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November 14th, 2008

Mr. Jeff Rusk
Director, Technical Services
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, Nunavut
X0B 0C0

Via E-mail to :
jrusk@nirb.ca

Dear Mr. Rusk:

**Subject: Department of Fisheries and Oceans Comments on the Draft
Environmental Impact Statement Guidelines for the Review of the
Proposed Hackett River Project**

The Department of Fisheries and Oceans (DFO) would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to review and comment on the draft Environmental Impact Statement (EIS) guidelines for the Sabina Silver Corporation's Hackett River Project.

As you are aware, DFO is the federal department responsible for developing and implementing policies and programs in support of Canada's scientific, ecological, social and economic interests in oceans and freshwater. DFO would like to provide the following comments on the Draft EIS guidelines within the scope of our mandate and regulatory responsibilities.

General Comment

In the latest correspondence from the proponent to the NIRB on November 10th, 2008, Sabina Silver Corporation has identified Joe Lake as being the preferred option for the Tailings Management Facility for the project.

As previously stated in our letter to the NIRB on October 9th 2008, additional technical and site specific information would be required in the regulatory phase for the amendment to Schedule 2 of the Metal Mining Effluent Regulations (MMER). It is important to note that this additional information should be submitted concurrently during the EA. This information should include a thorough alternatives analysis of all scientifically and economically justifiable alternatives (including combinations of alternatives) to using Joe Lake as a TIA, as well as detailed engineering design, public

consultation, a fish habitat compensation plan and financial securities specific to the use of Joe Lake as a TIA. DFO strongly encourages the proponent to supply this information to Environment Canada, who is responsible for the administration of section 36 of the Fisheries Act. This information should also be provided to DFO, the NIRB and other interested parties (e.g Natural Resources Canada), during the Environmental Assessment.

Section 5.13.1.5 Water Supply and Management

In this section, the fourth bullet states “Discuss plans for the de-watering of Camp Lake”. The purpose, as described in the January 2008 project description, of de-watering Camp Lake is to allow for an open pit mine to be developed within the boundaries of the lake. For this reason, DFO believes this point would be better suited for Section 5.13.1.7 that pertains to Mine De-watering.

DFO also understands that other lakes might require de-watering for mine operations including Boot Lake and Banana Lake. These should also be added to Section 5.12.1.7.

Section 5.13.1.8 All-Weather Road(s)

In this section, the seventh bullet asks that the proponent describe “Wildlife impact mitigation procedures and/or structures”. DFO would like the proponent to also describe any proposed mitigation structures planned for the protection of fish and fish habitat.

Section 5.16.5 Impacts of Project Components and Activities

Section 5.13.1.8 provides an outline of some of the physical features that should be considered by the proponent in the draft EIS when describing the construction, operation and decommissioning of All-Weather Roads. DFO asks that All-Weather Roads also be included in Section 5.16.5 of these guidelines and that the proponent analyze all potential impacts of roads, notably water crossings, on fish and fish habitat.

The Mine de-watering project component was also included in Section 5.13.1 but not in Section 5.16.5. DFO asks that the proponent also provide an assessment of potential impacts of this project component on fish and fish habitat.

Section 5.16.5.10 Borrow Pits and Quarry Sites

According to project description and potential site layout plans, several quarry sites are located immediately adjacent or within water bodies. DFO would like the proponent to describe each borrow pit and quarry site in terms of proximity to water bodies and potential impacts on fish and fish habitat.

Section 5.16.6.6 Aquatic Organisms and Habitat

In the last bullet, DFO asks that the proponent analyse the potential impacts of noise including noise from blasting on fish. The proponent should refer to the following guide for any works or undertakings that involve the use of confined or unconfined explosives in or near Canadian fisheries waters. http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/water-eau/explosives-explosifs/page03_e.asp

DFO looks forward to discussing our comments and participating in the EIS Guideline Workshop to be held in Yellowknife on Friday November 21st, 2008. If there are any questions or clarification needed prior to the meeting, please contact Sarah Olivier at (867) 669-4919.

Regards,



Beverley Ross
Regional Manager, Environmental Assessment for Major Projects
Fisheries and Oceans Canada

cc. Ginny Flood, Fisheries and Oceans Canada
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