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Ministère de l'Exécutif et des Affaires Intergouvernementales

Department of Executive & Intergovernmental Affairs

January 23, 2008

Leslie Payette
Manager of Environmental Administration
Nunavut Impact Review Board
P.O Box 1360
Cambridge Bay, NU X0B 0C0

Via e-mail to: lpayette@nirb.ca

Dear Ms. Payette,

RE: Draft Guidelines for Sabina Silver Corporation's Preparation of the Environmental Impact Statement for the Hackett River Project

As requested by the Nunavut Impact Review Board on Dec. 19, 2008, the Government of Nunavut (GN) has reviewed the draft of *Guidelines to the Preparation of an Environmental Impact Statement* dated Dec. 19, 2008 for the Hackett River mine project proposed by Sabina Silver Corporation.

Based on the GN's mandate for wildlife, environmental protection and socio-economic issues, we offer the following comments (see Appendix A) for your consideration.

If you have any questions or comments, please call me at (867) 975-6022 or email to psuvega@gov.nu.ca.

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Paul Suvega
Assistant Deputy Minister, Executive
Department of Executive and Intergovernmental Affairs



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Appendix A

Government of Nunavut Comments on the first draft of the Hackett River Project Draft Environmental Impact Statement Guidelines

The Government of Nunavut offers the following general and specific comments as it pertains to the Hackett River Project Draft Environmental Impact Statement Guidelines:

GENERAL COMMENTS:

1. The GN would like to draw particular attention to the potential health impacts on caribou (as a food source for Nunavummiut) to effects from this development that might result from changes to the biophysical environment, including hydrology and hydrogeology; groundwater quality; surface water and sediment quality; atmosphere landforms and soils; and vegetation.

This potential change to the use of caribou as food could be due to three main reasons:

- The caribou becoming contaminated with chemical/substances from the development and becoming unsafe for harvest (food and flora studies of pollutant uptake);
- The caribou becoming unreachable by the community for harvest and being a major supplement to the traditional diet of Nunavummiut due to disturbance by development;
- The potential decrease in available caribou due to population loss and disturbance.

These could result in a food insecurity situation and an increased reliance on "non traditional foods, and the resulting potential increase in morbidity due to changes in diets (diabetes, obesity, etc). These conditions and concerns must also be considered in a trans-boundary way as the use of caribou as a food source is not limited to Nunavummiut.

2. Issue: Further Developing a framework for the socio-economic aspects of Environmental Impact Statements

The Government of Nunavut is pleased with the expanded category items of socio-economics in the present draft of the guidelines. The next step is to move those items into a fully formed framework for measuring socio-economic impacts that parallels the degree of detail and sophistication that NIRB has developed for the biological aspects of Environmental Impact Statements.



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Moving to a more permanent and deliberate framework will make future EISs easily comparable, and will facilitate the development of expertise across successive projects. A clear framework will allow all stakeholders to be confident that issues of concern are being addressed, and will open the door to incremental improvements of each aspect of the socio-economic assessment.

Proposed recommendation to NIRB:

NIRB should continue making progress towards developing a framework for the socio-economic aspects of Environmental Impact Statements.

3. Issue: Linking the Socio-Economic Baseline Study, Impact Statement, and Management Plan

While NIRB has fairly effectively linked the baseline study with the Socio-Economic Impact statement, Section 6.17.9.4 *Management of Impacts on Socio-economic Environment* is not well integrated with the Socio-Economic Impact statement.

Proposed recommendation to NIRB:

NIRB should emphasize that there needs to be a natural and logical flow between the baseline study, the socio-economic impact statement and the socio-economic management plan so that cross-referencing them is straightforward and easy. The three sections of the EIS should have a similar structure, and like information should be presented in a like format.

4. Issue: Muskoxen and Valued Ecosystem Component

Muskoxen has not been listed as a VEC in the guidelines and given the decline of muskoxen in recent years, impacts on the species should be assessed by including muskoxen as a VEC. As well, consultation of what VECs included in the EIS should include relevant parties such as the GN.

SPECIFIC COMMENTS:

1. Page, Section, Paragraph, Item Number: 40, 6.13.1

Issue: Project Components and Activities

Recommendation / proposed rewording: meeting potable water requirements in camps

(May be a need for a review of legislative compliance)

2. Page, Section, Paragraph, Item Number: 84, 6.17.9.2

Issue: Management Plans

Recommendation / proposed rewording: Water quality, including potable water



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3. Page, Section, Paragraph, Item Number: 77, 6.17.7 (a)
Issue: Socio-Economic Impacts
Recommendation / proposed rewording: the health of the workers, their families, and other residents (human health includes physical, psychological, emotional, spiritual, and mental health *and wellness*).
4. Page, Section, Paragraph, Item Number: 77, 6.17.7 (c)
Issue: Socio-Economic Impacts
Recommendations/ proposed rewording: The Proponent shall include an assessment of the potential health impacts of consuming traditional foods, should contaminants in traditional food sources increase due to Project-related impacts (including hydrology and hydrogeology).
5. Page, Section, Paragraph, Item Number: 52, 6.16.1 Valued Ecosystem and Valued Socio-Economic Components
Issue: Connecting VSECs with past VSECs

The guidelines make no link between the current choice of VSECs and those VSECs that have been previously identified for the same region in past EIS. Having consistency in the VSECs across EIS will make it easier to assess cumulative impacts across the region and over time.

Recommendation / proposed rewording:
Where appropriate the Proponent should make an effort to align the VSECs it chooses with those that have been chosen in past EISs for the Kitikmeot region.
6. Page, Section, Paragraph, Item Number: 60, 6.16.3 Socio-Economic Environment and 65, 6.17.3 Indicators and Criteria
Issue: Connecting Indicators with VSECs

Indicators that are chosen need to be linked to the identified VSECs in order to be relevant to the concerns identified by the communities.

Recommendation / proposed rewording:
The discussion of indicators should emphasize the link between indicators and VSECs
7. Page, Section, Paragraph, Item Number: 61, 6.16.3 Socio-Economic Environment,

Comment [H1]:

I believe impacts from noise and loss of vegetation have been included in page 76.



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Issue: Disaggregation of data

The EIS States "Whenever relevant, data shall be disaggregated by age, gender, and ethnic affiliation."

In some of the smaller Communities/Hamlets, disaggregated data may potentially infringe upon individual privacy rights.

Recommendation / proposed rewording:

The section should read: "Whenever relevant and appropriate, data shall be disaggregated by age, gender, and ethnic affiliation."

8. Page, Section, Paragraph, Item Number: 93, 6.20.1 Monitoring Program Overview

Issue: Monitoring Program

The monitoring program includes mention of the Kitikmeot Socio-Economic Monitoring Committee however it is not made clear in plain language that there is a strong expectation that they actively participate on the committee.

Recommendation / proposed rewording:

In NIRB's discussion of monitoring it should be made clear to the proponent that there is an expectation that they actively participate on the Kitikmeot Socio-Economic Monitoring Committee.

9. Page, Section, Paragraph, Item Number: 94, 6.20.1 Monitoring Program Overview,

Issue: The guidelines make reference to the department of sustainable development, this department no longer exists.

This section also makes reference to the Development Partnership Agreements subsection 6.17.9.4.6.

Recommendation / proposed rewording:

The guidelines should not contain references to non-existing departments. The reference to subsection 6.17.9.4.6 on Development Partnership Agreements should be removed.

10. Page, Section, Paragraph, Item Number: 92, 6.17.9.4.6 Development Partnership Agreement

Issue: Reference to the Development Partnership Agreement

The present guidelines could be misconstrued to lead the proponent into believing that a Development Partnership Agreement is a required step for project



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development. This is not the case, a Development Partnership is an optional agreement between the Government of Nunavut and the proponent which is outside of the project approval process, and which is signed after the project certificate has been issued.

Furthermore, the DPA is not the appropriate tool to compel the proponent to participate on the Kitikmeot Socio-Economic Monitoring Committee, or in any other process required by the Nunavut Land Claims Agreement or NIRB.

Recommendation / proposed rewording:

The section on the DPAs should read: "The proponent shall demonstrate a clear understanding of the opportunities the project presents to Nunavut communities, as well as undertake a thorough review of options for partnership with the Government of Nunavut, including the voluntary negotiation of a Development Partnership Agreement as a way to maximize the benefits of the project."

11. Page, Section, Paragraph, Item Number: 107, Appendix D Valued Ecosystem Component and Valued Socio-Economic Components
Issue: Identification of Musk-oxen as a VEC

Musk-oxen is currently not listed as a Valued Ecosystem Component (VEC) on Page 107 of the revised Guidelines. As recommended in our previous comments on Nov. 14, 2008, DOE further re-iterate the importance of listing musk-ox as a Valued Ecosystem Component (VEC) especially in light of decreasing populations of these animals in the recent years.

Recommendation / proposed rewording:

DOE recommends musk-oxen be included as a VEC.

12. Page, Section, Paragraph, Item Number: 52-53, 6.16.1 Valued Ecosystem Components and Valued Socio-Economic Components
Issue: Consultation on Selection of VECs and VSECs

On Page 52 and 53 of the revised Guidelines, NIRB asks the proponent "... must validate the selected VECs and VSECs, particularly those VECs and VSECs that will be used to assess the significance of Project component interactions...".

NIRB further advises the proponent seeks advice from affected communities and traditional knowledge on selection of VECs and VSECs. DOE concurs with NIRB; however, further recommends consultation of VECs and VSECs selection also include relevant government agencies who have experts in these areas.

Recommendation / proposed rewording:



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DOE recommends that consultation of VECs and VSECs selection includes but not limited to relevant government agencies, affected communities and traditional knowledge.