



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
Ontario and Prairie Region
867 Lakeshore Rd.
Burlington, Ontario
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Programme de Protection du poisson et de son habitat
Pêches et Océans Canada
Région de l'Ontario et des Prairies
867 chemin Lakeshore
Burlington, Ontario
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February 13, 2023

Your file *Votre référence*
2BE-MLL1722

Our file *Notre référence*
23-HCAA-00206

Licence Administrator
Nunavut Water Board
PO Box 119
Gjoa Haven, NT
X0B 1J0

Dear Mr. Dwyer:

Subject: Comment Request for the Sabina Gold & Silver Corp. Wish-Bone Malley Project – Water Licence Renewal - Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada received request for comments on the water licence renewal application for Sabina Gold & Silver Corp. Wish-Bone Malley Project on February 8, 2023.

The proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and,
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.

Provided that the plans are implemented in the manner, and during the timeframe, described, the Program is of the view that the proposal will not require an authorization under the *Fisheries Act*, or the *Species at Risk Act*.

We recommend the proponent review the Interim Code of Practice for End-of-pipe fish screens (<https://www.dfo-mpo.gc.ca/pnw-ppe/codes/screen-ecran-eng.html>) and the Measures to Protect Fish and Fish Habitat (<http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>) to ensure that all appropriate mitigation measures are

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implemented in the proposed project. If the project is unable to comply with the Interim Codes of Practice or the Measures to Protect Fish and Fish Habitat, we recommend that the proponent submit a Request for Review (<http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/forms-formes/request-demand-eng.pdf>) of the project.

Should the proponent's plans change or if the proponent has omitted some information in the proposal, further review by the Program may be required. The proponent should consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains the responsibility of the proponent to remain in compliance with the *Fisheries Act* and the *Species at Risk Act*.

It is also the proponent's *Duty to Notify* DFO if they have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to DFO.OPHabitat.MPO@dfo-mpo.gc.ca or 1-855-852-8320.

If you have any questions with the content of this letter, please contact Tyler Peat at Tyler.Peat@dfo-mpo.gc.ca or (613) 213-0293.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Rick Kiriluk".

Rick Kiriluk
A/Team Leader, Triage and Planning

COPY: Tyler Peat – Fisheries and Oceans Canada