



NIRB File No.: 12MN036

December 6, 2017

To: Back River Distribution List

*Sent via email*

**Re: Scheduling of a Teleconference Project Certificate Workshop for Sabina Gold & Silver Corp.'s Back River Gold Mine Project on December 14, 2017**

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Dear Parties:

On December 5, 2017 the Nunavut Impact Review Board (NIRB) received notification from the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs that the Revised Final Hearing Report for the Review of Sabina Gold & Silver Corp.'s (Sabina or the Proponent) Back River Gold Mine Project (Back River Project or the Project) (NIRB File No. 12MN036) had been accepted pursuant to section 12.5.7(a) of the *Nunavut Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* (the *Nunavut Agreement*).

Now that the Back River Project has been approved to proceed, the NIRB is required to issue a Project Certificate which sets out the terms and conditions of approval, as included in the Revised Final Hearing Report for this Review. Prior to finalization and issuance of a Project Certificate for the Back River Project, the Board must ensure that all associated terms and conditions are clearly understood by the responsible parties and are clarified where necessary to allow for full implementation and incorporation into applicable regulatory instruments, as required by *Nunavut Agreement* sections 12.9.1 and 12.9.2:

*12.9.1 Subject to Section 12.9.3, the terms and conditions of NIRB project certificates shall be implemented by all government departments and agencies in accordance with their authorities and jurisdictional responsibilities.*

*12.9.2 Without limiting the generality of Section 12.9.1, the terms and conditions of NIRB project certificates shall, in accordance with the authorities and jurisdictional responsibilities of government departments and agencies, be incorporated in relevant permits, certificates, licences or other government approvals that the proponent may require. Government departments and agencies shall discuss with NIRB how best to implement the terms and conditions of NIRB project certificates and may provide NIRB with drafts of permits, certificates, licences and other government approvals.*

While the requirements of the *Nunavut Planning and Project Assessment Act (NuPPAA)* are not directly applicable to this file, the NIRB's practice is to follow a standard timeline for issuing a project certificate that is consistent with the requirements of s. 111 of the *NuPPAA*: within 30 days following receipt of the Minister's acceptance of the Board's Final Report. Applying the 30 day timeline to this case, the Project Certificate should be issued on or before January 4, 2018. Recognizing that a good part of the 30 day time period occurs over the holidays and that regulators and the NIRB will be operating with considerably reduced hours and staffing starting the week of December 18 through to January 2, the Board is proposing an expedited process to assist with the finalization of the enclosed *draft* Project Certificate for the Back River Project. On this basis, the NIRB is scheduling a Project Certificate Workshop via teleconference for **Thursday, December 14, 2017 (9:00 – 4:30 MST)**. Although the Board recognizes these timelines are very tight, given the importance of maintaining the expected timeline for the Project Proponent, affected communities and subsequent regulators, the Board appreciates the efforts of all parties to accommodate this expedited schedule.

The Project Certificate Workshop will be used to facilitate discussions amongst regulators, NIRB staff, and the Proponent regarding the implementation of terms and conditions contained within the Project Certificate. During the Workshop, regulators will be expected to confirm which terms and conditions from the Revised Final Hearing Report will be incorporated into their respective licences, certificates, and permits. All parties are further advised that the NIRB will not be modifying the explicit wording of, nor providing justification for, specific terms and conditions during the Workshop as this has been provided in the Revised Final Hearing Report and the terms and conditions have been approved in whole by the Responsible Ministers. The Board will also be discussing the refinement of the reporting details and timing that the Board has included in the *draft* Project Certificate for the terms and conditions where it was noted that details remained to be "*determined following approval of the Project by the Minister*". Specifically, the Board will be seeking information from the parties regarding the feasibility of the reporting schedules proposed and the potential for integration and coordination of future Project reporting requirements to the extent possible.

The Proponent and the following regulatory authorities are asked to ensure appropriate representatives are made available to participate in the Workshop:

- Nunavut Water Board
- Kitikmeot Inuit Association
- Government of Nunavut
- Indigenous and Northern Affairs Canada
- Environment and Climate Change Canada
- Fisheries and Oceans Canada
- Natural Resources Canada
- Transport Canada
- Government of the Northwest Territories

To ensure the objectives of the Workshop are met, each department, agency, or organization is asked to, where possible, select staff representatives who are currently, or will be, directly

involved in the development of their respective regulatory instruments for the Back River Project.

To facilitate efficient use of discussion time during the Workshop, parties are asked to be prepared to identify and discuss any terms and conditions from the enclosed *draft* Project Certificate which they expect to implement through their respective licences, permits, or approvals and, any terms and conditions which, in their view, require additional clarification prior to issuance of a finalized Project Certificate by the NIRB.

While the NIRB intends to finalize and issue the Back River Project Certificate on or before January 4, 2018, the project-specific monitoring program which is usually issued as an Appendix to the Project Certificate may not be issued in *final* form until some months after key regulatory authorizations, including land use permits, water licences, mineral leases, are issued. This will help to ensure that the monitoring program supplements and supports, but does not duplicate, the monitoring and reporting requirements that may be contained within and/or be required by regulatory instruments. The NIRB will begin actively monitoring the Back River Gold Mine Project upon issuance of the Project Certificate.

Upon issuance of the Project Certificate to the Proponent, the NIRB will also provide all parties with a tracking document listing any points of clarification made to the terms and conditions as set out in the NIRB's revised Final Hearing Report. This will be provided for information only.

#### **REVISED FINAL HEARING REPORT RECOMMENDATIONS:**

Wherever possible, within the Revised Final Hearing Report the NIRB used the following format for its recommended project-specific terms and conditions so as to provide clear direction on the intended application, objectives, and reporting requirements:

**Category:** Identifies the relevant environmental component or project activity to which the term and condition applies. Wherever possible categories have been labelled to directly associate with the Final Environmental Impact Statement and Environmental Impact Statement Guidelines for the Project.

**Responsible Parties:** Identifies the parties responsible for implementation of the term and condition. While this is generally the Proponent, at times other agencies have been implicated as appropriate.

**Project Phase:** Identifies the phase(s) of Project development to which the term and condition is applicable. Project phase may include any one or more of the following:

- Pre-Construction – includes site preparation and staging of materials and equipment in advance of construction
- Construction
- Operations
- Temporary Closure/Care and Maintenance
- Closure and Post-Closure – includes abandonment, decommissioning and reclamation

**Objective:** Provides a short description of the impact or effect being mitigated, or issue the term and conditions is meant to address. Where relevant, expectations regarding the timing for when terms and conditions will be deemed to be satisfied (i.e. sunset clause), and who has discretion for determining it is satisfied, has been provided.

**Term or Condition:** Provides specific direction on the required action or follow up. In most instances the NIRB has endeavoured to use generalized wording to allow for maximum flexibility in achieving the stated objective, however, more explicit direction has been provided where deemed necessary.

**Reporting Requirements:** Sets out any specific reporting parameters required to measure achievement of objectives or to demonstrate compliance, as well as the required frequency of reporting.

In addition to discussion of several recommended terms and conditions where it was noted that the reporting requirements would be developed following approval of the Project by the Minister, the NIRB encourages parties to identify any other terms and conditions that require clarification. For example, it may become apparent that there are additional parties responsible for implementing certain terms and conditions, or it may be that the objective of the term and condition could be rephrased slightly to be clearer for all parties. The Project Certificate Workshop provides all parties with the opportunity to discuss where clarification to the terms and conditions needs to be expressly incorporated into the Project Certificate.

## NEXT STEPS

The enclosed *draft* Project Certificate contains the recommended terms and conditions as set out in the Revised Final Hearing Report for the Project, as well as preliminary wording in respect of applicable Reporting Requirements. This document will form the basis of discussions for the Workshop, as set out in the draft Workshop agenda in **Appendix A**.

As set out in detail above, Workshop participants should be prepared to identify and discuss any terms and conditions from the *draft* Project Certificate which they expect to implement through their respective licences, permits or approvals and, any terms and conditions which, in their view, might require clarification prior to issuance of a Project Certificate.

The NIRB also respectfully requests that parties provide the Board with confirmation of the representatives who plan to attend the teleconference Workshop via email at [info@nirb.ca](mailto:info@nirb.ca) on or before **Tuesday, December 12, 2017**.

Should any parties have questions or require additional clarification, please contact Kelli Gillard, Acting Director, Technical Services at (867) 983-4619 or [kgillard@nirb.ca](mailto:kgillard@nirb.ca).

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Ryan Barry  
Executive Director  
Nunavut Impact Review Board

cc: Matthew Pickard, Sabina Gold & Silver Corp.  
David Hohnstein, Nunavut Water Board  
Karén Kharatyan, Nunavut Water Board  
Geoff Clark, Kitikmeot Inuit Association  
Steve Pinksen, Government of Nunavut  
Lou Kamermans, Government of Nunavut  
Erika Zell, Government of Nunavut  
Spencer Dewar, Indigenous and Northern Affairs Canada  
Tineka Simmons, Canadian Northern Economic Development Agency  
Georgina Williston, Environment and Climate Change Canada  
Veronique D'Amours-Gauthier, Fisheries and Oceans Canada  
Rob Johnstone, Natural Resources Canada  
Rachelle Besner, Natural Resources Canada  
General Mail Account, Transport Canada  
Arusa Shafi, Government of the Northwest Territories

Attachments: Appendix A: Project Certificate Workshop *Draft* Agenda (NIRB File No. 12MN036)

Enclosed: *Draft* Project Certificate No.: 007 (NIRB File No. 12MN036)

**APPENDIX A:  
PROJECT CERTIFICATE WORKSHOP *DRAFT* AGENDA**

**Dates:** Thursday, December 14, 2017

**Times:** 9:00 am to 4:30 pm

**Time Zone:** Mountain Standard Time (MST)

**Location:** Teleconference (call number to be provided to confirmed attendees)

**Objective:**

- Bring together the Proponent and relevant regulatory authorities to facilitate discussions on the implementation of terms and conditions contained within the Project Certificate into their respective licences, certificates, and permits.
- Identify specific points of clarification required for terms and conditions prior to finalization and issuance of the Project Certificate by the Board.

**Notes:**

- The workshop will be chaired by Ryan Barry, NIRB Executive Director.
- Each party will be provided with an opportunity to speak to each agenda item in an ordered fashion. Time limits will be implemented as necessary.
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**Thursday, December 14, 2017**

**9:00 am** NIRB Opening Remarks

**9:15 am – 12:00 pm** Ecosystemic Terms and Conditions

Air Quality: Terms and Conditions 1-5

Climate and Meteorology: Terms and Conditions 6-8

Noise and Vibration: Terms and Conditions 9-10

Terrestrial Environment: Terms and Conditions 11-15

Geological Features, Surficial and Bedrock Geology, and Geochemistry: Terms and Conditions 16-18

Hydrological Features and Hydrogeology: Terms and Conditions 19-20

Groundwater and Surface Water Quality: Terms and Conditions 21-22

Freshwater Aquatic Environment: Terms and Conditions 23-31

Vegetation: Terms and Conditions 32-36

Terrestrial Wildlife and Wildlife Habitat: Terms and Conditions 37-52

Birds and Bird Habitat: Terms and Conditions 53-61

Marine Environment: Term and Condition 62

Marine Wildlife: Terms and Conditions 63-65

**12:00 pm – 1:00 pm** Break

**1:00 pm – 4:00 pm** Ecosystemic Terms and Conditions (continued)

Birds and Bird Habitat: Terms and Conditions 53-61

Marine Environment: Term and Condition 62

Marine Wildlife: Terms and Conditions 63-65

Socio-economic and other Terms and Conditions

Economic Development and Opportunities: Terms and Conditions 66-70

Employment: Terms and Conditions 71-72

Education and Training: Terms and Conditions 73-76

Population Demographics: Term and Condition 77

Traditional Activity and Knowledge: Terms and Conditions 78-80

Non-Traditional Land Use and Resource Use: Term and Condition 81

Heritage Resources: Term and Condition 82

Health and Wellbeing: Terms and Conditions 83-85

Human Health and Safety: Terms and Conditions 86-88

Accidents and Malfunctions: Terms and Conditions 89-94

**4:00 - 4:30 pm** Closing Remarks and Next Steps