



NIRB File No.: 12MN036

November 28, 2017

The Honourable Carolyn Bennett
Minister of Crown-Indigenous Relations and Northern Affairs
Government of Canada
10 Wellington, 21st Floor
Gatineau, QC K1A 0H4

Sent via email and courier: minister@aadnc-aadnc.gc.ca; carolyn.bennett@canada.ca;
infopubs@aadnc-aandc.gc.ca

Re: Notice of Errata for the Revised Final Hearing Report for the Nunavut Impact Review Board's Assessment of Sabina Gold & Silver Corp.'s Back River Gold Mine Project Proposal

Dear Honourable Carolyn Bennett:

On July 18, 2017, pursuant to section 12.5.7 of the *Nunavut Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* (the *Nunavut Agreement*) the Nunavut Impact Review Board's (NIRB or Board) submitted its revised Final Hearing Report in respect of Sabina Gold & Silver Corp.'s Back River Gold Mine project proposal (NIRB File No. 12MN036) for consideration by the responsible Ministers. It has recently come to the Board's attention that the specific wording recommended by the Board for Term and Condition # 91 of the Final Hearing Report contains an editorial error which warrants clarification through this notice of erratum.

As set out in the Revised Final Hearing Report, the NIRB's recommended Term and Condition #91 was stated as follows:

Term and Condition No.	91.
Category:	Accidents and Malfunctions – Marine Shipping
Responsible Parties:	The Proponent, Transport Canada
Project Phase:	Prior to Project-shipping, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To ensure protection of the marine environment.
Term or Condition:	The Proponent shall contract only Transport Canada certified shippers to

	carry cargo for the Project, and will ensure shippers are aware of the requirements of the Shipping Management Plan, the Risk Management and Emergency Response Plan, and the Oil Pollution Emergency Plan.
Reporting Requirements:	Monitoring plans should be provided to the Nunavut Impact Review Board prior to the commencement of Project-related shipping, with annual reporting to be determined following approval of the Project by the Minister.

Following the NIRB's review of this Term and Condition, it has been recognized that while Transport Canada may certify vessels pursuant to the *Canada Shipping Act, 2001*, S.C. 2001, c. 26, Transport Canada does not certify the "shippers" themselves. The focus of the Board in recommending Term and Condition #91 was to ensure that vessels used to deliver cargo for the Project are maintained in accordance with regulations and best practices applicable to Canadian-flagged ships or vessels, and further that the Proponent would ensure companies contracted to undertake project-related shipping are made aware of the management plans applicable to the Project as approved.

When this issue came to the Board's attention in respect of this Project, the Board reviewed similar terms and conditions that have been adopted by the Board in the past. Term and Condition #120 of the NIRB Project Certificate No.: 006 (Meliadine Gold Mine Project Proposal) contains very similar wording as follows:

The Proponent shall contract only Transport Canada certified shippers to carry cargo for the Project, and will ensure shippers are aware of the requirements of the Shipping Management Plan, the Risk Management and Emergency Response Plan and the oil Pollution Emergency Plan (OPEP).

In addition, as a result of discussions at the Project Certificate Workshop for Project Certificate No.: 006, the NIRB added the following commentary to the Project Certificate, clarifying that the certification jurisdiction of Transport Canada is limited to specific vessels or ships rather than shippers, as follows:

Commentary: *As clarified by Transport Canada, Transport Canada certifies "vessels" or "ships" and not the "shippers" themselves. The Term and Condition should be implemented with the recognition that the Proponent intends to use Canadian-flagged ships or vessels only.*

Although it was the intention of the Board to subsequently correct the wording to this type of term of condition to more accurately convey Transport Canada's certification jurisdiction, due to an oversight during editing, the wording of Terms and Condition #91 was not revised and does not accurately convey the Board's true intentions. The corrected Term and Condition #91 should read as follows:

The Proponent shall contract only ~~Transport Canada~~ certified ~~shippers~~ vessels to carry cargo for the Project, and will ensure shippers are aware of the requirements of the

*Shipping Management Plan, the Risk Management and Emergency Response Plan,
and the Oil Pollution Emergency Plan.*

In providing this correction to the Board's recommended Terms and Conditions, the Board emphasizes that this does not, in any way, constitute a reconsideration of the contents, conclusions or recommendations in the Revised Final Hearing Report.

The Board wishes to assure the Minister that although the Board strives to be accurate in the expression of our intentions, given the scale, scope and extent of the Board's Revised Final Hearing Report and the timelines associated with its production, the Board acknowledges this error and appreciates the opportunity to correct this mistake. Should the Minister accept the Board's recommendation and approve the Project, through the development of a Project Certificate the NIRB will continue to ensure that all associated terms and conditions are clearly understood by the parties and can be fully implemented and incorporated into applicable regulatory instruments.

Should you have questions or require clarification regarding this matter, please contact the NIRB's Executive Director, Ryan Barry at (867) 983-4608 or rbarry@nirb.ca.

Sincerely,



Phillip (Omingmakyok) Kadlun
Chairperson of the Back River Gold Mine Project Proposal Panel (P5)
Nunavut Impact Review Board

cc: The Honourable Dominic Leblanc, Minister of Fisheries and Oceans and the Canadian Coast Guard, GOC
The Honourable Jim Carr, Minister of Natural Resources, GOC
The Honourable Marc Garneau, Minister of Transport, GOC
The Honourable Hunter Tootoo, MP for Nunavut
The Honourable Paul Quassa, Premier of Nunavut
Aluki Kotierk, President, Nunavut Tunngavik Incorporated
Stanley Anablak, President, Kitikmeot Inuit Association
Lootie Toomasie, Chairperson, Nunavut Water Board
Bruce McLeod, President and CEO, Sabina Gold & Silver Corp.
Matthew Pickard, VP Environment and Sustainability, Sabina Gold & Silver Corp.
Back River Distribution List