



August 8, 2024

Attn: Dionne Filiatrault
Executive Director
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
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Sent by email: info@nirb.ca

Re: B2Gold Nunavut's Comments Regarding NIRB's 2024 Revised Draft Standard Impact Statement Guidelines

Dear Dionne,

On April 3, 2024, the Nunavut Impact Review Board (NIRB) invited the public to comment on the 2024 Revised Draft Standard Impact Statement (SIS) Guidelines. B2Gold Back River Corp. (B2Gold Nunavut) appreciates the opportunity to provide comments and have attached 30 comments for consideration.

Due to the large number of comments, B2Gold Nunavut requests the opportunity to review the next draft before the NIRB finalizes the Guidelines.

Sincerely,

Kristina Benoit
Manager, Environmental Permitting
B2Gold Nunavut

Attachment: 30 Comments – 2024 Revised Draft Standard Impact Statement Guidelines

cc: Heather Rasmussen, NIRB
Andrew Moore, B2Gold Nunavut
Merle Keefe, B2Gold Nunavut



Comment Number:	B2Gold Nunavut-1
Subject:	Engagement and Consultation
Reference:	4.4.1
Priority:	High
Background/Rationale:	There does not appear to be a definition of consultation in the document. The terms engagement and consultation are at times used interchangeably. Yet the section states: “Public engagement, and particularly consultation, is intended to ...” It thus differentiates between the two. Despite emphasizing consultation in this instance, the remainder of the section is about engagement only. E.g., all subheadings include engagement only or the statement “Public engagement and gathering of Inuit Qaujimajatuqangit are different exercises” (see Section 4.4.2 for requirements related to Inuit Qaujimajatuqangit).
Recommendation to Address Issues:	<p>If the guidelines differentiate between consultation and engagement and, in fact, put emphasis on consultation, they should provide a clear definition and use the term strictly within this definition.</p> <p>Further, it is not clear why IQ shared as part of public engagement would be considered to be less valid than IQ shared as part of a targeted IQ sharing initiative (see Section 2.2 for example). This statement should be revised or not included in the Guideline. B2Gold Nunavut welcomes IQ shared by Inuit in any forum.</p>

Comment Number:	B2Gold Nunavut-2
Subject:	Important role of NIRB process in achieving identified objectives
Reference:	<p>Section 4.4.1 – Public Engagement</p> <p>Section 4.4.2 – Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge</p>
Priority:	High
Background/Rationale:	While proponents have notable responsibilities to ensure the public engagement and IQ objectives listed in Sections 4.4.1 and 4.4.2 are fulfilled (e.g. verification of information / knowledge provided by the public), there is no mention of the significant role the NIRB process also plays in helping achieve



	these objectives. NIRB's co-managed process is considered a 'best practice' model by many EA observers for its public engagement and Traditional Knowledge requirements. Through NIRB community scoping sessions, draft impact assessment submissions, public commenting periods, community roundtables, and public hearings (as examples), the public is provided many opportunities (in addition to proponent-led processes) to learn about proposed developments, share their feedback and knowledge, and validate/verify conclusions presented. This serves the added benefit of occurring in an independent (e.g. non-proponent led) environment.
Recommendation to Address Issues:	Clarify the NIRB process itself can help address key public engagement and IQ requirements identified in the IS Guidelines. These items should not be a threshold topic that is used by the NIRB to make a determination that an Impact Assessment has not met the Guidelines.

Comment Number:	B2Gold Nunavut-3
Subject:	Clarity on definitions and terms used
Reference:	Section 4.4.1 – Public Engagement Section 4.4.2 – Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge
Priority:	High
Background/Rationale:	There is a lack of clarity pertaining to certain definitions and terms used in Sections 4.4.1 and 4.4.2, as described further below.
Recommendation to Address Issues:	Page 8: Inuit Qaujimajatuqangit – This definition lacks clarity and instead provides a list of examples (drawn from the Qikiqtaaluk Region, notably) of what IQ may include, address, or refer to. The proposed definition also differs considerably from past definitions used by NIRB, the GN, and other northern agencies and organizations. In addition, no reference is made to Inuit Qaujimaningit, and how that term relates to/differs from Inuit Qaujimajatuqangit. Additional clarity and specificity on this topic is requested. Various Pages: "Validation / verification" of information shared by the public – Various references are made in Sections 4.4.1 and 4.4.2 to information that is shared by the public/through IQ requiring validation/verification by a



	<p>proponent. Considering the substantial amounts of information and knowledge that may be shared and gathered through the NIRB process, additional clarity on this topic is requested. For example, a statement like the following could be included in the IS Guidelines: “Validation/verification of information and knowledge shared is important; however, considering that substantial amounts of information and knowledge may be gathered, it is not reasonable to expect every piece of information to undergo this process, nor for every knowledge holder to necessarily be involved. At minimum, summaries of key dialogues, conclusions, and outputs should be presented to representative community members or groups for comment. Topics of greater importance and significance may require more comprehensive validation/verification processes to be used. The NIRB process (e.g. through public hearing and commenting periods) can also play a role in helping achieve this objective in a non-proponent led forum.”</p> <p>Pages 22 and 26: “The Impact Statement shall describe the information shared during <u>each</u> engagement” (underline added by B2Gold Nunavut for emphasis) – Many hundreds of engagements, both formal and informal, may be conducted or participated in by a proponent during an EA process. It would be more reasonable to re-phrase this statement to read: “The Impact Statement shall summarize relevant information and discuss key themes shared through the engagement process”.</p> <p>Page 23: “Rationale for conclusions differing from community views” – It would be more reasonable to re-phrase this statement to read: “If significant differences are found to exist, provide a rationale for proponent conclusions that differ from community views on topics of importance”.</p>
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Comment Number:	B2Gold Nunavut-4
Subject:	Grammatical Error
Reference:	<p>Section 4.4.1.1</p> <p><i>The Proponent shall demonstration that not only have they asked for input from the communities but also links the input received with tangible impacts on the project, the Impact Statement, approach to mitigation, long-term planning etc.</i></p>
Priority:	Low



Background/Rationale:	As written the sentence appears to contain grammatical errors.
Recommendation to Address Issues:	Fix typos

Comment Number:	B2Gold Nunavut-5
Subject:	Unclear direction on use of engagement
Reference:	4.4.1.1 <i>The Proponent shall demonstrate that not only have they asked for input from the communities but also links the input received with tangible impacts on the project, the Impact Statement, approach to mitigation, long-term planning etc.</i>
Priority:	Medium
Background/Rationale:	The highlighted statement is unclear. Presumably it directs the proponent to show how community input has been used in designing the project.
Recommendation to Address Issues:	Clarify

Comment Number:	B2Gold Nunavut-6
Subject:	Relationships
Reference:	4.4.1.1 <i>Building relationships that start early in project development and prior to the NIRB's impact assessment processes;</i>
Priority:	Medium
Background/Rationale:	Building relationships is an appropriate goal and starting engagement early in the process is an appropriate requirement. Prescribing the building of relationships, however, may go beyond what a proponent can deliver, and what the NIRB is mandated to do. A relationship requires two willing parties, and a project should not be disqualified because one party is unwilling to enter a positive relationship. Engagement can still occur without it.



Recommendation to Address Issues:	Clarify that engagement should start early and remove the requirement to build relationships or, at minimum, qualify it as an aspirational goal.
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Comment Number:	B2Gold Nunavut-7
Subject:	Potentially inappropriate direction on who to engage with
Reference:	4.4.1.1 <i>Consistent and ongoing engagement with multiple demographic groups/organizations/individuals;</i>
Priority:	Medium
Background/Rationale:	In most instances there will be more than one relevant group, but not necessarily in every instance. As written, the proponent may find themselves forced to engage additional groups and, in a worst case, potentially damage the relationship with the key group by bringing in unrelated or peripherally related groups.
Recommendation to Address Issues:	'Multiple' should be replaced with 'relevant'

Comment Number:	B2Gold Nunavut-8
Subject:	Example of repetitiveness
Reference:	4.4.1.2 <i>Proponents may also have additional requirements to engage with potentially impacted communities and organizations in overlap areas and neighboring jurisdictions outside of the Nunavut Settlement Area, including Indigenous Groups asserting s. 35 rights (see Section 4.4.5.5 for additional information). Proponents are encouraged to engage with applicable organizations on who should be engaged within each community and recommendation for engagement best practices within these respective areas</i>
Priority:	Low



Background/Rationale:	This paragraph effectively covers the same information as the paragraph above and presents slightly different details. This is one example of the guidelines being repetitive at times.
Recommendation to Address Issues:	Consolidate repetitive text throughout the document

Comment Number:	B2Gold Nunavut-9
Subject:	Unclear direction and placing undue burden on proponent
Reference:	4.4.2 <i>Rationale for any differences in conclusions between knowledge sources and plans to address.</i>
Priority:	High
Background/Rationale:	<p>This direction is unclear and lacks several definitions, which are not provided later in the text. Depending on each term's definition, the information provided, or action taken, by a proponent may vary substantially.</p> <p>Matters that are unclear or may place undue burden on a proponent are:</p> <ul style="list-style-type: none"> • Conclusions: does this refer to conclusions within the information collected, e.g., there are no fish at location X, or does it refer to conclusions about the project? • Knowledge sources: does this refer to IQ, vs. public engagement vs. scientific data or does it refer to IQ or IK collected from different people or institutions? • Rationale: while a proponent may attempt to reconcile differences in their project design, a proponent must not be put in a situation where they are always required to explain the difference in information provided by different sources; the proponent likely cannot explain why IQ from land user A is different from land user B.
Recommendation to Address Issues:	These terms need to be clearly defined and the expectation of the proponent needs to be transparent. As written, it is very difficult for a proponent to determine what is expected of them. Providing a rationale for differences between information sources should be removed. The proponent can only provide a rationale for conclusions they draw or decisions they make about their project.



Comment Number:	B2Gold Nunavut-10
Subject:	Potential for undue burden on proponent regarding acceptable thresholds
Reference:	4.4.2 <i>Identification of thresholds of acceptable change against which to assess Project-specific and cumulative impacts;</i>
Priority:	High
Background/Rationale:	What is acceptable will likely differ from community to community and from group to group or individual to individual within a community. It is also likely that for any project, no matter how small, the accompanying change will be unacceptable to at least some individuals. The proponent cannot readily determine what is acceptable to a community as a whole, the community must determine that for itself through the NIRB process. Decisions about the acceptability of a project, and with it the determination of thresholds of acceptability, are the responsibility of NIRB itself and should not be delegated to the proponent.
Recommendation to Address Issues:	This requirement should be removed.

Comment Number:	B2Gold Nunavut-11
Subject:	Unclear terms
Reference:	4.4.2 – blue box <i>Verification that conclusions have been captured correctly</i>
Priority:	Medium
Background/Rationale:	See comment #9 above
Recommendation to Address Issues:	The term conclusions should be clearly defined



Comment Number:	B2Gold Nunavut-12
Subject:	Practices for collecting IQ
Reference:	4.4.2 – blue box <i>Expected practices when collecting, gathering, and recording Inuit Qaujimajatuqangit, including:</i> <i>o Free, Prior, and Informed Consent from all participants</i> <i>o Ownership, management, storage, and access to Inuit Qaujimajatuqangit</i> <i>o Analyzing and interpreting Inuit Qaujimajatuqangit...</i>
Priority:	High
Background/Rationale:	The direction provided is unclear. Ownership, management, and access to IQ can simply refer to matters that the proponent should attend to, without direction of how to do so. Or it can mean communities must have ownership, etc. It should be the former, as the approach may differ from one community or group to another.
Recommendation to Address Issues:	Should be clarified.

Comment Number:	B2Gold Nunavut-13
Subject:	Baseline
Reference:	4.4.4.1 <i>.. it is important that the Impact Statement reflects a holistic view of what the current state of the environment is, not just for a scientific view, but from an Inuit lens.</i>
Priority:	High
Background/Rationale:	The guidelines state earlier that the proponent must consider IQ and other information sources in their project design, impact statement, etc. This direction here, as currently worded, appears to require the proponent to look at the world through an Inuit lens. Only Inuit can look at the world through an Inuit lens. The proponent can consider Inuit knowledge but cannot approach the environment as Inuit would. For the proponent to purport to do so could lead to conflict.



Recommendation to Address Issues:	This requirement should be removed or clarified further. The direction to include Inuit knowledge in project design is sufficient. The NIRB process offers a means for Inuit to share their perspective with the NIRB.
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Comment Number:	B2Gold Nunavut-14
Subject:	Baseline
Reference:	4.4.4.1 <i>The description of the historical background, current baseline conditions, and the impact trends shall include</i>
Priority:	Low
Background/Rationale:	The section is about establishing baselines, and it describes baseline as including current conditions as well as variation and trends in several places. As such <i>current baseline</i> is confusing. Presumably this refers to current conditions.
Recommendation to Address Issues:	Please clarify.

Comment Number:	B2Gold Nunavut-15
Subject:	Baseline data collection
Reference:	4.4.4.1 <i>To identify natural fluctuations and trends, including cyclical and other recurrent phenomena, the Proponent shall collect baseline data to reflect sufficient time, depth, and geographic broadness of both temporal and spatial scale.</i>
Priority:	High
Background/Rationale:	Natural fluctuations and trends may operate on timescales much larger than any realistic baseline data collection period. Data collection is often a snapshot. IQ can provide a longer-term view.
Recommendation to Address Issues:	The guidelines should specify a timeframe, e.g. a range of 2 to 4 years for field data collection. Timeframes may differ for different types of projects or data being collected.



Comment Number:	B2Gold Nunavut-16
Subject:	Baseline standards
Reference:	4.4.4.1 <i>Adhere to recognized data standards or methodologies to ensure consistency</i>
Priority:	Medium
Background/Rationale:	Adhering to data collection standards will enhance consistency or comparability between data collection programs for different projects and from year to year. However, it cannot always ensure consistency as different programs will still have different study designs to fulfill the needs of the particular project.
Recommendation to Address Issues:	Replace ensure with enhance

Comment Number:	B2Gold Nunavut-17
Subject:	Baseline – Gaps and Uncertainties
Reference:	4.4.4.2 <i>The Impact Statement must include any gaps and uncertainties associated with the data collected and information used.</i>
Priority:	Medium
Background/Rationale:	Identifying “any” gap and uncertainties is an impossible to reach standard. One does not know what one does not know. Later on, the document requires the proponent to identify gaps “encountered” which is a more appropriate standard.
Recommendation to Address Issues:	Remove “any”. Re-phrase statement to read “... must include discussion of known relevant gaps and...”

Comment Number:	B2Gold Nunavut-18
Subject:	Baseline – Gaps and Uncertainties



Reference:	4.4.4. <i>Proponent must identify if scientific and Inuit Qaujimajatuqangit findings differ and reasons for their final determinations.</i>
Priority:	Low
Background/Rationale:	Presumably this directs the proponent to provide reasoning for the proponent's determinations where science and IQ may differ. As written, however, this is unclear.
Recommendation to Address Issues:	Please clarify. It is also not clear how a proponent would identify "IQ findings". As with western science, sometimes holders of IQ disagree with each other. The potential for this situation should be acknowledged in the Guidelines.

Comment Number:	B2Gold Nunavut-19
Subject:	Significance determination
Reference:	4.4.5 • <i>Predicted significance of identified impacts.</i>
Priority:	High
Background/Rationale:	It is unclear if this direction refers to identified impacts in general or to residual impacts specifically.
Recommendation to Address Issues:	Please clarify

Comment Number:	B2Gold Nunavut-20
Subject:	Impact assessment on systems
Reference:	4.4.5 – blue box under impact analysis on systems <i>System</i> <i>Interacting natural systems that include ...</i>
Priority:	low



Background/Rationale:	This is a circular definition. As system is defined as a system. It also differs from the definition provided in the main text
Recommendation to Address Issues:	Revise definition to be congruent with main text.

Comment Number:	B2Gold Nunavut-21
Subject:	Impact Analysis on Systems
Reference:	Section 4.4.5 - Impact Analysis on Systems
Priority:	High
Background/Rationale:	<p>The new requirement to conduct detailed impact analyses on systems represents a substantial change for Nunavut EA and will add to the complexity of future EAs. This type of systems analysis is new to Nunavut EA (and to our knowledge is not a common or widely practiced approach in international EA) and NIRB has offered no detailed guidance on how it should be properly done or examples of it being used effectively in a northern EA context. Systems analysis can also be heavily based in theory, and one's overall knowledge of systems and their interactions often remains limited; this has the potential to add considerable complexity and uncertainty (i.e. time, cost, conflict) to the EA process. It may also create the potential for greater conflict and disagreement amongst stakeholders (e.g. How do you define the 'system' and what does it include? What happens when a proponent and the public, or communities, cannot agree on what a 'system' consists of? What scale and scope should be used in the analysis? How do you know if/how different parts of the system will affect other parts? How are the social and environmental systems connected and intertwined? What impacts will occur in different parts of the system, through which pathways, and will they be significant? Is one 'overarching' systems assessment to be conducted? Or will multiple systems assessments be required?).</p>
Recommendation to Address Issues:	B2Gold Nunavut suggests removing the requirement for an impact analysis on systems from the Standard IS Guidelines. If it is to be required, it should only be included in Project-specific IS Guidelines and only after 1) an appropriate rationale for its inclusion has been provided by NIRB based on Project-specific



	<p>considerations; and 2) an appropriate scale and scope for each system assessment has been defined by NIRB, in advance.</p> <p>Furthermore, NIRB should consider developing additional guidance on this topic and provide examples of 'good practice' in this area from comparable EA jurisdictions.</p>
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Comment Number:	B2Gold Nunavut-22
Subject:	Impacts of the environment on the project
Reference:	<p>4.4.5.2</p> <p><i>Predicting Potential Impacts of the Environment on the Project The anticipated impacts of the ecosystemic environment on the project, including impacts associated with natural phenomena, such as meteorological and seismological activity and climate change.</i></p>
Priority:	Medium
Background/Rationale:	<p>This is a common requirement in impact assessments. In practice this direction can be interpreted in two ways. First, literally, as describing how the project may itself be impacted (e.g., additional investment necessary to address landslides). Second, describing how changes in the environment could exaggerate or alter the project's environmental impacts rather than focus on how the project itself might be altered. In essence one approach is concerned with the project, the other with the environment.</p>
Recommendation to Address Issues:	NIRB should clearly state what they are concerned with, the project, or the environment affected by the project.

Comment Number:	B2Gold Nunavut-23
Subject:	Significance Determination
Reference:	Section 4.4.5.7 - Significance Determination
Priority:	High

Background/Rationale:	Significance determination is one of the most important outcomes of an impact assessment process. It also has the potential to create conflict between EA stakeholders, especially if those stakeholders have different perspectives on what significance is, how it is defined, and what components it consists of. The current definition of significance included in the Guidelines lacks detail. The guidance provided by NIRB on how to conduct robust and effective significance determinations could also be improved.
Recommendation to Address Issues:	Develop an improved (i.e. detailed) definition of significance and include a clearer description of what components it consists of (e.g. mandatory vs. optional components). Additional guidance (e.g. a new NIRB guidance document?) for conducting robust and effective significance determinations, and examples of 'good practice' in this area from comparable EA jurisdictions is also needed.

Comment Number:	B2Gold Nunavut-24
Subject:	Socio-economic assessment scope
Reference:	4.5.2 <i>Socio-economic impact assessment applied to all project phases of development:</i> <ul style="list-style-type: none"> • Site preparation/pre-construction • Construction ...
Priority:	Low
Background/Rationale:	The detailed list of project phases is not provided in the biophysical baseline section, which simply states that all phases should be considered.
Recommendation to Address Issues:	Guidance on biophysical and socio-economic baseline should have similar levels of detail.

Comment Number:	B2Gold Nunavut-25
Subject:	Gender Based Analysis Plus (GBA+) and Culturally Relevant GBA+



Reference:	Section 4.5.2.4 - Gender Based Analysis Plus (GBA+) and Culturally Relevant GBA+
Priority:	High
Background/Rationale:	B2Gold Nunavut welcomes the inclusion of GBA+ considerations into the Standard IS Guidelines, but also acknowledges this is a new approach for Nunavut EA and learning and adaptation will be required. To our knowledge, however, 'Culturally Relevant GBA+' is not nearly as well defined and/or utilized in Canadian EA and may have unnecessary overlap with standard GBA+ approaches. For example, standard GBA+ approaches already address intersecting identity factors such as 'culture' and 'ethnicity' (among others). Standard GBA+ approaches are thus likely already sufficiently broad enough to address the cultural considerations identified by NIRB.
Recommendation to Address Issues:	Remove reference to 'Culturally Relevant GBA+', as cultural considerations are already addressed through standard GBA+ processes.

Comment Number:	B2Gold Nunavut-26
Subject:	Vague direction on key factors
Reference:	4.4.5 <i>Key factors woven throughout the assessment and related to multiple valued components should include ...</i>
Priority:	Low
Background/Rationale:	Presumably these are key factors to be considered. Weaving them throughout the assessment is a vague requirement.
Recommendation to Address Issues:	Remove "woven throughout "

Comment Number:	B2Gold Nunavut-27
Subject:	Vague direction on key factors
Reference:	4.4.5



	<i>Current and potential changes to access to resources and activities</i>
Priority:	Medium
Background/Rationale:	Presumably this means current access, not current changes, but this is unclear. It this a punctuation issue?
Recommendation to Address Issues:	Please clarify

Comment Number:	B2Gold Nunavut-28
Subject:	Unclear direction on selecting communities
Reference:	4.5. <i>The Proponent shall provide a clear rationale for its selection of potentially impacted communities, the public engagement carried out, and relevant reference studies and reports from which ..</i>
Priority:	Medium
Background/Rationale:	Unclear if this refers to providing a rationale for the type of engagement and what studies to include, or to presenting a description or summary of them, or both.
Recommendation to Address Issues:	Please clarify

Comment Number:	B2Gold Nunavut-29
Subject:	Community structures
Reference:	4.5.2.1 <i>The Proponent should provide sufficient detail to demonstrate a proper understanding of the structure and functioning of the potentially impacted communities that enables the Proponent to identify the potential of the proposed project to affect these communities, whether positively or negatively, and to ensure that any socio-economic mitigation measures put in place by the Proponent have a reasonable likelihood of attaining their objectives.</i>



Priority:	high
Background/Rationale:	<p>Please consider re-phrasing.</p> <p>“The Proponent should endeavour to provide sufficient detail to demonstrate a general understanding of the structure and functioning of the potentially impacted communities. This may better enable the Proponent to identify the potential of the proposed project to affect these communities, whether positively or negatively, and may better ensure that any socio-economic mitigation measures put in place by the Proponent have a reasonable likelihood of attaining their objectives.”</p>
Recommendation to Address Issues:	Please consider re-phrasing

Comment Number:	B2Gold Nunavut-30
Subject:	General comments
Reference:	<i>Document as a whole, with specific reference to sections [list reviewed sections]</i>
Priority:	High
Background/Rationale:	<p>This review only included a limited number of sections as indicated in the specific comments above. In the review of these sections some patterns became apparent that likely exist in the remainder of the document as well. These include:</p> <ul style="list-style-type: none"> • Lack of definitions: terms like ‘engagement’ and ‘consultation’ are at times used interchangeably and at times appear to have different meanings, without that difference being clear. Similarly, the term ‘conclusions’ is used repeatedly in connection with engagement or IQ without it being clear what it refers to. Sections not reviewed may contain terms that should be defined that are not identified in the specific comments. • Aspirational goals: As identified in specific comments, some directions represent aspirational goals although they are being presented as minimum requirements. Some of them may be unachievable in practice. • Potential conflict: Some of the requirements may lead to conflict between proponents and communities as they effectively direct the proponent to decide what is acceptable to the community or explain why IQ differs from their own data. • Undue burden placed on proponents: Some requirements, such as identifying thresholds for acceptable change, go beyond what proponents can or should do and stray into the responsibility and authority of NIRB.



	<ul style="list-style-type: none"> • <i>Unclear expectations:</i> As some of the requirements represent aspirational goals, they do not always provide a clear description of what is expected of a proponent.
Recommendation to Address Issues:	In addition to addressing the specific recommendations above, NIRB is requested to review the remainder of the draft guidelines for similar issues and remove any requirements that are overly narrow, overly detailed, or otherwise unattainable for a proponent. At minimum they should be identified as aspirational goals only.