



**NIRB File No.: 12MN036**  
NWB File No.: 8BC-BRP----

December 9, 2014

Back River Distribution List

*Sent via Email*

**Re: Acknowledgement of Sabina Gold & Silver Corporation's Application for NLCA 12.10.2(b) Exception and Request for Public Comment**

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Dear Parties,

On October 20, 2014 the Nunavut Impact Review Board (NIRB or Board) received an application package from Sabina Gold & Silver Corporation (Sabina or Proponent) for proposed works and activities associated with its Back River Gold Mine project proposal (NIRB File No. 12MN036), which is currently undergoing Review by the NIRB pursuant to Part 5, Article 12 of the Nunavut Land Claims Agreement (NLCA). Section 12.10.1 of the NLCA establishes that, during the Review process, no licence or approval that would be required in order to allow a proposed project to proceed may be issued by a regulatory authority in respect of the project until after the required Review has been completed and a NIRB project certificate has been issued. Sabina's application package has been submitted for consideration pursuant to NLCA Section 12.10.2(b), which allows for exceptions for specific approvals to be granted for exploration or development activities related to a project under Review by the NIRB where, in the judgment of the NIRB the activities can be considered and approved independently of the Review.

#### SCOPE OF APPLICATION PACKAGE

Sabina's "Site Preparation Work" application package included one new Type B water licence application with the Nunavut Water Board, two applications with the Kitikmeot Inuit Association for access to Inuit Owned Lands, and one Request for Review Application<sup>1</sup> with Fisheries and Oceans Canada. On October 27, 2014 the NIRB issued correspondence noting that receipt of a formal request from an authorizing agency to screen the proposed works, would be required for the NIRB to commence its assessment of the application package. On November 24, 2014 the NIRB received a referral from the Kitikmeot Inuit Association to screen the applications for access to Inuit Owned Lands and consequently the NIRB commenced its assessment of the application package pursuant to NLCA Section 12.10.2(b).

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<sup>1</sup> Request for Review Application to determine if the proposed works would result in a *serious harm* to fish as defined by Section 35 of the *Fisheries Act*.

The scope of Sabina's "Site Preparation Work" application package includes components related to the support of advanced exploration, environmental baseline activities in the area and measures intended to improve safety and environmental protection. In addition, Sabina has proposed activities related to site development, specifically the extension of the current Goose airstrip, quarry and road development, as well as the transportation and storage of equipment, fuel, and materials, intended to allow for timely progress of the construction phase of the proposed Back River Gold Mine, if allowed to proceed.

Sabina is requesting approval for site preparation work at both the Goose Property and proposed marine laydown area on Bathurst Inlet with the plan to commence activities in February 2015 for completion by August 2015. The proposed activities at the Goose Property include: an all-weather airstrip extension, realignment of Rascal Lake outflow stream, a new quarry within the future Umwelt open pit footprint, and the development of 5 kilometres (km) of all-weather road and 6 km of ice road to gain access to the new quarry. The activities requested for approval at the proposed marine laydown area include a temporary laydown area for the staging of materials arriving by barge.

The complete 12.10.2(b) application package provided by Sabina can be accessed online from the NIRB's public registry at the following address:

<http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/12MN036-SABINA-BACK%20RIVER/02-REVIEW/14-12.10.2%20EXCEPTIONS/01-APPLICATION/>.

#### REQUEST FOR COMMENTS

Prior to determining whether the activities proposed within Sabina's "Site Preparation Work" application package can be excepted from the NIRB's Review of the Back River project pursuant to NLCA Section 12.10.2(b) and permitted to proceed, the NIRB invites interested parties to review the application package and provide comments to the Board for consideration regarding the following:

- A determination of whether Parties agree/disagree with the conclusions in the 12.10.2(b) application package regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- A determination of whether or not conclusions in the 12.10.2(b) application package are supported by the analysis – and reasons to support the determination;
- A determination of whether appropriate methodology was utilized in the 12.10.2(b) application package to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- An assessment of the quality and presentation of the information in the 12.10.2(b) application package; and
- Any further comments regarding the expressed need for and required timing of the proposed exceptions as presented within the 12.10.2(b) application package – and reasons to support any comments made.

The NIRB also invites comments regarding the following: the permanence of proposed infrastructure, the reversibility of potential impacts, the need for proposed security bonding, and whether an approval of the proposed activities would have the effect or appearance of fettering any further or final decision by the Board relating to the larger Back River mining and milling development proposal currently under review.

The NIRB requests that all interested parties provide their comments regarding Sabina's 12.10.2(b) application and the specific points outlined above on or before **January 13, 2015**.

#### NEXT STEPS

The NIRB anticipates undertaking the following steps and associated timeline for consideration of Sabina's 12.10.2(b) application package:

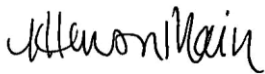
1. Interested parties to submit comments to the NIRB for consideration on or before **January 13, 2015**.
2. The NIRB will provide the Proponent with an opportunity to provide the NIRB with a response to public comment submissions on or before **January 26, 2015**
3. Following consideration of all application materials, public comments and the Proponent's response to comment submissions, the NIRB will endeavour to provide relevant authorizing agencies with its determination regarding Sabina's 12.10.2(b) application by **February 16, 2015**.
4. If the NIRB determines that an exception from the Back River Review is appropriate and subsequently recommends approval of the proposed works and activities, authorizing agencies would proceed to process the respective licences and permits at their discretion.

The NIRB appreciates the efforts made by all parties to ensure a timely and efficient review of Sabina's current 12.10.2(b) exception application package.

All interested parties should submit their comments to the NIRB at [info@nirb.ca](mailto:info@nirb.ca) or by fax at (867) 983-2594, on or before **January 13, 2015**.

If you have any questions or require further clarification regarding the NIRB's Review of the Back River project proposal, please contact Kristina Benoit, Technical Advisor, at (867) 983-4607 or [kbenoit@nirb.ca](mailto:kbenoit@nirb.ca).

Sincerely,



Amanda Hanson Main  
Director, Technical Services  
Nunavut Impact Review Board

cc: Matthew Pickard, Sabina Gold & Silver Corporation  
Max Brownhill, Sabina Gold & Silver Corporation  
David Hohnstein, Nunavut Water Board  
Geoffrey Clark, Kitikmeot Inuit Association  
Georgina Williston, Fisheries and Oceans Canada