



NIRB File No.: 12MN036
NWB File No.: 2BC-BRP1819 and 2AM-BRP1831

August 7, 2024

Merle Keefe
B2Gold Back River Corp.
3400-666 Burrard Street
Vancouver, BC V6C 2X8

Sent via email: mkeefe@b2gold.com

Re: Issuance of NIRB's Project Certificate No. 007 Amendment No. 001 for B2Gold Back River Corp.'s "Back River Energy Centre" Proposal Modifying the Back River Project (NIRB File No. 12MN036)

Dear Merle Keefe:

The Nunavut Impact Review Board (NIRB or Board) is issuing the amended Project Certificate No. 007 Amendment No. 001 for the Back River Project (NIRB File No. 12MN036) to B2Gold Back River Corp. (B2Gold) pursuant to Article 12, Section 12.8.3 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*, and s. 112(10) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (*NuPPAA*). These amendments are the outcome of the Board's assessment of a modification to the Back River Project as proposed by B2Gold in the "Back River Energy Centre" project proposal (the Energy Centre Proposal or Proposal). The Board's assessment of the Proposal was conducted as a formal reconsideration of the terms and conditions of Project Certificate No. 007 (the Project Certificate).

On April 12, 2024 the NIRB completed the Board's assessment of the Energy Centre Proposal and issued the NIRB's Reconsideration Report and Recommendations¹ (the Report) to the Responsible Ministers² for their consideration. In the Report, the Board recommended that the Energy Centre Proposal be allowed to proceed to the regulatory phase, subject to recommended revisions to 11

¹ NIRB Public Registry ID: 349700.

² Collectively, the Responsible Ministers with regulatory jurisdiction over the Back River Project and with authority for responding to the Board's Report included: the Minister of Northern Affairs, Prairies Economic Development Canada, and the Canadian Northern Economic Development Agency; Minister of Environment and Climate Change; Minister of Fisheries, Oceans and the Canadian Coast Guard; Minister of Energy and Natural Resources; and Minister of Transport (Responsible Ministers).

existing terms and conditions, and the addition of two (2) ecosystemic terms and conditions and one (1) socio-economic term and condition in Project Certificate No. 007.

On July 8, 2024 the NIRB received correspondence from the Minister of Northern Affairs on behalf of the Responsible Ministers. Pursuant to s. 112(6)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the Minister indicated the Responsible Ministers:

...accept the Board's recommendation that the Proposal should be allowed to proceed and, pursuant to paragraph 112(6)(a) of the Act. We also accept each of the Board's recommended new and revised terms and conditions of Project Certificate No. 007

Therefore, under s. 112(10) of *NuPPAA*, the NIRB is required to issue an amended Project Certificate No. 007 within 30 days of receipt of the Ministers' July 8, 2024 letter.

On July 12, 2024, the Board circulated a *Draft* of Project Certificate No. 007 Amendment No. 001 containing the following updates to the Project Certificate:

- Change to the legal entity that is now the Proponent of the Back River Project (as recently confirmed by B2 Gold Back River Corp.);
- Additions to the procedural history and scope of the Project as modified by the Back River Energy Centre Proposal;
- Updates to the existing 11 terms and conditions as recommended by the Board in the Report;
- The addition of 3 (three) new terms and conditions as recommended by the Board in the Report;
- Updates and clarifications to the Reporting Requirements associated with specific terms and conditions to reflect developments in relation to the monitoring and reporting program since the Project Certificate was issued for the original Project, including administrative updates and standardization of terminology by the Board.

In that correspondence, the Board also invited parties to provide comment in relation to the revised *Draft* of Project Certificate No. 007 Amendment No. 001 and also to advise whether or not it would be necessary for the Board to host a teleconference Project Certificate Workshop to discuss implementation of the new/updated terms and conditions or updates to reporting requirements.

The following parties provided responses:

- B2Gold Back River Corp. (B2Gold; Document ID No.: 350904, 350922);
- Kitikmeot Inuit Association (KIA; Document ID No.: 350874, 350921);
- Government of Nunavut (GN; Document ID No.: 350872); and
- Government of Canada (Document ID No.350873):
 - 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).

These documents all materials related to the NIRB's assessment of the Energy Centre Proposal can be accessed online from the NIRB's Public Registry at www.nirb.ca/project/125740.

Following the Board's review and receipt of comments, the Board made the following additional revisions to reflect parties' suggested revisions and requests for clarifications as follows:

Table 1: Summary of Revisions to the draft Project Certificate No. 007 Amendment No.001 Made to Reflect Parties' Comments

Party	T&C #	Comment	Revisions
KIA	37, 38, 39, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 53, 78, 79, 80, 95	Expressed concern that the Reporting Requirements in all of these terms and conditions require some form of sharing Inuit Qaujimajatuqangit that could supersede the terms of KIA licences or other IQ sharing agreements, this wording should be clarified to ensure that the Proponent's obligations under the PC are not contrary to the applicable requirements of these agreements such as confidentiality requirements	Added commentary at the start of Section 4: Project-Certificate Terms and Conditions to note that for <u>all</u> terms and conditions in the Project Certificate involving reporting and discussion on Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, the requirements of the Project Certificate are subject to any limits on collection, use and disclosure of this knowledge that may be imposed under specific agreements.
CIRNAC	67 and 68	The references to "Indigenous and Northern Affairs Canada" should be updated to "Crown-Indigenous Relations and Northern Affairs Canada"	The references have been updated as requested.
DFO	24, 25, 26, 27, 28, 29, 30 and 31	For consistency, DFO proposes the acronym DFO be used in the Terms and Conditions instead of Fisheries and Oceans Canada.	The Board avoids using acronyms in T & Cs to the extent possible, but recognizes that readers may not know that Fisheries and Oceans Canada and DFO are the same agency, so "DFO" has been added where appropriate
DFO	29 and 30	Replace the longer statement "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"	This change has been made as requested

Party	T&C #	Comment	Revisions
		with “the Project and any approved Modifications”	
DFO	31	The revision to the Reporting Requirements to add the Energy Centre Project Infrastructure should be removed as the Rascal Stream Fish Passage because this Infrastructure is not related to the Rascal Stream Fish Passage	This change has been made as requested
ECCC	12, 13, 14	Addition to the reporting requirements to separate construction of the Project and any approved Modifications recognizing that the time period when construction commences will be different	This change has been made where considered appropriate in 12, 13, 14, 21, 24, 26, 29, 30, 56, 57
ECCC	40 and 43	Change the word “and” to “or” to reflect that the reporting timeline linked to construction may be different for the Back River Mine Project and the Energy Centre Project	This change has been made
ECCC	46	Revise reporting requirements to specify that Environment and Climate Change Canada (Canadian Wildlife Service) is the regulatory authority receiving wildlife incident reports	This change has been made
ECCC	89	Reference to Sabina in Term & Condition, part (b) should be updated to B2Gold	This change has been made
TC	90, 91	Revision to Reporting Requirements to clarify that revisions to the Oil Pollution Emergency Plan (OPEP) must be submitted to the Minister of Transport first, followed by submission to the NIRB	This change has been made

In reviewing the comments of parties about the implementation of the amended Project Certificate, the Board has concluded that with written clarification, revisions to wording of Reporting Requirements and the addition of non-binding commentary as referenced in in Table 1 above, a

teleconference PC Workshop is not necessary in this case for the Proponent, regulatory authorities and responsible parties to understand their responsibilities for implementation of Project Certificate No. 007 as amended under Amendment No. 001. Accordingly, the Board has now finalized the text of Project Certificate No. 007 Amendment No. 001 and issues the attached amended Project Certificate to the Proponent for implementation.

The NIRB appreciates the participation of the Kitikmeot communities, regulators, B2Gold, and other interested parties in the Board's assessment of the Energy Centre Proposal, their review and comment on the amendments to the Project Certificate and their continued contributions to the monitoring program for the Back River Gold Mine Project as modified by the Back River Energy Centre Project.

The NIRB will continue to monitor the Back River Project in accordance with Part 7, Article 12 of the *Nunavut Agreement* and s. 135 of the *NuPPAA*, and in accordance with the amended terms and conditions of Project Certificate No. 007 Amendment No. 001. The NIRB looks forward to working with B2Gold and all interested parties to ensure that Project Certificate No. 007 Amendment No. 001 is fully implemented and achieves the identified objectives.

Should you have any questions or require additional clarification regarding the NIRB's monitoring of the approved Back River Project as modified by the Back River Energy Centre Project, please contact Cory Barker, Manager, Project Monitoring at cbarker@nirb.ca or (867) 983-4607.

Sincerely,



Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

Enclosures (2) *Amended* NIRB Project Certificate No. 007 Amendment No. 001
 Amended NIRB Project Certificate No. 007 Amendment No. 001—Companion Document

cc: Back River Distribution List
 Andrew Moore - B2Gold Back River Corp.
 Kristina Benoit - B2Gold Back River Corp.