



Arctic / Ontario and Prairies Regions
Fish and Fish Habitat Protection Program
301 – 5204 50th Ave. (Franklin)
Yellowknife, Northwest Territories
X1A 1E2

Régions de l'Arctique / Ontario et Prairies
Programme de protection du poisson et de son habitat
301 – 5204 50th Ave. (Franklin)
Yellowknife, Territoires du Nord-Ouest
X1A 1E2

May 26, 2022

Your file *Votre référence*
12MN036

Our file *Notre référence*
12-HCAA-CA7-00007

Nunavut Impact Review Board
Attn: Kelli Gillard
Manager, Project Monitoring
PO Box 1360 (29 Mitik Str.)
Cambridge Bay, NU X0B 0C0

Via email to : info@nirb.ca

Subject: 12MN036 – Sabina Gold and Silver Corp. – Back River – 2021 Annual Report

Dear Kelli Gillard,

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) received your request for comments on April 11, 2022. DFO has reviewed the above 2022 Annual Report in regards to its mandate, i.e. the management, protection and conservation of fish and their habitats. The Nunavut Impact Review Board (NIRB) invited parties to respond to the following topics :

1. Effects monitoring
 - a. Whether the conclusions reached by Sabina in the *2021 Annual Report* are valid; and
 - b. Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.
2. Compliance Monitoring
 - a. Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically
 - i. Identify the Terms and Conditions from the Project Certificate which have been incorporated into any permits, certificates, licences or other approvals issued for the Project, where applicable;
 - ii. A summary of any inspections conducted during the 2021 reporting period, and the results of these inspections; and
 - iii. A summary of Sabina's compliance status with regard to authorizations that have been issued for the Project.

Specifically, DFO has reviewed Section 4 of the Annual Report (Performance on Project Certificate Terms and Conditions) and Appendix D (Rascal Stream Documents), including the 2021 Construction Report in regards to Rascal Stream West Velocity Mitigation.

DFO provides the following comments for the NIRBs consideration

1. Effects Monitoring

DFO is generally agreeable with Sabina's reporting and has the following comments and concerns related to effects monitoring:

Section/Document	Concern	Request
Condition No. 24, 29 & 31	Clarity regarding timing of proposed crossing upgrade works on Rascal Stream West (culvert installation)	Provide clarity on expected construction and completion date. DFO submitted IRs to Sabina April 13, 2022 related to the original RFR but have not received a response to IRs.
Condition No. 25	The use of explosives in aquatic environments can cause harm to fish by rupturing the swim bladder and/or damaging other internal organs, and damaging incubating eggs. It could also result in physical and/or chemical alterations to fish habitat. Minimize the effects of blasting on fish and fish habitat.	<p>Blast Monitoring and Mitigation Program to be developed and implemented in consultation with DFO. The Proponent should, in addition, use a blasting threshold limit of 50 kPa for instantaneous pressure change in order to appropriately mitigate effects of blasting on fish as recommended in Cott and Hanna (2005)*</p> <p>*Cott P and Hanna B. 2005. Monitoring Explosive-based Winter Seismic Exploration in Waterbodies, NWT 2000-2002. Pages 473-490. In: Proceedings of the Offshore Oil and Gas Environmental Effects</p>

		Monitoring Workshop: Approaches and Technologies. Battelle Press. Columbus. 601 p + index.
Condition No. 93	Ensure protection of the marine environment.	As per 2020 comments on the Back River Project 2020 Modification Package - DFO requires that the Proponent send a Request for Review for their shoreline pad expansion prior to construction to initiate the review of the impacts under DFO's regulatory regime. An update is necessary to the existing DFO Letter of Advice (18-HCAA-00971) to reflect planned in-water works related to the MLA Shoreline Pad Extension
Appendix B	Setback distances for plant site blast location are insufficient to avoid effects to fish and fish habitat in Fox Creek.	Blasting location exclusion zone for the Overpressure guideline, be revised to match with the blast location exclusion zone for the peak particle velocity for the Plant Site (Figure 2)
Appendix B, Table 3	Overwintering habitat of Fox Creek and any small ponds within the Fox Creek system	Confirm presence or absence of overwintering habitat in the Fox Creek system.
Marine Monitoring Plan	Shipping Details	Provide details on marine shipping (if any) for 2021

DFO notes that the project is still under construction at this time, therefore numerous Terms and Conditions and their associated monitoring have yet to be triggered/initiated. DFO looks forward to reviewing the results of these monitoring programs when they become available.

2. Compliance Monitoring

No compliance monitoring or site visits/inspections were conducted by DFO in 2021. Furthermore, no amendments were made to the proponent's *Fisheries Act* Authorization (FAA) issued by DFO in 2019.

In 2020, the proponents design and monitoring plan for the Rascal Stream Diversion was reviewed and approved by DFO as required under their FAA. Starting in 2021, monitoring reports for the diversion will be required under the FAA. To date DFO had not received a monitoring report for the Rascal Stream Diversion 2021 as the Rascal Stream Diversion has not been completed.

All in all, the proponent is largely compliant with their FAA and is required to submit monitoring reports by March 31 of each year. To date, updates for offset monitoring have not been provided, however DFO recognizes that issues associated with the Covid-19 pandemic have affected ongoing projects everywhere. DFO will continue to work with the proponent to ensure compliance with the FAA, and that the conditions perform as intended to maintain and conserve fish and fish habitat.

If you have any questions with the content of this letter, please contact Tatiana Leclerc-Beaulieu by email at Tatiana.leclerc-Beaulieu@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,



Tatiana Leclerc-Beaulieu
Senior Biologist (Acting)
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada

CC: Alasdair Beattie, Fisheries and Oceans Canada
Matthew Pickard, Sabina Gold and Silver Corp.