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Via Email : dfiliatrault@nirb.ca

Government of Canada's Comments on Next Steps to Finalize Project Certificate No. 007, Amendment 1 for B2Gold Back River Corp.'s "Back River Energy Centre"

Dionne Filiatrault,

Thank you for the Nunavut Impact Review Board's (the Board's) July 10, 2024 correspondence. The Government of Canada appreciates the opportunity to provide comments on the Draft Project Certificate No. 007, Amendment 1, and next steps for B2Gold Back River Corporation's "Back River Energy Centre."

The Northern Projects Management Office (NPMO) is responding on behalf of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada (HC), Natural Resources Canada (NRCan) and Transport Canada (TC).

The Board requested that parties provide input on the value of hosting a teleconference workshop to finalize the Project Certificate No. 007, Amendment 1. The Government of Canada sees value in either written submissions or a teleconference workshop, and will participate accordingly.

Regarding the Board's other request for input, the Government of Canada's comments on the Terms and Conditions for which Departments should be identified as a Regulatory Authority can be found in the attached appendix.

The Government of Canada understands that the Board is also currently seeking comments regarding any specific issues with the Draft Project Certificate No. 007, Amendment 1 to be addressed, and has included such comments in the attached appendix as well.



The Government of Canada looks forward to participating in the next steps the Board deems appropriate to support finalization of the Project Certificate No. 007, Amendment 1.

Nakurmiik, Quana, Ma'na

Stephen Traynor
A/Director General
Northern Projects Management Office
Canadian Northern Economic Development Agency

Cc Joanna Ankersmit, Director General, Natural Resources and Environment, Crown-Indigenous Relations and Northern Affairs Canada

Spencer Dewar, A/Regional Director General, Nunavut, Crown-Indigenous Relations and Northern Affairs Canada

Nicole Cote, Director General, Environmental Protection Operations Directorate, Environment and Climate Change Canada

Thomas Hoggarth, Regional Director of Aquatic Ecosystems, Arctic Region, Fisheries and Oceans Canada

Chantal Roberge, National Director, Environmental Health Programs, Health Canada

Hieu Vu, Director General, Explosives, Regulatory and Business Services Branch, Lands and Minerals Sector, Natural Resources Canada

Shari Currie, Regional Director, Prairie and Northern Region, Transport Canada

Keith Morrison, Manager, Impact Assessment, Nunavut Impact Review Board



Appendix - Specific Comments

Transport Canada

Term and Condition No.	90
Comment:	<p>TC is concerned the revised Reporting Requirements could be confusing to the Proponent as they do not make it clear that as required by the Environmental Response Regulations, revised oil pollution prevention plans and revised oil pollution emergency plans are to be submitted to the Minister of Transport no later than one year after they are updated.</p> <p>TC recommends the proposed revised Reporting Requirements be amended as follows and the following footnote added (TC additions in bold underline):</p> <p>The OPEP should be provided to the Nunavut Impact Review Board prior to the commencement of Project-related shipping, and updates provided with annual reporting.</p> <p>Whenever the Proponent makes subsequent revisions to the Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days <u>after submitting the updated Plan to the Minister of Transport</u> of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.¹</p>

Term and Condition No.	91
Comment:	<p>TC is concerned the revised Reporting Requirements could be confusing to the Proponent as they do not make it clear that as required by the Environmental Response Regulations, revised oil pollution prevention plans and revised oil pollution emergency plans are to be submitted to the Minister of Transport no later than one year after they are updated.</p> <p>TC recommends the proposed revised Reporting Requirements be amended as</p>

¹ Subsection 12(3) of the Environmental Response Regulations (SOR/2019-252) require that, "If the operator of an oil handling facility updates the oil pollution prevention plan or the oil pollution emergency plan, the operator must submit the up-to-date plan to the Minister no later than one year after the update."



	<p>follows and the following footnote added (TC additions in bold underline):</p> <p>Monitoring plans should be provided to the Nunavut Impact Review Board prior to the commencement of Project-related shipping, with any subsequent amendments or new plans being identified and provided in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the <u>Shipping Management Plan or the Risk Management and Emergency Response Plan</u> Plan(s), the Proponent shall submit the updated Plan(s) to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan(s) are also posted on the Proponent's project website.</p> <p><u>Whenever the Proponent makes subsequent revisions to the Oil Pollution Emergency Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days after submitting the updated Plan to the Minister of Transport and will ensure the updated Plan is also posted on the Proponent's project website.²</u></p>
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Environment and Climate Change Canada

Term and Condition No.:	N/A
Comment:	Recommend the Board consider whether the current phrasing for 'provision' only of plans/updated plans in relevant Reporting Requirements for Terms and Conditions is sufficient or if additional direction should be included.

Term and Condition No.:	N/A
Comment:	Recommend using wording that includes the words "for each of" or "for both" in proposed text where construction is mentioned to avoid ambiguous statement on which construction

² Subsection 12(3) of the Environmental Response Regulations (SOR/2019-252) require that, "If the operator of an oil handling facility updates the oil pollution prevention plan or the oil pollution emergency plan, the operator must submit the up-to-date plan to the Minister no later than one year after the update."



	(Back River Mine or Back River Energy Centre).
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Term and Condition No.	10
Comment:	<p>Recommend that the revised Reporting Requirements consider the following modification to ensure consistency the Reconsideration Report and Recommendations:</p> <p><u>“During construction of the Back River Project components (including components associated with the Energy Centre Proposal) the Proponent shall...”</u></p>

Term and Condition No.:	12
Comment:	Suggest that it be marked as a “REVISED Term and Conditions No.”

Term and Condition No.:	40 and 43
Comment:	Suggest that the revised Reporting Requirements include the word ‘or’ between Project and the Energy Centre, as the construction dates are not set, the earlier construction date should be used to initiate reporting requirements.

Term and Condition No.	46
Comment:	<p>Request that ECCC be named in the revised Reporting Requirements:</p> <p><u>“A summary regarding incidents reported to regulatory authorities, the Kitikmeot Inuit Association and Environment and Climate Change Canada (Canadian Wildlife Service), including mortalities from the wind turbines,...”</u></p> <p>ECCC receives wildlife-related incident reports due to legislative responsibilities under the <i>Species at Risk Act</i>, and <i>Migratory Bird Regulations</i>. ECCC is named similarly in Term and Condition 59, so the addition in Term and Condition 46 remains consistent with the process in place.</p>



Term and Condition No.:	56 and 57
Comment:	Recommend that the revised Reporting Requirements consider the following modification: “Throughout construction of both the <u>Back River Gold Mine Project</u> , and the <u>Energy Centre Project Infrastructure...</u> ”

Term and Condition No.:	89
Comment:	Suggest that bullet “b” from the Term or Condition include the updated name of the Proponent, as Sabina is still listed here.

Term and Condition No.:	Wildlife/Bird-Related Terms and Conditions
Comment:	Suggest that referencing the Wildlife Mitigation and Monitoring Program Plan (WMMPP) in related Terms and Conditions in the Project Certificate, would help provide clarity on where the related information can be found.

Crown-Indigenous Relations and Northern Affairs Canada

Term and Condition No.	N/A
Comment:	Amendment 1, of Project Certificate No. 007, should reflect the current Departmental name. Please consider updating instances of Indigenous and Northern Affairs Canada (INAC) to Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) where appropriate.
Term and Condition No.	78, 79 and 80
Comment:	The proposed revised Reporting Requirements text for these Terms and Conditions appears to be missing some words and should be proofread, for clarity.

Fisheries and Oceans Canada

Term and Condition No.	31
Comment:	DFO is of the opinion that the addition of “for both the Back River Gold Mine Project, and



	<p>the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads)” to the Term and Condition is not necessary for the following reasons:</p> <ul style="list-style-type: none">- The Rascal Stream Fish Passage is not related to the Energy Center.- Section 3 states: “For greater clarity, unless specified otherwise, all terms and conditions, including amendments thereto, apply to the original approved Back River Gold Mine Project and to any approved modifications to the Project”.
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Term and Condition No.	24, 25, 26, 27, 28, 29, 30, and 31
Comment:	For consistency, DFO proposes the acronym DFO be used in the Terms and Conditions instead of Fisheries and Oceans Canada.

Term and Condition No.s	29 and 30
Comment:	For consistency with Term and Condition 26, DFO suggests “for both the Project and any approved Modifications” be written as a revision instead of the longer version “for both the Back River Gold Mine Project, and the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads)”.