



**NIRB File No.: 12MN036**  
NWB File No.: 2BW-BRP----

February 3, 2015

Matthew Pickard  
Vice President, Environment & Sustainability  
Sabina Gold & Silver Corporation  
930 West 1st Street, Suite 202  
North Vancouver, BC V7P 3N4

*Sent via email:* [mpickard@sabinagoldsilver.com](mailto:mpickard@sabinagoldsilver.com)

**Re: Opportunity to Address Comments Received Regarding Sabina Gold & Silver Corporation's Application for NLCA 12.10.2(b) Exception**

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Dear Matthew Pickard:

On October 20, 2014 the Nunavut Impact Review Board (NIRB or Board) received an application package from Sabina Gold & Silver Corporation (Sabina or Proponent) in support of its Back River Gold Mine project proposal (NIRB File No. 12MN036). Specifically, this application package was submitted to the NIRB for consideration pursuant to section 12.10.2(b) of the Nunavut Land Claims Agreement (NLCA), which allows the Board to consider granting exceptions for approvals or licences for exploration or development activities associated with project proposals undergoing Environmental Review by the NIRB.

Sabina's "Site Preparation Work" project proposal (the 12.10.2(b) application) includes components related to the support of advanced exploration, environmental baseline collection activities in the area and measures intended to improve safety and environmental protection in the Back River project areas. 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 enable Sabina to undertake timely construction activities of the proposed Back River project, if allowed to proceed following the NIRB's ongoing Review.

On December 9, 2014 the NIRB circulated notice of the application package and invited comments from interested parties on Sabina's 12.10.2(b) application package, with a request for submissions to be received on or before January 13, 2015. As activities excepted under NLCA Section 12.10.2(b) would be considered for approval separately from the NIRB's review of Sabina's Back River Gold Mine project proposal, parties were asked to provide their comments and advice to the Board 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.

On or before January 13, 2015 comments regarding Sabina's NLCA 12.10.2(b) application were received from the following parties:

- Government of Nunavut
- Aboriginal Affairs and Northern Development Canada
- Environment Canada
- Fisheries and Oceans Canada
- Natural Resources Canada
- Transport Canada

On January 14, 2015 the NIRB received an email from the Kitikmeot Inuit Association (KIA) requesting a one-week extension to the submission deadline, noting that the Proponent was supportive of granting the request as necessary. On January 23, 2015 the NIRB received a follow-up email from the KIA, advising that additional time would be required to prepare its comment submission regarding the 12.10.2(b) application for the NIRB's consideration.

All submissions can be accessed from the NIRB's online public registry using the following link: <http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/12MN036-SABINA-BACK%20RIVER/02-REVIEW/14-12.10.2%20EXCEPTIONS/>.

**OPPORTUNITY TO RESPOND TO COMMENTS  
AND REQUESTS FOR ADDITIONAL INFORMATION**

The parties which provided written comment submissions have identified information gaps and have raised various technical issues associated with Sabina's 12.10.2(b) application. Although the NIRB expects that Sabina will thoroughly review each comment submission in order to provide a comprehensive response to each of the party's requests, the Board wishes to highlight, in particular the following specific comments provided by the parties.

## **Government of Nunavut (GN)**

The Government of Nunavut (GN) noted that in general it agreed with Sabina's conclusion that most of the adverse effects from the proposed activities were likely to be mitigated; however, the GN further noted that where Valued Ecosystem Components were considered in the application, Sabina provided only a discussion of baseline conditions and a list of potential impacts, without discussion of the significance of these potential impacts.

The GN requested that Sabina provide greater detail and clarification regarding certain aspects of its 12.10.2(b) application to allow parties to fully assess the potential impacts of the activities proposed, specifically: potential impacts on terrestrial wildlife; submission of the actual wildlife monitoring plans updated to include the proposed activities and commitments in the project description; and related to the airstrip expansion, updated air quality and noise models, the type of aircraft and frequency of trips associated with the project, and an effects assessment to include the potential effects of a larger class of aircraft on wildlife.

## **Aboriginal Affairs and Northern Development Canada (AANDC)**

Aboriginal Affairs and Northern Development Canada (AANDC) noted a lack of coherent analysis of the various alternatives and rationale utilized by Sabina for selecting a given option based on the stated criteria. AANDC also noted that there appeared to be no consideration for alternatives for some of the site preparation works such as the all-weather road, and the proposed Rascal Lake stream outflow realignment.

AANDC detailed that most of the provisions of Section 6, Subsections 2b and c, of the NIRB's Guide 9<sup>1</sup> had not been met in the 12.10.2(b) application: the analysis and conclusions contained in the application do not include detail about the actual alternatives considered, thus making it difficult to assess whether sufficient consideration was given to environmental and socio-economic concerns in Sabina's analysis of options for the proposed works. AANDC further noted that Sabina had previously made commitments at the NIRB's Pre-Hearing Conference<sup>2</sup> that it provide additional information on various project activities, especially alternatives, in its Final Environmental Impact Statement; this included the project activities in the 12.10.2(b) application such as the all-weather road, all-weather airstrip extension, Rascal Lake outflow stream realignment, and operation of a temporary laydown area). In addition, AANDC requested additional detail related to the existing environment, methods of the impact prediction and significance determination, evidence of public engagement, additional details on proposed monitoring and justification, and additional detail on the permanence or reversibility of components.

AANDC acknowledged the difficulty involved in collecting detailed information at this stage of the assessment, however also indicating that AANDC believes that improvements can be made to the 12.10.2(b) application by incorporating AANDC's suggestions and implementing adaptive management and monitoring approaches.

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<sup>1</sup> Nunavut Impact Review Board Guide 9: DRAFT Guide to Exceptions from the Review Process, Section 6: the Application, dated April 2012.

<sup>2</sup> Nunavut Impact Review Board Technical Meeting and Pre-Hearing Conference held in Cambridge Bay November 13-19, 2014.

## **Transport Canada (TC)**

Transport Canada (TC) indicated that the Proponent's Oil Pollution Emergency Plan (OPEP) must be updated to comply with sections of the *Canada Shipping Act* and applicable regulations. TC noted its requirement under the Marine Transportation Security Regulations to review the proposed security procedures prior to any Part 2 vessels interfacing with the Project site, to identify any gaps of vulnerabilities that may be outstanding. TC also included several requests for information within its comment submission.

In general, TC agreed with the information presented within the 12.10.2(b) application, provided that the Proponent conforms to the regulatory requirements outlined in TC's comments. TC noted that an OPEP must be submitted to TC for review prior to the commencement of the proposed activities, with the requirements Marine Transportation Security Regulations needing to be met prior to any vessel actually interfacing with the project site.

## **Environment Canada (EC)**

Environment Canada (EC) provided comments and specialist advice for the NIRB's consideration pursuant to the *Canadian Environmental Protection Act*, 1999, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*. As a result EC's review of the 12.10.2(b) application, additional information was requested related to water quality monitoring with updates also required in various proposed management plans, as well as additional geotechnical information required, and a need for discussion of additional mitigation practices that should be considered by Sabina to reduce impacts to wildlife and species at risk.

## **Fisheries and Oceans Canada (DFO)**

Fisheries and Oceans Canada (DFO) focused its review and comments on the required installation of culverts along the all-weather access road and the required realignment of Rascal Stream associated with the proposed expansion of the airstrip. DFO noted that, as the works outlined in the 12.10.2(b) application were included in Sabina's Draft Environmental Impact Statement for the Back River project, the deficiencies which DFO noted in its October 6, 2014 technical review comments were applicable and had resulted in several commitments from Sabina to provide additional information in its Final Environmental Impact Statement; this additional information has not yet been received.

DFO agreed with the conclusions presented by Sabina regarding the potential environmental impacts, proposed mitigation, significance of impacts and monitoring measures; however it noted culvert design discrepancies between what was presented at the NIRB's technical meetings and what is currently proposed in the 12.10.2(b) application. It was further noted that the rationale for the change in the design criteria for the culverts was not provided, nor were the requested engineering drawings; therefore DFO would be unable to assess the extent of the impact on fish and fish habitat resulting from the culvert installations and associated infilling. As a result, DFO requested additional information on these specific items. DFO was satisfied with the quality and presentation of the information in the 12.10.2 application as it relates to the proposed watercourse crossings and the realignment of Rascal Stream, with the exception of the outstanding information requirements outlined in its submission.

## Natural Resources Canada

Natural Resources Canada's (NRCan) comments were related to explosives storage, quarry rock characterization, and permafrost and terrain stability, and requested clarification on the scope of activities in the application, noting that additional information and clarification on these topics was required. NRCan noted that the Proponent indicated its intention to avoid geochemically unsuitable material, without establishing whether this would always be possible and without described how geochemically unsuitable material would be managed. NRCan noted that it had referred to various issues requiring further study or analysis during the technical review of the Draft Environmental Impact Statement that, if not already conducted, would be useful to support the design and final siting or routing of infrastructure proposed in the 12.10.2(b) application.

### NEXT STEPS

While noting that additional comments from the Kitikmeot Inuit Association are expected to be forthcoming, at this time the NIRB respectfully requests that Sabina provide the Board with a response to comments received to date, on or before **February 23, 2015**. If Sabina determines that additional time is required to prepare an adequate response, please advise the Board accordingly prior to this date. The NIRB intends to provide Sabina with comments from the Kitikmeot Inuit Association regarding the 12.10.2(b) application upon receipt, and would request that Sabina also incorporate an appropriate response within its February 23, 2015 submission, or as soon thereafter as may be possible. Following receipt of Sabina's response to comments, the NIRB anticipates that a second, shortened public comment period will be necessary to address parties' outstanding concerns, particularly with regards to identified information gaps.

Please direct all forthcoming submissions to the NIRB at [info@nirb.ca](mailto:info@nirb.ca) or via fax at (867) 983-2594.

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

Sincerely,



Tara Arko  
Director, Technical Services  
Nunavut Impact Review Board

cc: Max Brownhill, Sabina Gold & Silver Corporation  
Geoffrey Clark, Kitikmeot Inuit Association  
Back River Distribution List