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Our File: 4704 004 021  
Your File: NIRB 08MN006

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**Re: Comments on Draft Guidelines for Sabina Silver Corporation's Hackett River Project**

Environment Canada (EC) has reviewed the above noted draft guidelines and offers the following advice for your consideration. Environment Canada's contribution to your request for comments is based primarily on the mandated responsibilities for the enforcement of Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Comments and Recommendations

**Section 5.2, Regulatory Content –**

In the first sentence of the first paragraph, 'guidelines' should be added to the list of relevant items to be identified by the proponent. The second paragraph states that the Proponent shall identify "...any relevant international regulatory regimes, and explain how it would comply with them". EC recommends that from within that statement "relevant international regulatory regimes" be replaced with "relevant international regulatory regimes, laws, regulations, standards, guidelines and policies" to prevent too narrow a scope.

**Section 5.15.2.7, Birds –**

EC recommends that the significant habitats listed in subsection (f) be expanded to include nesting, brood-rearing and moulting sites, i.e., "Significant habitats for these species, such as nesting, brood-rearing and moulting sites and staging areas for raptors, waterfowl, and other avifauna;" In subsection (i), in addition to the reference EC (2004), EC recommends that the Canadian Wildlife Service Occasional Paper No. 114 (citation below) also be referenced at the same time as it provides additional pertinent information.

- Latour, P.B., J. Leger, J.E. Hines, M.L. Mallory, D.L. Mulders, H.G. Gilchrist, P.A. Smith and D.L. Dickson. 2008. Key migratory bird terrestrial habitat sites in the Northwest Territories and Nunavut. 3<sup>rd</sup> edition. Canadian Wildlife Service Occasional Paper No. 114.
- The full document is available at [http://www.cws-scf.ec.gc.ca/publications/papers/114/index\\_e.cfm](http://www.cws-scf.ec.gc.ca/publications/papers/114/index_e.cfm)

**Section 5.16.6.3, Air Quality –**

“The atmospheric dispersion of emissions on a local and regional scale” is ambiguous and it’s recommend that it be replaced with “The atmospheric dispersion of emissions on a local and regional scale using an established air dispersion model”. As well, it’s also recommended that “... *Canadian Environmental Quality Guidelines and Guidelines Respecting Ambient Air Standards for Sulphur and Total Suspended Particulate Matter in the Northwest Territories, under the Environmental Protection Act*” be replaced with “... *National Ambient Air Quality Objectives and the Guideline for Ambient Air Quality Standards in the Northwest Territories*”.

**Section 5.16.6.5, Birds –**

In addition to the other potential impacts to birds already listed, EC recommends the Proponent assess the potential impacts to birds resulting from marine shipping.

**Section 5.16.6.7, Wildlife –**

The following sentence should be included at the end of the first paragraph: “All direct, indirect, and cumulative effects should be considered.”

**Section 5.16.9.2, Management Plans –**

EC recommends that the following plans be considered in the EIS: (1) Air Quality and Emissions Monitoring and Management Plan, and (2) Incineration Management Plan. For an example of an Air Quality and Emissions Monitoring and Management Plan see the DeBeers Snap Lake Environmental Agreement. Regarding the development of an Incineration Management Plan, EC will release a Technical Guidance Document for Incineration on Federal Lands in the spring of 2009.

**Section 5.19.1, Overview –**

In relation to the requirement for monitoring for Species at Risk as per Section 79 (2) of the Species at Risk Act, the following statement should be incorporated into this section: “The Proponent should discuss monitoring measures to ensure mitigation measures for Species at Risk are effective and how such monitoring could be used to identify where further mitigation measures may be required for Species at Risk.”

Please do not hesitate to contact me at (867) 669-4746 or jane.fitzgerald@ec.gc.ca with any questions or comments.

Yours truly,

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