we have a situation like we do here, where new 19 regulations have come into force as of June 1st, 2021, 20 the Board's view when they're amending that water 21 licence is that it is an opportunity to ensure that the 22 terms and conditions applicable with respect to waste 23 deposit are at least as stringent as stated under the 24 regulations made under the Fisheries Act. And that has 25 been the position of the Board consistently throughout. 26 And we actually even recently, with respect to a</p>

<p style="text-align: right;">215</p> <p>1 water licence that was not going to be drafted by the 2 Board by June 1st, but that was going to be potentially 3 implemented by the Board upon approval by the Minister 4 after June 1st, we prospectively put the more stringent 5 requirements that were coming into force in that water 6 licence to avoid any confusion for anyone as to what 7 the most recent, most stringent standards would be. 8 So thank you, Mr. Chair. I just wanted to clarify 9 that. And it's my understanding that the Kitikmeot 10 Inuit Association may have some follow-up. 11 THE CHAIR: Thank you. 12 So, KIA, are you ready for additional follow? 13 MR. ROESCH: Thank you, Mr. Chairman. This 14 is John Roesch for the Kitikmeot Inuit Association. I 15 believe our water quality consultant has another 16 question. Thank you. 17 MR. NESBITT: Thank you, John. 18 Thank you, Mr. Chair. Not so much a question as a 19 comment. It was refreshing to hear Sabina specifically 20 reference MDMER. I do appreciate the Water Board's 21 forward-thinking to include the -- include the recent 22 MDMER, as it comes into force, within the body of the 23 licence. I think, from KIA's perspective, the concern 24 is that we ensure that Goose Lake and the aquatic life 25 therein are adequately protected, whether that comes 26 from the water licence itself or MDMER.</p>	<p style="text-align: right;">216</p> <p>1 The broader consideration we proposed to the Board 2 is that the licence is written such that there isn't 3 confusion, as Teresa has indicated, and that we are not 4 left in a situation where there may be some confusion 5 as to whether Sabina is compliance [sic] with the water 6 licence and not MDMER or vice versa. So I think the 7 Board's proposal of including MDMER in the body of the 8 licence provides, from KIA's perspective, that 9 assurance, that the aquatic life in Goose Lake will be 10 adequately protected both through the licence and the 11 other regulations. Thank you. 12 THE CHAIR: Thank you. 13 MR. ROESCH: Thank you, Mr. Chairman. KIA 14 has no further comments. Thank you. 15 THE CHAIR: Thank you. 16 Teresa, go ahead. 17 MS. MEADOWS: Thank you, Mr. Chair. I think 18 that sort of concludes the -- sort of the Water Board's 19 explanation of the approach to these provisions of the 20 licence. And I believe that that concludes the 21 discussion of the Draft Water Licence Framework 22 document. And with that, I propose to enter the marked 23 exhibit of the Draft Water Licence Framework that was 24 filed yesterday by Sabina as an exhibit, full exhibit, 25 to be considered in the Board's public hearing record. 26 And subject to -- I'll pause here for any party</p>
<p style="text-align: right;">217</p> <p>1 who has any objections to that, to state their 2 objections. And if not, then we'll move on to closing 3 statements, Mr. Chair. 4 So, Mr. Chair, hearing none, that concludes the -- 5 did I hear anything on the line? No. Hearing none, 6 that concludes the procedural matters. So all of the 7 exhibits that were marked yesterday but not yet filed 8 will be now be entered as filed exhibits in this public 9 hearing. And we will move to closing remarks by the 10 parties, Mr. Chair. 11 THE CHAIR: Thank you. 12 Okay, so we are stepping now to closing remarks. 13 So I'd like to start with Kitikmeot Inuit Association 14 for your closing remarks. Thank you. 15 16 Closing Remarks by Kitikmeot Inuit Association 17 MR. ROESCH: Thank you, Mr. Chairman. This 18 is John Roesch for the Kitikmeot Inuit Association. We 19 thank the Nunavut Water Board for hosting and providing 20 this public hearing for benefit of Inuit beneficiaries. 21 The KIA stands by its support for the Back River 22 project. We believe that it's in the best interests of 23 the Inuit for the project to proceed, and we are in 24 favour of the water licence amendment. We wish to 25 thank Sabina Gold & Silver Corporation for their 26 corporation with the KIA, and also to CIRNAC and</p>	<p style="text-align: right;">218</p> <p>1 Environmental Climate Change Canada for their 2 participation and cooperation with KIA. Thank you. 3 THE CHAIR: Thank you. 4 Then I'd also like to call Crown-Indigenous 5 Relations and Northern Affairs, have your -- do your 6 closing remarks. 7 8 Closing Remarks by Crown-Indigenous Relations and 9 Northern Affairs Canada 10 MR. DEWAR: Mr. Chair, Spencer Dewar, 11 Crown-Indigenous Relations and Northern Affairs Canada. 12 We'd like to thank the Nunavut Water Board and its 13 team, including the interpreters and the court reporter 14 and the audio-visual team, for allowing us to 15 communicate with one another. We'd like to thank our 16 fellow interveners, the Kitikmeot Inuit Association and 17 Environment and Climate Change Canada. And, also, we'd 18 like to thank Sabina for working with us to resolve 19 concerns. 20 As we've stated in our presentation, originally, 21 we had nine technical comments. We feel that Sabina 22 has addressed our concerns, and we consider all of our 23 concerns to be resolved. We are grateful for this 24 opportunity to participate remotely, and we look 25 forward to meeting in person, post pandemic. 26 Qujannamiik.</p>

<p style="text-align: right;">219</p> <p>1 THE CHAIR: Thank you.</p> <p>2 Now, I'd like to call Environment and Climate</p> <p>3 Change Canada to have your closing remarks.</p> <p>4</p> <p>5 Closing Remarks by Environment and Climate Change</p> <p>6 Canada</p> <p>7 MS. O'SULLIVAN: Thank you, Mr. Chair. Orlagh</p> <p>8 O'Sullivan with Environment and Climate Change Canada.</p> <p>9 Good morning, everyone. On behalf of ECCC, I</p> <p>10 would like to thank the community of Cambridge Bay for</p> <p>11 hosting these hearings. And thank you to the Board for</p> <p>12 the opportunity to participate virtually in the public</p> <p>13 hearing. We regret that we were not able to be present</p> <p>14 in person due to the circumstances, but we do look</p> <p>15 forward to doing so in the future.</p> <p>16 Thank you to the Nunavut Water Board and Board</p> <p>17 staff for running a smooth hearing, the interpreters,</p> <p>18 and to Sabina and all intervening parties for all the</p> <p>19 hard work done during this water licensing process. We</p> <p>20 look forward to our continued participation. Thank</p> <p>21 you, Mr. Chair.</p> <p>22 THE CHAIR: Thank you.</p> <p>23 Then I'll call Sabina to have your closing</p> <p>24 remarks.</p> <p>25</p> <p>26 Closing Remarks by Sabina Gold & Silver Corp.</p>	<p style="text-align: right;">220</p> <p>1 MR. KEEFE: Thank you, Mr. Chair. Once</p> <p>2 again, it's Merle Keefe with Sabina Gold & Silver.</p> <p>3 This is has been a very productive hearing. I would</p> <p>4 like to begin by thanking our interpreter, James, for</p> <p>5 making this hearing possible. It was a long day</p> <p>6 yesterday and this morning, and we really appreciate</p> <p>7 the hard work to make sure we all understood each</p> <p>8 other.</p> <p>9 Once again, we would like to thank the community</p> <p>10 of Cambridge Bay for the generous hospitality provided</p> <p>11 to our team, the other participants, including the</p> <p>12 local catering staff. We're proud to make Cambridge</p> <p>13 Bay, and recently, Kulugktuk, our northern base of</p> <p>14 operations and look forward to growing alongside of</p> <p>15 you.</p> <p>16 We would like to thank the Kitikmeot Inuit</p> <p>17 Association.</p> <p>18 John, Richard, Lukas, we look forward to further</p> <p>19 developing our relationship on this project.</p> <p>20 We would also like to thank the other interveners</p> <p>21 who have participated in these hearings and provided</p> <p>22 careful, constructive advice regarding the water</p> <p>23 licence amendment matters.</p> <p>24 Finally, we would like to thank the Nunavut Water</p> <p>25 Board members and staff. We appreciate your close</p> <p>26 attention to the project over the past couple of years.</p>
<p style="text-align: right;">221</p> <p>1 As we have discussed today, we have filed an updated</p> <p>2 Draft Water Licence Framework which lists Sabina's</p> <p>3 proposed terms and conditions. We hope this framework</p> <p>4 provides you with helpful guidance as you determine</p> <p>5 what amendments to the existing water licence terms and</p> <p>6 conditions are appropriate for our project.</p> <p>7 Before we go, I would like to touch on just a few</p> <p>8 topics -- I will be short -- that we think are</p> <p>9 important to highlight to the Board as you move on to</p> <p>10 the decision-making stage.</p> <p>11 (UNREPORTABLE SOUND)</p> <p>12 MR. KEEFE: This is a first for me.</p> <p>13 MS. MEADOWS: For anyone who is concerned</p> <p>14 that that is an air raid siren, it's actually the noon</p> <p>15 bell --</p> <p>16 MR. KEEFE: Oh, yes.</p> <p>17 MS. MEADOWS: -- the lunch bell in Cambridge</p> <p>18 Bay. So we're all fine.</p> <p>19 MR. KEEFE: Sorry. I've heard the siren</p> <p>20 before, but never while I was presenting, so I wasn't</p> <p>21 sure if I should keep going.</p> <p>22 So Sabina's first Hydrodynamic Model was provided,</p> <p>23 thoroughly reviewed by all parties throughout the</p> <p>24 technical review of this process. As the Board has</p> <p>25 heard, we have committed to rerun the model prior to</p> <p>26 discharge, and the update to that model will focus on</p>	<p style="text-align: right;">222</p> <p>1 defining regulated mixing zones, incorporating</p> <p>2 sensitivity analysis, including additional baseline</p> <p>3 information, and extending into the closure period of</p> <p>4 the Back River project to name a few. Sabina has</p> <p>5 committed to providing this update in March of 2022,</p> <p>6 based on the information that we are collecting this</p> <p>7 year on the baseline programs.</p> <p>8 During the amendment process, Sabina also provided</p> <p>9 updated hydrodynamic results and proposed effluent</p> <p>10 quality criteria. The proposed effluent quality</p> <p>11 criteria will provide Sabina with the flexibility to</p> <p>12 discharge during operations, which will help support</p> <p>13 achieving water management objectives during the</p> <p>14 closure period. That was the first item I wanted to</p> <p>15 highlight.</p> <p>16 The second item, and the last item, I would like</p> <p>17 to highlight before concluding my closing remarks is</p> <p>18 the reclamation security. As you have heard from</p> <p>19 Sabina, the Kitikmeot Inuit Association, and</p> <p>20 Crown-Indigenous Relations and Northern Affairs Canada,</p> <p>21 we are all in agreement that the split of the global</p> <p>22 security amount of 48-million-and-some-change should be</p> <p>23 held between KIA and CIRNAC as follows: a 32.5 percent</p> <p>24 split for the KIA and a 76.5 percent split for</p> <p>25 Crown-Indigenous Relations and Northern Affairs Canada.</p> <p>26 Sabina would like to highlight that this split is</p>

<p style="text-align: right;">223</p> <p>1 only a half percentage difference from the original 2 2018 estimate, and the overall cost has increased by 3 approximately 5.4 million. And we thank all the 4 parties for their efforts to come to a consensus on the 5 reclamation security matters relating to this 6 application. 7 I'd like to emphasize the importance of the 8 12-stage phased security approach outline. This 9 approach provides flexibility and includes clear 10 mechanisms should parties wish request to the Board to 11 order increases or decreases of security from time to 12 time. This agreement was the result of a very 13 collaborative approach by all parties to ensure that 14 financial security is sufficient to account for the 15 cost of reclamation at the Back River project. 16 It's also worth mentioning that Sabina worked 17 cooperatively with Crown-Indigenous Relations and 18 Northern Affairs Canada to provide more details 19 regarding progressive reclamation work plans as well as 20 summary reports and suggested wording in the water 21 licence to capture these. 22 In conclusion, for all of the above reasons, we 23 are confident that the amendment application meets the 24 very high standards of the Nunavut Water Board. During 25 the licensing process, the Kitikmeot Inuit Association 26 as well as Crown-Indigenous Relations and Northern</p>	<p style="text-align: right;">224</p> <p>1 Affairs Canada and Environment and Climate Change 2 Canada provided detailed, constructive consideration to 3 the project and applied their extensive expertise to 4 issues within their jurisdiction and mandate. They 5 insisted, and continue to insist, on stringent 6 standards for monitoring and mitigation. And based on 7 their technical expertise and careful assessment, they 8 confirmed to the Board that all technical issues within 9 each of their areas of expertise have been resolved. 10 I'm also pleased to say that the approved 11 management plans and the ongoing management plans we 12 have developed for the Back River project, through 13 implementation and compliance with the current Type "A" 14 licence, are robust and present some of the most 15 environmentally protective measures found in the 16 Canadian Arctic. We have incorporated Elder, Inuit, 17 community, government, regulator, and other stakeholder 18 feedback into these management plans and continue to do 19 so. We will also monitor the results of our activities 20 through our annual reporting to the Water Board as well 21 as use adaptive management to address issues that may 22 arise. 23 Once again, I would like to thank everyone in the 24 room for your ongoing willingness to engage with us in 25 a productive and meaningful manner, for taking the time 26 to share your valuable knowledge and feedback. We look</p>
<p style="text-align: right;">225</p> <p>1 forward to working closely with all of you in the years 2 to come, realizing the successful development of the 3 project and ensuring meaningful benefits are provided 4 to the Kitikmeot. 5 Once again, Mr. Chair and all of the members of 6 the Nunavut Water Board and staff, the water licensing 7 process has been very thorough. The process has been 8 clear and productive, and this final hearing has been 9 run extremely well, with all things considered. Once 10 again, we hope that we have addressed your concerns and 11 answered your questions. Thank you very much. 12 Qujannamiik. Merle. Thank you. 13 14 Closing Remarks by the Nunavut Water Board Chair 15 THE CHAIR: Thank you. 16 Thank you all. Before I do my closing remarks, 17 I'll chat with the -- I'll chat with the legal counsel. 18 Thank you all. As we bring this public hearing to 19 a close, on behalf of the Board and my other Panel 20 members, I would like to thank all the parties who 21 contribute to this -- making this public hearing and 22 community session a success, especially the applicant, 23 Sabina, and their technical representative; 24 interveners, Kitikmeot Inuit Association, 25 Crown-Indigenous Relations and Northern Affairs, and 26 Environment and Climate Change Canada; NWB staff and</p>	<p style="text-align: right;">226</p> <p>1 legal counsel; interpreter, James Panioyak, thank you; 2 court reporter, Tran Huynh; sound technician, 3 Christopher Coomber, thank you; all the community 4 members and elders for their valuable participation in 5 this hearing. Thanks also to caterers and the Hamlet 6 of Cambridge Bay for their outstanding hospitality and 7 patience with the Board. 8 In closing, I want to let parties know what 9 happens next for the application. The Board will now 10 close public hearing records. What this means is that 11 all evidence with regards to this amendment application 12 is now before the Board, and no further information 13 will be considered by the Panel members, Panel, before 14 they make their decision about the application. 15 Now that the record is closed, the Board will 16 remit the file to the Panel to decide whether or not to 17 grant amendment to Sabina's application -- sorry, 18 Sabina's Type "A" water licence. Within 30 days to 45 19 days of the public hearing record close, NWB will issue 20 its record of proceedings and decision to the Minister 21 of Northern Affairs. If the Board's decision is to 22 grant the application, the Board will also attach, for 23 the Minister's approval, a draft of the recommended 24 amended water licence. 25 That concludes the hearing component of the 26 Nunavut Water Board's consideration of Sabina's water</p>

<p>227</p> <p>1 licence amendment application. The Board and I wish 2 you all a good afternoon and safe return travel for all 3 visitors to Cambridge Bay. Thank you all. Let's have 4 closing prayer. Let's pray. 5 (CLOSING PRAYER) 6 THE CHAIR: Thank you all. 7 _____ 8 PROCEEDINGS ADJOURNED 9 _____ 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26</p>	<p>228</p> <p>1 CERTIFICATE OF TRANSCRIPT: 2 3 I, Tran Huynh, certify that the foregoing pages 4 are a complete and accurate transcript of the 5 proceedings, taken down by me in shorthand and 6 transcribed from my shorthand notes to the best of my 7 skill and ability. 8 Dated at the City of Calgary, Province of Alberta, 9 this 30th day of July 2021. 10 11 12  13 _____ 14 Tran Huynh, CSR(A) 15 Official Court Reporter 16 17 18 19 20 21 22 23 24 25 26</p>