



NIRB File No.: 17XN011
NPC File No.: 148396

October 10, 2017

To:	Paul Emingak Executive Director Kitikmeot Inuit Association P.O. Box 18 Cambridge Bay, NU X0B 0C0	Jim Stevens Senior Advisor GBRP Project Government of Nunavut P.O. Box 1000, Station 1500 Iqaluit, NU X0A 0H0
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Sent via email: execdir@kitia.ca and jstevens@gov.nu.ca

Re: Opportunity to address comments received regarding Kitikmeot Inuit Association and the Government of Nunavut's "Grays Bay Road and Port" project proposal

Dear Paul Emingak and Jim Stevens:

On January 20, 2017 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen the Kitikmeot Inuit Association and the Government of Nunavut's (jointly considered the Proponent) "Grays Bay Road and Port" project proposal from the Nunavut Planning Commission (NPC or Commission). On August 23, 2017 the NIRB circulated a public notice of the screening for this project, inviting interested parties to provide comments directly to the NIRB by September 12, 2017.

On or before September 12, 2017 the NIRB received comments from the following interested parties:

- Kugluktuk Angoniatit Association (Kugluktuk HTO)
- Environment and Climate Change Canada (ECCC)
- Fisheries and Oceans Canada (DFO)
- Health Canada (HC)
- Indigenous and Northern Affairs Canada (INAC)
- Natural Resources Canada (NRCan)
- Transport Canada (TC)
- Beverly and Qamanirjuaq Caribou Management Board (BQCMB)
- Government of the Northwest Territories (GNWT)
- Łutsel K'e Dene First Nation (LKDFN)
- North Slave Métis Alliance (NSMA)
- Tłıchǫ Government (Tłıchǫ)
- Wek'èezhìi Renewable Resources Board (WRRB)
- Yellowknives Dene First Nation (YKDFN)

- Canadian Arctic Resources Committee (CARC)
- Canadian Parks and Wilderness Society (CPAWS-NWT)
- World Wildlife Fund (WWF)

All comment submissions received by the NIRB relating to this project proposal can be obtained from the NIRB's online public registry at www.nirb.ca by using any of the following search criteria:

- Project Name: Grays Bay Road and Port
- NIRB File No.: 17XN011
- Application No.: 125069

A *summary* of the public concerns reflected in the comment submissions relate to the following:

Kugluktuk Angoniatit Association (Kugluktuk HTO)

- Indicated support for the project.
- Noted the project could provide significant social and economic benefits to the people of Kugluktuk and the Kitikmeot region.
- Noted that the Kugluktuk HTO would contribute to help move the program forward and would review the results of the research.

Environment and Climate Change Canada (ECCC)

- Identified items that required further technical review to assess whether the project would cause significant adverse eco-systemic impacts and the development of mitigation and monitoring measures:
 - Potential negative impacts to air quality and greenhouse gas emissions during project vehicles and shipping operations.
 - Potential negative impacts to freshwater quality of fish bearing waterbodies due to sedimentation and erosion during construction of the all season road and associated water-crossing structures.
 - Potential negative impact to the marine environment resulting from the port construction activities.
 - Potential negative impacts on wildlife including migratory birds and Species at Risk.
- Noted that negative effects may be similar to those of other comparable projects and are expected to be predictable and mitigatable with known technology and project design. Mitigation measures monitoring and adaptive management would be key to limiting the intensity, duration and scale of potential negative impacts.
- Noted that if the proposed project does not proceed to a NuPPAA review that ECCC requests additional time to conduct a more in-depth review of the proposal.

Fisheries and Oceans Canada (DFO)

- Recommended that consultation take place to ensure public concern is heard and addressed via the environmental assessment process.
- Noted potential negative impacts to fish (including marine mammals and marine invertebrates) and their habitat from the following activities:
 - Blasting for construction of the all season road and the 40 quarry operations;

- Construction and operation of temporary and permanent water crossings over fish bearing watercourses;
- Water withdrawal for construction, operation, domestic camp use, and winter road construction;
- Construction and operation of a deep water port suitable for commercial shipping and associated activities, a small craft harbour, a breakwater, as well as floating docks and barge landing; and
- Construction and operation of temporary and permanent airstrips.
- Stated proponents are responsible for avoiding and mitigating *serious harm to fish* that are part of, or support, commercial, recreational, or Aboriginal fisheries if they are unable to do so the project would normally require authorizations under subsection 35(2) of the *Fisheries Act* in order to proceed. DFO noted that it would work with the Proponent to identify appropriate mitigation measures.
- Noted that DFO would be a responsible minister with respect to the Project and as such recommended that the NIRB consider recommending the project for a Review pursuant to NuPPAA.

Health Canada (HC)

- Identified several components of the Project which could contribute to potential adverse impacts to human health due to project-related effects on air quality, noise, drinking and recreational water quality, and country food.
- Noted the project could increase commercial shipping in the region as well as an increased use of small crafts resulting from the project.
- Noted that without the opportunity for the rigorous technical scrutiny of an Environmental Impact Statement it was difficult to provide comments.

Indigenous and Northern Affairs Canada (INAC)

- Noted the proposed project could potentially arouse significant public concern due to the scale and irreversibility/permanence of the proposed project. The magnitude of concern would be clarified through opportunities for the public to provide comment such as community information sessions conducted by the NIRB and continued consultation by the Proponent.
- Stated that the Project has the potential to cause significant adverse eco-systemic or socio-economic effects, and significant adverse impacts on wildlife habitat.
- Recommended that the potential adverse effect of the project would be most appropriately assessed through a full environmental review.
- Noted the following components of the Project that have the potential to cause significant effects and merit more in depth assessment:
 - The anticipated impacts of construction and operation activities on wildlife, water quality and quantity (both freshwater and groundwater), vegetation, landforms and permafrost features in the area as well as the surrounding environment.
 - The potential for ongoing and incremental land use activities associated with this development and other mining and transportation activity in the Kitikmeot region to result in cumulative eco-systemic and socio-economic impacts;

- Consideration for potential transboundary impacts, given the proximity to the Northwest Territories (NWT) border and the proposed connection to the Tibbitt to Contwoyto winter road;
- The adequacy of proposed mitigation, monitoring, and adaptive management measures; and
- Socio-economic effects resulting from the project
- Recommended that mitigation measures proposed required a more in-depth review.
- Noted ministerial responsibilities following approval of the water licence and administration of Crown land.
- Offered the NIRB expertise in a number of areas within INAC's jurisdiction.

Natural Resources Canada (NRCan)

- Noted that information on potential environmental effects and baseline was provided and that a more in depth review was required in order to determine if there is potential for significant public concern or significant adverse effects.
- Stated that expertise would be provided to the NIRB in specific areas should the NIRB recommend the project for a Review.
- Noted explosives storage and manufacture are not expected to cause adverse effects and any potential effects are highly predictable and mitigable.
- Noted that NRCan is responsible for administering the *Explosives Act* and associated regulations, therefore a licence may be required from NRCan. Further, the storage of explosives may require a licence issued by NRCan.

Transport Canada (TC)

- Identified interest in several project components due to their mandate and expertise and noted the proposed project has the potential to cause significant impacts and may be a cause of public concern.
- Recommended that the project proposal warrants an in-depth review to determine the potential adverse effects and associated potential mitigation measures.
- Noted the port facilities would require approval under the *Navigation Protection Act* (NPA) before construction commences as the Arctic Ocean is a part of the Scheduled waters listed under the NPA.
- Recommended the Proponent contact the Navigation Protection Program to determine the information requirements for works on navigable waters and noted that proponents must submit a notice of works to the Transport Canada Prairie and Northern Region office for any in-water works related to dredging activities and the construction of the port and harbour.
- Recommended the Proponent review the Order Amending the Minor Works and Waters Order and self-assess to determine if the proposed works may be considered a Minor Works which would not require notice or approval by TC. However, should the Proponent want to "opt-in" to the legislative regime and the NPA process, the Proponent would have that option.
- Stated that TC's Marine Safety Division is responsible for maintaining the safety and security of marine transport for operators and passengers of vessels and oversees the *Canada Shipping Act*, the *Marine Liability Act*, and the *Arctic Waters Pollution Prevention Act*.

- Noted that foreign vessels would be subject to the *Coasting Trade Act*, and the Arctic Shipping Pollution Prevention Regulations, and the Transportation of Dangerous Goods Regulations would also apply to the proposed project.
- Noted TC may have a duty to consult Aboriginal groups due to the potential approvals the department may issue.
- Noted that TC would participate in any coordinated “whole of government” Aboriginal consultation within the Northern Project Management Office and the NIRB environmental assessment process.

Beverly and Qamanirjuaq Caribou Management Board (BQCMB)

- Noted concern whether sufficient information, including whether funding for construction of the project is in place, has been provided to allow for a review.
- Recommended the review of the project not commence until funding required for the project is committed, and questioned whether federal funding would be made available.
- Stated the BQCMB’s longstanding policy opposing development in calving and post-calving areas.
- Viewed the environmental review process as the primary means of avoiding development on calving and post-calving grounds.
- Concerned that impacts on the Bathurst herd have shifted hunting pressure to other herds such as the Beverly and Qamanirjuaq herds.
- Expressed concerns that the presence of roads may increase hunting pressures on caribou.
- Concerned that alternate transportation methods for mining have not been examined.
- Recommended the project be modified or abandoned and if the NIRB does not recommend modification or abandonment, recommended a Review pursuant to Part 5 or Part 6, Article 12 of the Nunavut Agreement.

Government of the Northwest Territories (GNWT)

- Expressed concerns regarding the potential adverse impacts of the project on the habitat and population of transboundary wildlife, with particular concern noted regarding the Bathurst and Dolphin-Union caribou herds.
- Noted the proposed road would cut through the western portion of the Bathurst herd calving ground and that calving grounds are considered most critical to the overall health of the herd.
- Recommended that calving grounds need to be given special consideration during assessment.
- Noted the project could provide positive socio-economic development opportunities to residents of the NWT and Nunavut.
- Noted that the GNWT is supportive of projects and strategic infrastructure development projects—subject to proper mitigation—led by Northerners and providing direct benefit to Northerners.
- Recommended any review of the project provide particular focus on transboundary and cumulative impacts to wildlife, habitat, and traditional use of wildlife populations.
- Recommended an environmental review be initiated and noted that recent NIRB reviews of projects in the West Kitikmeot have included consideration of transboundary concerns.
- Recommended the federal government provide participant funding for parties in Nunavut and the NWT.

Lutsel K'e Dene First Nation (LKDFN)

- Noted concern the project will seriously impact the Bathurst caribou herd.
- Recommended project be delayed until the Bathurst herd is no longer threatened.

North Slave Métis Alliance (NSMA)

- Noted concerns the project would seriously impact the Bathurst caribou herd due to cumulative effects from factors such as development and habitat loss/fragmentation. Further noted insufficient consideration of cumulative effects within the proposal and the Proponent's ability to measure effects.
- Questioned the Proponent's ability to control road access and activities on the road in order to implement mobile caribou protection measures.
- Noted the severe likelihood of transboundary effects and recommended a full environmental assessment.
- Requested participant funding be provided to facilitate participation in an environmental review of the project.
- Noted that the NSMA does not support the development of the road except along an alignment that specifically avoids sensitive calving and post-calving habitat.

Tłı̨chǫ Government (Tłı̨chǫ)

- Noted current decline in caribou populations is not fully understood, but Tłı̨chǫ believes increased pressure from transportation access and industrial development plays a significant role in the increased pressures on the herd.
- Recommended a full environmental review be conducted, as the impacts to caribou from this project have the potential to cause significant adverse effects.

Wek'èezhìi Renewable Resources Board (WRRB)

- Noted that no development of any kind in caribou calving and post-calving areas should be allowed at any time, as the protection of calving and post-calving grounds is a major concern for conservation of many barren-ground caribou herds.
- Concerned that the Environmental Protection Plan and additional management plans submitted by the Proponent are yet to be developed as part of the assessment, construction and operation of the Project.
- Indicated that the barren-ground caribou have been assessed by COSEWIC as 'threatened'.
- Noted the project may have transboundary impacts to barren-ground caribou as well as other species at risk within the Northwest Territories (NWT). Mentioned protecting key habitats and mitigating and monitoring potential impacts are a major concern for the conservation of species at risk.
- Noted the importance of considering cross-border impacts with regards to wildlife and cumulative effects. Further indicated that the WRRB believes that while there are many aspects of cumulative effects monitoring and management that remain to be initiated, developed and implemented, tools and initiatives that are currently being used can be leveraged to the benefit of a number of users and processes.
- Noted the need for continued coordination of approaches to monitoring and managing cumulative effects in the NWT and Nunavut.

- Noted the proposal has the potential to cause significant adverse impacts to wildlife and recommended a review be undertaken to adequately assess the potential for project specific effects and cumulative effects of this project on wildlife of importance in the region and how it may influence transboundary effects.

Yellowknives Dene First Nation (YKDFN)

- Expressed concerns regarding the potential impact of the project on barren-ground caribou herds due to its location as well as the long-term effects of facilitated access to previously remote portions of caribou habitat.
- Noted concerns that the GN is the Proponent for this project and that the GN has recently adopted a pro-development stance toward development on caribou calving and post-calving grounds. YKDFN noted that it does not believe the GN is acting in the best interests of the caribou or the Nunavummiut who rely on them.
- Requested full participation as intervenors in assessment of the proposed project.
- Noted the economic challenges faced by Nunavut Inuit but recommended a full environmental assessment be conducted due to the transboundary effects on species that many communities rely upon. YKDFN further recommended that the assessment be undertaken with the utmost care and rigour.

Canadian Arctic Resources Committee (CARC)

- Noted concerns regarding the potential impact of the project on caribou, including increased hunting pressure due to easier access via all-weather road.
- Noted proposals by government agencies to list barren-ground caribou as threatened.
- Noted concern with decline in numbers of the Bathurst and surrounding herds.
- Stated belief that the existence of an all-weather road from this project would increase pressure for an all-weather road northward from Yellowknife, NWT.
- Expressed concerns that the Proponent has not considered all transportation alternatives (e.g., airships) within the proposal.
- Recommended a full federal review under Part 6, Article 12 of the Nunavut Agreement.

Canadian Parks and Wilderness Society (CPAWS-NWT)

- Noted concern with the decline in the Bathurst herd.
- Noted previous assessments such as the Bathurst Inlet Port and Road, Izok Corridor Project, and Sabina Back River Project have had submissions opposed to development on calving grounds.
- Requested a map showing proposed infrastructure in relation to caribou calving and post-calving areas.
- Requested information on possible alternative road and port locations that would avoid calving and post-calving areas.
- Recommended a full environmental and socio-economic review.
- Recommended participant funding be provided to allow for full participation of interested parties in the review process.

World Wildlife Fund (WWF)

- Indicated that the project proposal is insufficiently developed and should be returned for clarification and resubmission as, in WWF's view, initiating an assessment while there is

considerable uncertainty around project feasibility and timelines could lead to unnecessary effort and expenditures for parties participating in a potential assessment of the project.

- Noted concerns for potential cumulative effects, indicating that a review of this project must consider potential development and cumulative effects resulting from development of a port and road.
- Expressed concern that the area is not yet covered by a Land Use Plan, as landscape level decisions are more appropriately handled through the Nunavut Planning Commission's land use planning process.
- Noted project includes calving and post-calving areas of the Bathurst herd, which is currently experiencing low herd numbers and whose range includes other development projects.
- Noted that climate change contributes to potential stress on the herd.
- Recommended information and lessons learned from other port operations in Nunavut be considered as part of a Review of the project.
- Recommended that sufficient participant funding be provided if a Review proceeds, to ensure that communities in the NWT are supported to ensure full and active participation, given the potential for transboundary impacts from the Project.

The following points were made by parties which involved Inuit Qaujimaningit, traditional and community knowledge in relation to the proposed project:

Kugluktuk Angoniatit Association (Kugluktuk HTO)

- Indicated concerns regarding traditional use of land and harvesting; community involvement and consultation; local development; terrestrial wildlife, marine mammals, and fish and their habitats.

Lutsel K'e Dene First Nation (LKDFN)

- Noted that the health of the Bathurst herd is critical to LKDFN's food security
- Stated belief that the proposed project would deliver "the final blow to the [Bathurst] herd from which they will not recover"

North Slave Métis Alliance (NSMA)

- Noted Aboriginal rights holders effectively stopping harvesting the Bathurst herd as an emergency conservation measure.
- Noted that implementation of mobile protection measures for roads in other jurisdictions has proven challenging and does not address the impacts of physical habitat loss and fragmentation.

Tłı̨chǫ Government (Tłı̨chǫ)

- Noted significance of caribou to the Tłı̨chǫ, culturally and as a food source.
- Noted vulnerability of caribou while calving and indicated that the impacts to caribou and their calving grounds must be minimized.
- Indicated that increased pressures from transportation access and industrial access are considered by the Tłı̨chǫ to be a significant part of the increased pressures on the Bathurst herd.

Yellowknives Dene First Nation

- Noted that caribou and their harvest is inextricably tied to language, cultural practices, spirituality and sense of belonging on the land.
- Noted recent decline in barren-ground caribou across the North has resulted in restrictions on caribou harvesting being imposed on the Yellowknives Dene, and prolonging the ban due to further development would make it difficult for Yellowknives Dene to prosper and maintain their connection to the land.

The NIRB would like to provide the Proponent with an opportunity to address the comments noted above prior to the Board rendering its determination for this screening assessment and issuing its subsequent Screening Decision Report to the responsible Minister(s). The NIRB respectfully requests that a response be provided directly to the NIRB by **October 24, 2017**.

If the Proponent determines that the time required to supply a written response is significantly greater than two (2) weeks, the Board requests written notification and an anticipated date for submission be provided as soon as possible.

Please send any forthcoming submissions directly to the NIRB at info@nirb.ca, or through the online public registry at www.nirb.ca.

If you have any questions or require clarification, please contact the undersigned directly at 867-983-4617 or kmorrison@nirb.ca.

Sincerely,



Keith Morrison
Technical Advisor II
Nunavut Impact Review Board

cc: Distribution List
 Charlie Evalik, Nunavut Resources Corporation
 Scott Northey, Nunavut Resources Corporation
 Graham Wilkins, Tetra Tech Associates
 Erica Bonhomme, Nunami Stantec
 Patrick Duxbury, RTA Associates
 Karén Kharatyan, Nunavut Water Board
 Geoff Clark, Kitikmeot Inuit Association
 Wynter Kuliktana, Kitikmeot Inuit Association
 Alexander Stubbing, Government of Nunavut
 Georgina Williston, Environment and Climate Change Canada
 Veronique D'Amours-Gauthier, Fisheries and Oceans Canada
 Tracey McCaie, Indigenous and Northern Affairs Canada
 Rob Johnstone, Natural Resources Canada
 Rachel Besner, Natural Resources Canada
 Transport Canada