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To: [nirb.info](#)
Subject: [EXTERNAL] Transport Canada's comments for NIRB 2023 Annual Report - B2Gold Back River Project
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To the Nunavut Impact Review Board:

Good afternoon,

In response to the Nunavut Impact Review Board's request of May 13, 2024, Transport Canada has reviewed B2Gold's Back River Project 2023 Annual Monitoring Report. Please note that Transport Canada's review was limited to those areas of the monitoring report that are relevant to the Department's mandate and areas of expertise.

Transport Canada's comments on the Back River Project 2023 Annual Monitoring Report cover three topic areas:

1. Marine safety and security
2. Navigation Protection
3. Transportation of Dangerous Goods (TDG)

1. **Marine Safety**

Comment Number:	TC-01
Subject/Topic:	Inspections - Marine Transportation; Oil Handling Facility
References:	2023 Annual Report - none
Comment: <ul style="list-style-type: none">• Gap/Issue• Disagreement with the Annual Report conclusion• Reasons for disagreement with the Annual Report conclusion• Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix	<ul style="list-style-type: none">• The Project's oil handling facility (OHF) in compliance with regulatory requirements as per part 8 of the <i>Canada Shipping Act, 2001</i>. Transport Canada did not carry out an inspection of the OHF in 2023.• The Project's marine facility is in compliance with the Marine Transportation Security Regulations and is certified as an Occasional-use Marine Facility (OUMF). Transport Canada did not carry out an inspection of the marine facility in 2023.• No enforcement activity was undertaken or required last year by Transport Canada for the

	OHF or marine facility.
Conclusion/Request	None

Comment Number:	TC-02
Subject/Topic:	Project's Oil Pollution Emergency Plan (OPEP) and Oil Pollution Prevention Plan (OPPP)
References:	2023 Annual Report; 4.7.1 Accidents and Malfunctions (Annual Report, pp. 4-190 – 4-194) <ul style="list-style-type: none"> NIRB # 349951
Comment: 1. Gap/Issue 2. Disagreement with the Annual Report conclusion 3. Reasons for disagreement with the Annual Report conclusion 4. Disagreement and reasons for disagreement with conclusions within the Additional Documents in Appendix	To demonstrate compliance with Terms and Conditions #'s 89-92, the Proponent references Oil Pollution Prevention Plan & Oil Pollution Emergency Plan (2023).
Conclusion/Request	<p>Transport Canada confirms the Proponent did submit an updated Oil Pollution Prevention Plan (OPPP) and updated Oil Pollution Emergency Plan prior to the 2023 shipping season (OPEP). Transport Canada reviewed the OPPP and OPEP and did not raise any concerns with the operator. Transport Canada notes that a copy of the Oil Pollution Prevention Plan & Oil Pollution Emergency Plan (2023) was not included with the 2023 Annual Report. In April 2024 the operator informed Transport Canada they will be submitting updated versions of their plans and details on their 2024 transfer season.</p> <p>For the information of the Board, Proponent, and other reviewers, under section 12 of the Environmental Response Regulations passed pursuant to the <i>Canada Shipping Act, 2001</i> (CSA 2001), there is a requirement for the owner of an Oil Handling Facility (OHF) to complete annual reviews and if necessary update the Project's Oil Pollution Emergency Plan (OPEP) and Oil Pollution Prevention Plan (OPPP). If plans are updated, they must be submitted to Transport Canada no later than one year after the update. As required under the CSA 2001, the facility will need to notify</p>

	Transport Canada of proposed changes to the OHF's operations relating to the loading or unloading of oil to or from vessels (180 days in advance of the change). The facility is also required to submit a revised OPEP/OPPP 90 days before a change in operation.
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Comment Number:	TC-03
Subject/Topic:	Marine shipping standard operating procedure
References:	2023 Annual Report; Appendix K 2023 Wildlife Mitigation and Monitoring Program Report <ul style="list-style-type: none"> o Section 8.2 - Marine Shipping Mitigation and Monitoring <ul style="list-style-type: none"> • NIRB # 349928
Comment: <ol style="list-style-type: none"> 1. Gap/Issue 2. Disagreement with the Annual Report conclusion 3. Reasons for disagreement with the Annual Report conclusion 4. Disagreement and reasons for disagreement with conclusions within the Additional Documents in Appendix 	To demonstrate compliance with Terms and Conditions #'s 58 and 64, the Proponent references: <p>Sabina. 2023c. Marine Shipping – Wildlife Mitigation and Monitoring, Standard Operating Procedure ENVIRO-02. Prepared For: Sabina Gold & Silver Corp by ERM Canada. November 2023.</p>
Conclusion/Request	Transport Canada cannot comment on the 2023 Marine Shipping – Wildlife Mitigation and Monitoring, Standard Operating Procedure as it was not included with the 2023 Annual Report. <p>Regardless, Transport Canada recommends the Proponent make vessel operators serving the Project aware of the 2024 Annual Notice to Mariners, and in particular section A2 Marine Mammal Guidelines and Marine Protected Areas and section 7A Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters and section 7C Vessels Intending to Navigate in Kitikmeot Region in Canada's Northern Waters (see: Annual Notice to Mariners at https://publications.gc.ca/collections/collection_2024/mpo-dfo/Fs151-4-2024-eng.pdf).</p>

Comment Number:	TC-04
Subject/Topic:	Shipping Management – Ballast Water
References:	2023 Annual Report - none
Comment: <ul style="list-style-type: none"> • Gap/Issue 	An updated Shipping Management Plan was not provided with the 2023 Annual Report.

<ul style="list-style-type: none"> • Disagreement with the Annual Report conclusion • Reasons for disagreement with the Annual Report conclusion • Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>For the information of B2Gold, NIRB, and reviewers of the 2023 Annual Report regarding the subject of ballast water:</p> <p>Transport Canada's ballast water exchange and treatment requirements were updated in the Ballast Water Regulations, SOR/2021-120, that came into force on June 3, 2021 and which implement the Ballast Water Management Convention in Canada. Treatment and water quality standards applicable to ballast water discharged within Canada will be coming into effect in 2024 using a phase-in approach until 2024. From the date of entry into force of the Ballast Water Management Convention (September 8, 2017), all vessels must conform to at least the D-1 standard (exchange); and all new vessels, to the D-2 standard (treatment) (refer to the infographic attached). Note that Canadian vessels that don't voyage internationally, other than to U.S. Great Lakes waters, or on the high seas need to meet Convention standards and the Ballast Water Regulations no later than September 2024 or September 2030, depending on when they were built.</p> <ul style="list-style-type: none"> • Ballast Water Regulations Ballast Water Regulations (justice.gc.ca) • https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-area-fresh-waters-tp-13617e-2021#item2
Conclusion/Request	<p>Transport Canada requests that:</p> <ul style="list-style-type: none"> • B2Gold's Shipping Management Plan be updated to reflect the requirements of the Ballast Water Regulations. • A new version of the Shipping Management Plan be included with the 2024 Annual Report.

Comment Number:	TC-05
Subject/Topic:	Shipping Management - Biofouling
References:	2023 Annual Report - none
Comment: <ul style="list-style-type: none"> • Gap/Issue • Disagreement with the Annual Report conclusion 	<p>An updated Shipping Management Plan was not provided with the 2023 Annual Report.</p> <p>The following is for the information of B2Gold, NIRB,</p>

<p>Reasons for disagreement with the Annual Report conclusion</p> <ul style="list-style-type: none"> Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>and reviewers of the 2023 Annual Report on the subject of biofouling:</p> <ul style="list-style-type: none"> In Fall 2022, Transport Canada published its Voluntary Guidance for Relevant Authorities on In-Water Cleaning of Vessels (canada.ca), which includes a biofouling management plan and biofouling record book templates that have been well regarded internationally. The guidance provides clarity to stakeholders (competent authorities, vessel owners and operators, and in-water clean-up service providers) on recommended best practices that can be used to manage the biosecurity and water quality risks associated with cleaning vessels underwater. The International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC) adopted the revised "Guidelines for the Control and Management of Ship's Biofouling to Minimize the Transfer of Invasive Aquatic Species" (Marine Environment Protection Committee (MEPC 80), 3-7 July 2023 – preview (imo.org)). These guidelines provide recommendations on in-water inspections with a focus on the quantitative assessment of biofouling using a biofouling rating number, as well as on observations of the anti-fouling system condition, which will assist vessel owners and operators in minimizing the transfer of potentially harmful aquatic species, following globally agreed guidance.
Conclusion/Request	Transport Canada requests that the above information be brought to B2Gold's attention.

2. Navigation Protection

Comment Number:	TC-06
Subject/Topic:	Permits – Navigation Protection Program
References:	2023 Annual Report, Table 1.2-1: Permit Registry
<p>Comment:</p> <ul style="list-style-type: none"> Gap/Issue Disagreement with the Annual Report conclusion Reasons for disagreement with the Annual 	<p>As noted on in Table 1.2.1, Transport Canada's Navigation Protection Program (NPP) has issued three approvals for works associated with the Project's marine laydown area (MLA):</p> <ul style="list-style-type: none"> 2012-600767-002 – MLA Discharge Pipeline

<p>Report conclusion</p> <ul style="list-style-type: none"> Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>Authorization</p> <ul style="list-style-type: none"> 2012-600767-003 – MLA Intake Pipeline Authorization 2012-600767-006 – MLA Lightering Barge Authorization <p>Regarding the three approvals and the Project:</p> <ul style="list-style-type: none"> NPP received no complaints about navigation related to the project in 2023. NPP did not carry out any inspections for the project in 2023.
Conclusion/Request	None.

Comment Number:	TC-07
Subject/Topic:	Permits – Navigation Protection Program
References:	2023 Annual Report, Table 1.2-1: Permit Registry; Section 3.1.1 Permitting
<p>Comment:</p> <ul style="list-style-type: none"> Gap/Issue Disagreement with the Annual Report conclusion Reasons for disagreement with the Annual Report conclusion Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>During their review of the 2023 Annual Report, Transport Canada’s Navigation Protection Program (NPP) identified that B2Gold did not file a Transfer of Ownership with NPP. Until such time as this Transfer has been received and accepted by NPP, authority over the three authorizations listed in TC-06 remains with Sabina Gold and Silver Corporation.</p> <p>NPP has followed up with B2Gold about this matter.</p>
Conclusion/Request	<p>Provided B2Gold files the above Transfer of Ownership with NPP, then for clarity, the 2024 Annual Report include the following change (underlined):</p> <p>(Page 3-2) “Sabina also continued to advance and obtain the necessary Federal permits and authorizations for the Project in 2019. Sabina received the Back River Project <i>Fisheries Act</i> Authorization from the Department of Fisheries and Oceans Canada, as well as authorization, <u>now transferred to B2Gold Back River Corp.</u>, from Transport Canada that Umwelt Lake and Llama Lake do not require exemption from the <i>Navigation Protection Act</i> (NPA).”</p>

3. Transportation of Dangerous Goods (TDG)

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Comment Number:	TC-08
Subject/Topic:	Transportation of Dangerous Goods / Hazardous Materials
References:	2023 Annual Report
Comment: <ul style="list-style-type: none"> • Gap/Issue • Disagreement with the Annual Report conclusion • Reasons for disagreement with the Annual Report conclusion • Disagreement and reasons for disagreement with conclusions within the Additional Documents in the Appendix 	<p>No TDG monitoring was carried out at the Back River Project by Transport Canada in 2023. No complaints/concerns regarding TDG were received by Transport Canada and the Department did not undertake any enforcement actions.</p> <p>Other than the matter documented in Comment Number TC-09 regarding documentation of the disposal of hazardous material off-site, Transport Canada's TDG Group had no concerns with the 2023 Annual Report.</p>
Conclusion/Request	None

Comment Number:	TC-09
Subject/Topic:	Manifests for shipping of hazardous materials
References:	2023 Annual Report; Table 4.4-1 – Unauthorized Discharges <ul style="list-style-type: none"> • NIRB # 349951 October 2014 Hazardous Materials Management Plan (HMMP) ; section 3.3 - Wastes <ul style="list-style-type: none"> • NIRB # 280285
Comment: <ol style="list-style-type: none"> 1. Gap/Issue 2. Disagreement with the Annual Report conclusion 3. Reasons for disagreement with the Annual Report conclusion 4. Disagreement and reasons for disagreement with conclusions within the Additional Documents in Appendix 	<p>Table 4.4-1 lists four spills where the spilled material was disposed of off-site. However, manifests documenting the shipping of hazardous material were not included with the Annual Report.</p> <p>NOTE: Transport Canada's TDG group will be following up with KBL Environmental in Yellowknife for information regarding the disposal of dangerous goods / wastes for the B2Gold's Back River Project.</p>
Conclusion/Request	Future annual reports for the Back River Gold Mine Project provide information and copies of documents, such as manifests, regarding the transportation of dangerous goods and hazardous materials for the Project, including <i>nil</i> comments. Part of this information would be the inclusion of all hazardous waste manifests for the Project, if any. This information would support reviews of future annual reports.

Please follow-up with me if you have any questions about Transport Canada's review of the 2023 Annual Report for the Back River Project.

Regards,

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