



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

June 7, 2023

Your file *Votre référence*
12MN036

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

Nunavut Impact Review Board
Attn: Guillaume Daoust and Robby Qammaniq
Monitoring Officers
P.O. Box 1360 (29 Mitik St.)
Cambridge Bay, NU X0B 0C0

Via email to : info@nirb.ca

Subject: 12MN036 – Sabina Gold and Silver Corp. – Back River – 2022 Annual Report

Dear Guillaume Daoust and Robby Qammaniq,

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) received your request for comments on April 24, 2023. DFO has reviewed the Sabina Gold and Silver Corp.'s (Sabina) Back River Project (the Project) *2022 Annual Report* in regard 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 *2022 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; and report annually to the NIRB on the status of those incorporated terms and conditions;
 - ii. a summary of any inspections conducted during the 2022 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.

DFO focused its review on Section 4 of the Annual Report (Performance on Project Certificate Terms and Conditions), Appendix B (2022 Annual Geotechnical Inspection Report), Appendix C (Aquatic Baseline Report), Appendix D (Blasting Plan), and Appendix G (Pre-Construction Wildlife Mitigation and Monitoring Plan).

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. 93	Ensure protection of the marine environment.	DFO would like to remind the Proponent to send a Request for Review for their Shoreline Pad Expansion prior to construction. An update may necessary to the existing DFO Letter of Advice (18-HCAA-00971) to reflect planned in-water works.
Appendix B (Geotechnical Inspection)	Improperly sized and installed culverts may impede fish passage.	Confirm that culverts G15, G21 and G23 are not located in fish-bearing streams as they appear to be perched.
2022 Pre-Construction and Wildlife Mitigation Program, Section 7.1.2.2 Marine Mammal Sightings	In section 3.4.2.1 (Marine Mammal Survey) of the Marine Shipping – Wildlife Mitigation and Management, it is noted that “the observer will document if any mitigation was undertaken (see Table 3.5-1) and, if mitigation was required, a description of the mitigation action taken (e.g., change in course or speed) and the result of the mitigation	Provide details on mitigation measures undertaken following sightings of marine mammals.

	<p>action (e.g., maintained a buffer of x meters from the animal and if it continued swimming).”</p> <p>Grey seals were observed at 10 to 300 m from a vessel during shipping. There is no information on if mitigation measures were implemented (e.g., maintain a distance of 100 m; reduce noise by 1.2-2.8 dB for every 1 knot reduction in speed)</p>	
<p>2022 Pre-Construction and Wildlife Mitigation Program, underwater noise during shipping</p>	<p>Underwater noise from shipping vessels can have a negative impact on marine mammals by reducing their ability to travel, communicate, and find food. Five vessels serving the Project travelled in 2022.</p>	<p>DFO suggests underwater noise from shipping vessels be monitored and, if necessary, mitigated.</p>

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 2022. Furthermore, no amendments were made to the proponent’s *Fisheries Act* Authorization (FAA) issued by DFO in 2019 (File #12-HCAA-CA7-00007). DFO issued a Letter of Advice (file #22-HCAA-00586) in July 2022 for construction of twin culverts at Rascal Stream West.

DFO received a 2022 FAA annual report on June 1, 2023, which included a 2022 Rascal Stream West field summary and fish passage characterization report, completed as part Rascal Stream Diversion monitoring plan approved by DFO. DFO is currently in the process of reviewing the report. Monitoring of the Bernard Harbour Offsetting project required as part of the FAA was planned in 2022 but could not occur due to lack of availability from community staff to support the program.

The proponent was in compliance with the FAA in 2022. 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 about the content of this letter, please contact Anna-Maija Laflamme at Anna-Maija.Laflamme@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Leclerc'.

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

CC: Alasdair Beattie, Fisheries and Oceans Canada