



## SCREENING DECISION REPORT NIRB FILE No.: 17XN011

NPC File No.: 148396

**October 31, 2017**

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB has determined that, in accordance with Article 12, Section 12.4.4(b) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and subparagraphs 89(1)(a)(i) and (ii) of the *Nunavut Planning and Project Assessment Act* (NuPPAA), that the Kitikmeot Inuit Association and the Government of Nunavut's (jointly considered the Proponent) "Grays Bay Road and Port" project proposal requires a Review under Article 12, Part 5 or 6 of the Nunavut Agreement and Part 3 of the NuPPAA.

The NIRB is of the view that the potential for significant adverse ecosystemic and socio-economic effects resulting from the proposed project supports the determination that **the proposed project requires further assessment best facilitated through a full environmental review.** The NIRB therefore provides this Screening Decision Report to the responsible Ministers for consideration pursuant to s. 92 of the NuPPAA.

### OUTLINE OF SCREENING DECISION REPORT

- 1) REGULATORY FRAMEWORK
- 2) PROJECT REFERRAL
- 3) PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS
- 4) ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF NUPPAA
- 5) VIEWS OF THE BOARD
- 6) PARTICULAR ISSUES OR CONCERNS IDENTIFIED BY NIRB
- 7) NIRB DETERMINATION
- 8) CONCLUSION

### REGULATORY FRAMEWORK

The primary objectives of the NIRB are set out in Section 12.2.5 of the Nunavut Agreement as follows:

*"In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut*

*Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.”*

These objectives are confirmed under Section 23 of the NuPPAA.

The purpose of screening is provided for under Section 88 of the NuPPAA:

*“The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...”*

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under subsection 89(1) of NuPPAA:

*“89. (1) The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:*

- (a) a review is required if, in the Board’s opinion,*
  - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,*
  - ii. the project will cause significant public concern, or*
  - iii. the project involves technological innovations, the effects of which are unknown; and*
- (b) a review is not required if, in the Board’s opinion,*
  - i. the project is unlikely to cause significant public concern, and*
  - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.”*

It is noted that subsection 89(2) provides that the considerations set out in paragraph 89(1)(a) prevail over those set out in paragraph 89(1)(b).

As set out under subsection 92(1), upon conclusion of the screening process, the Board must provide its written report the Minister:

- 92. (1) The Board must submit a written report to the responsible Minister containing a description of the project that specifies its scope and indicating that:*
- a) a review of the project is not required;*
  - b) a review of the project is required; or*
  - c) the project should be modified or abandoned.*

After completing a review of all the information received, taking into account the information the Proponent and parties have provided to date, and taking into account the Board’s determination of the significance of potential adverse ecosystemic or socio-economic impacts of

the project,<sup>1</sup> it is the opinion of the NIRB that the project proposal **should undergo a full environmental review** as the proposed project may have significant adverse ecosystemic or socio-economic impacts, significant adverse impacts on wildlife habitat or Inuit harvest activities, and will cause significant public concern.

## PROJECT REFERRAL

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), which noted that the project proposal is located outside the area of an applicable regional land use plan.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the Nunavut Agreement and section 87 of the NuPPAA, S.C. 2013, c. 14, s. 2, the NIRB commenced screening of this project proposal and assigned it file number 17XN011.

## PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

### 1. Project Description:

The proposed "Grays Bay Road and Port" project (the Project) involves the construction and operation of an all-weather road and port, located within the Kitikmeot region, with the road beginning at the Jericho site and continuing north to Grays Bay where a deep sea port would be constructed and operated. The Project would be undertaken through a partnership between the Kitikmeot Inuit Association and the Government of Nunavut with the objective of establishing infrastructure connecting the existing Tibbitt-Contwoyto Winter Road to the Northwest Passage and providing an economically viable supply route for Nunavummiut, public, and industrial operators in the area. The program is proposed to commence in June 2020 with a pre-construction phase of two (2) years, construction occurring over three (3) years, and operations continuing for at least 75 years as part of the design life. The facilities are designed as semi-permanent and there are no plans for closure and reclamation of the infrastructure.

### 2. Scoping

As required under subsection 86(1) of the NuPPAA, the Board accepts the scope of the "Grays Bay Road and Port" project proposal as set out by the Kitikmeot Inuit Association and the Government of Nunavut. The scope of the project proposal includes the following undertakings, works, or activities:

- Construction and operations of an approximately 230 kilometre (km), permanent year-round, all-weather road, managed through a tolling regime, specifically:
  - Road design: crest between 8.7 and 10 metres (m) wide, maximum vertical slope of 6%, and maximum cross-slope of 2.5%, and appropriate navigation aids.

---

<sup>1</sup>Significance was assessed by the Board with regard to the factors outlined in s. 90 of the NuPPAA.

- Truck turnouts established every 50 m to meet safety requirements during construction, with possible reuse of the gravel if turnouts are removed for operations.
- Up to 230 drainage areas would be required: approximately 18 single or multi-span bridges, up to 50 culverts of diameters between 1.5 m and 5 m, in addition to numerous culverts less than 1.5 m in diameter.
- Up to four (4) temporary camps used during construction of the road, relocated every three (3) months as construction progresses, with each camp to accommodate up to 80 personnel per year. Additional camp infrastructure: offices, maintenance shops, equipment and material storage, fuel storage (up to 20,000 litres (L) diesel stored in enviro-tanks, in addition to limited amounts of propane and gasoline), water use, and temporary waste and wastewater storage facilities. Waste water and sewage transported to Grays Bay Port or Jericho Station for treatment, incineration or backhaul and disposal at accredited facility until permanent solid waste and sewage facilities are commissioned.
- Construction and operations of a Grays Bay Port, open annually during the open-water season (July to October), managed through port fees, specifically:
  - Initial development of one (1) wharf, designed based on the potential docking size of a 75,000 deadweight tonnes Ore-Bulk-Oil class 1A vessel, and a second wharf when demand warrants.
  - Dredging of sea floor to reach appropriate depths in the development of the wharf.
  - Installation of a small craft harbour to provide safe moorage for up to 50 vessels, including floating docks, launching ramp, refueling station containing approximately 5,000 L of gasoline, tent and refuge area, light vehicle parking for the public, and optional breakwater to reduce wave height within the harbour.
  - Installation of appropriate navigation aids.
  - Transport, temporary storage, and staging of materials and equipment including:
    - Mobilization of construction materials and equipment via two (2) ocean freighters and barges, lightering and delivering to the Grays Bay shore, followed by annual sealift deliveries during construction and operations.
    - During construction, staging and laydown areas established to store and maintain equipment and supplies, provide loading and unloading facilities, stockpile granular material, store fuel, and provide helicopter landing sites.
    - During operations, laydown and container storage area would support the receipt, handling, and storage of any materials or supplies required for any exploration and mining projects as well as community resupply.
  - Establishment of a camp and associated port facilities: temporary accommodations of up to 60 personnel during construction, and permanent, seasonal accommodations for up to 20 personnel per year during operations; offices and support buildings; maintenance shops; generators; water management and waste water treatment facilities; solid waste and wastewater storage facilities including landfill and incinerator; and helicopter pad.

- Establishment of fuel storage facilities within secondary containment to initially contain 25 million litres (ML) of diesel with the potential to expand to 100 ML of diesel.
- Establishment of up to a 1,800 m airstrip constructed initially at either the proposed location of the permanent strip or at a widened section of the embankment along Grays Bay Road at a suitable location. The permanent 1,800 m gravel airstrip and access road would be constructed and operated year round and involve support infrastructure including air traffic control, fuel storage facilities to hold up to 90,000 L of jet fuel, a shelter building, a cargo shelter, and maintenance garage for storage of snowplowing and airfield grading equipment.
- Progressive development of facilities for third party users, including accommodations, hotel, and commercial facilities which may require site grading.
- Establishment of Jericho Station located at or near the existing Jericho Mine Site for maintenance crew and truck drivers, including:
  - Construction and operations of a vehicle parking area, three (3) person camp, offices, refuelling facilities, refuge station, and associated water, waste, and power facilities. Wastes backhauled to accredited facility or disposed of at Jericho station if incinerator or permanent waste storage location established.
  - Optional use of the existing airstrip associated with the Jericho mine during construction to mobilize the workforce and to bring in supplies. During operations, potential use of the existing airstrip at Jericho for emergency response.
  - Up to 5,000 L fuel stored at the airstrip in drums or enviro-tanks.
  - Tank farm established within secondary containment to hold up to 20 ML of fuel.
  - Staging areas constructed to store materials in transit from Grays Bay until winter road established.
- Quarrying at up to 40 temporary and permanent sites to supply up to 8,000,000 cubic metres (m<sup>3</sup>) of rock for construction of the road and port, with up to 100,000 m<sup>3</sup> required annually during operations for road maintenance. Locations approximately every seven (7) km and ideally within 500 metres of the proposed all-season road; every third quarry potentially a permanent quarry used for the life of the Project. Blasting may be required from some if not all quarries during construction; explosives would be stored in accordance with regulations.
- Construction and operation of a winter road to connect various sites including:
  - During construction, winter road sections would be constructed to access quarries and mobile camps along the all-weather road route.
  - During pre-construction and annually thereafter, a winter road would connect the Jericho Station to Contwoyto Lake and the Tibbitt-Contwoyto Winter Road to transport supplies.
  - During construction, approximately 1,000 trucks each winter season would transport supplies, with yearly amounts of traffic expected to decrease significantly during operations.
- Water use of up to 600 m<sup>3</sup> per day (100,000 m<sup>3</sup> per year) during construction, and less than 100 m<sup>3</sup> per day during operations; sources yet to be determined.

**Inclusion or Exclusion to Scoping List:**

At this time, the NIRB has identified no additional works or activities in relation to the project proposal, and any potential project-specific impacts of industrial users of the road or port are not considered as part of this application, but would be considered as part of third parties' project-specific impact assessment. The NIRB notes that, while this Project is related to the "2017/18 Research Program for the Grays Bay Road and Port Project" proposal (NIRB File No. 17YN067), it is not integrally linked to the proposed Grays Bay Road and Port project and has been excluded from the scope of this screening.

**3. Key Stages of the Screening Process**

The following key stages were completed:

Date	Stage
January 20, 2017	Receipt of project proposal and note from the NPC of no applicable Land Use Plan.
January 30, 2017, August 11, 2017	Information request(s)
July 21, 2017, August 17, 2017	Proponent responded to information request(s)
August 17, 2017	Scoping pursuant to subsection 86(1) of the NuPPAA
August 23, 2017	Public engagement and comment request
September 12, 2017	Receipt of public comments
October 2, 2017	NIRB requested a Ministerial Extension
October 10, 2017	Proponent provided with an opportunity to address comments/concerns raised by public
October 19, 2017	Proponent responded to aforementioned comments/concerns

**4. Public Comments and Concerns**

Notice regarding the NIRB's screening of this project proposal was distributed on August 23, 2017 to community organizations in the Kitikmeot and Kivalliq regions, specifically Kingoak (Bathurst Inlet), Umingmaktok (Bay Chimo), Cambridge Bay (Iqaluktutiaq), Gjoa Haven, Kugaaruk, Kugluktuk, and Taloyoak, as well as to relevant federal and territorial government agencies, Inuit organizations and interested parties. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by September 12, 2017 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; if so, why;

- Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal, including if a Review is required any additional factors that should be considered as part of that process.

The following is a *summary* of the comments and concerns received by the NIRB – please note that the complete comment submissions have been included as **Appendix A** to this report:

#### **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.

#### **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 associated with 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, and 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 rigorous technical scrutiny of an Environmental Impact Statement by the Proponent it was difficult to provide comments about the Project's potential impacts.

### **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 but 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 governing the storage and handling of explosives required by the Project.

#### **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 Minor Works, which would not require notice or approval by TC. However, even if no notice or approval is required, the Proponent may choose to "opt-in" to the legislative regime and the NPA process.
- 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 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 processes.

#### **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 potential for impacts on 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.

#### **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 in assessing the Project. 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.

#### **Lutsel K'e Dene First Nation (LKDFN)**

- Noted concern that development including diamond mines and associated winter roads have occurred in the Bathurst herd traditional range and believe this has impacted the herd.
- Noted concern the Project will also 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.

#### **Yellowknives Dene First Nation (YKDFN)**

- Expressed concerns regarding the potential impact of the project on barren-ground caribou herds due to the Project's location, as well as in relation to 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 any assessment of the 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.

### **Beverly and Qamanirjuaq Caribou Management Board (BQCMB)**

- Noted concern whether sufficient information, including the manner in which the Proponent proposes to fund construction of the Project, has been provided to allow for a review.
- Recommended the review of the Project not commence until the funding required for the project is committed, and questioned whether federal funding would ultimately 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.
- Noted concern that impacts on the Bathurst herd have already shifted hunting pressure to other herds, such as the Beverly and Qamanirjuaq herds and further impacts to the Bathurst herd from the Project could exacerbate this issue.
- Noted concerns that the presence of roads may increase hunting pressures on caribou.
- Noted concern 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.

### **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 the 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 combined with the cumulative effects resulting from development of a port and road.
- Expressed concern that the area is not yet covered by a Land Use Plan, and noted that landscape level decisions are more appropriately handled through the Nunavut Planning Commission's land use planning process.
- Noted the Project includes calving and post-calving areas of the Bathurst herd, which is currently experiencing low herd numbers and whose range includes and may be affected by other development projects.
- Noted that climate change contributes to potential stress on the herd and this must be considered as well.
- 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.

### **5. Comments and Concerns with respect to Inuit Qaujimaningit, Traditional, and Community Knowledge**

The following is a summary of the comments and concerns received with respect to Inuit Qaujimaningit<sup>2</sup>, traditional and community knowledge:

#### **Kugluktuk Angoniatit Association (Kugluktuk HTO)**

- Indicated concerns regarding the 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 their belief that the proposed Project would deliver "the final blow to the [Bathurst] herd from which they will not recover".<sup>3</sup>

---

<sup>2</sup> Inuit Qaujimaningit encompasses Inuit traditional knowledge (and variations thereof) as well as Inuit epistemology as it relates to Inuit Societal Values and Inuit Knowledge (both contemporary and traditional).

<sup>3</sup> LKDFN Submission to the Nunavut Impact Review Board, Grays Bay Road and Port, NIRB File No. 17XN011, Application No. 125069, August 30, 2017 at p. 1.

### **North Slave Métis Alliance (NSMA)**

- Noted that the current low numbers of the Bathurst herd that Aboriginal rights holders have been required to effectively stop 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.
- Expressed concern the potential direct effects from the road disturbance and cumulative effects would delay the herd's recovery and impact the Aboriginal rights of NSMA members to harvest caribou.

### **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 that “caribou and their harvest is inextricably tied to language, cultural practices, spirituality and sense of belonging on the land”<sup>4</sup> of the Yellowknives Dene.
- 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.

## **6. Proponent's Response to Public Comments and Concerns**

The following is a summary of the Proponent's response to concerns as received on October 19, 2017:

- The Proponent stated its belief that a “full environmental review conducted by the Nunavut Impact Review Board is the appropriate forum within which to carry out a fulsome assessment”<sup>5</sup> of the project impacts including those perceived as transboundary;
- The Proponent stated that it will continue to use Inuit Qaujimajatuqangit and other traditional knowledge during the assessment; and
- The Proponent does not believe any additional comment will provide additional clarification given the information currently available.

## **7. Proponent's Commitments**

The NIRB notes that the Proponent has committed to the following within the various documents that comprise this project proposal:

---

<sup>4</sup> YKDFN Submission to the Nunavut Impact Review Board, Grays Bay Road and Port, NIRB File No. 17XN011, Application No. 125069, September 12, 2017 at p. 1.

<sup>5</sup> Proponent Response to Comments (NIRB File No.: 17XN011), October 19, 2017

- Providing a series of complementary documents to more fully address the technical and scientific aspects of the Grays Bay Road and Port Project. Documents to be provided in future would include, but are not limited to, monitoring and mitigation plans such as:
  - Environmental Protection Plan;
  - Explosives Management Plan
  - Air Quality Management Plan;
  - Quarry Management Plan;
  - Road Management Plan;
  - Wildlife Mitigation and Monitoring Plan;
  - Waste Management Plan;
  - Spill Contingency Plan;
  - Emergency Response Plan;
  - Sedimentation and Erosion Control Plan;
  - Wastewater Management Plan;
  - Nearshore Construction Management Plan; and
  - Heritage Resource Management Plan.
- Port and shipping activities restricted to the open water season (July to October);
- Restricting road and port access to the public as necessary for public safety and to prevent interactions with sensitive wildlife;
- Stopping port operations when Dolphin Union caribou are migrating across the Coronation Gulf in the spring and fall;
- Closing the road to vehicle traffic during Bathurst herd calving and other seasonal modifications as may be required;
- Developing annual road use plans implementing adaptive management to minimize disturbance to caribou;
- Contouring the road to allow for caribou crossing where necessary;
- Shutting down construction activities when large numbers of caribou are nearby;
- Development of appropriate protection measure in cooperation with Inuit and Indigenous groups in the Northwest Territories;
- Use of best practices to prevent sediment deposition in water;
- Following quarry blasting guidelines, including DFO guidelines for blasting near water, and suspension of blasting when wildlife is present;
- Project-associated aircraft using prescribed altitude and flight corridors to reduce disturbance to wildlife;
- Minimizing unnecessary spillage of light through light placement, light direction, and turning off lights when not needed;
- Minimizing the project footprint to the smallest areas possible during construction;
- Using dust suppression as required;
- Using Inuit Environmental Monitors to oversee construction and ensure mitigation measures are followed;
- Avoidance of eskers, wetlands, and shorelines where possible and minimizing disturbance if avoidance is impossible;
- Providing appropriate wildlife training to on-site personnel;
- Locating construction infrastructure to avoid key caribou migration sites such as water crossings;

- Designing and constructing watercourse crossings to meet fish passage and protection requirements and 1:100 year flood events;
- Storing fuel more than 100 meters from water bodies;
- Avoiding terrain disturbance closer than 50 meters to waterbodies except for water crossings;
- Avoiding quarrying rock with high acid rock drainage/metal leaching potential when practicable;
- Developing and implementing monitoring programs for potential effects of the project;
- Conducting an archaeological survey in the areas of project components and developing avoidance/mitigation plans for heritage resources;
- Use of a qualified archaeologist to supervise construction activities near known heritage sites and areas with high potential for heritage resources;
- Using Inuit Qaujimajatuqangit in developing mitigation and monitoring of key terrestrial and marine species;
- Managing cumulative effects from future developments to minimize harm to the environment;
- Supporting the training and hiring of Inuit for project employment;
- Implementing employment and business benefit policies and initiatives;
- Conducting consultation with communities and people in Nunavut and the Northwest Territories, governments, and other key stakeholders for planning, design, building and operations of the proposed Project; and
- Requiring future users of the port and/or road to undergo separate environmental assessments of their projects.

## **8. Time of Report Extension**

As a result of the time required to allow the Proponent to provide the information necessary to screen the proposal as well as to allow for the NIRB to review concerns raised during the public comment period, the NIRB was unable to provide its screening decision report to the responsible Minister within 45 days as required by Article 12, Section 12.4.5 of the Nunavut Agreement and subsection 92(3) of the NuPPAA. Therefore, on October 2, 2017 the NIRB wrote to the Ministers of Indigenous and Northern Affairs Canada, Environmental and Climate Change Canada, Fisheries and Oceans Canada, Natural Resources Canada, and Transport Canada seeking an extension to the 45-day timeline for the provision of the Board's Report.

### **ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF NUPPAA**

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under section 90 of the NuPPAA. The Board took particular care to take into account Inuit Qaujimaningit, traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board's assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:



1. *The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.*

The proposed Project would extend from Grays Bay on Coronation Gulf south approximately 230 kilometres (km) to the Jericho Mine Site near Contwoyto Lake. The proposed corridor in which the road, port, and associated infrastructure would be built would be approximately two (2) km wide, giving a total project area of approximately 660 square kilometres (km<sup>2</sup>). There would be approximately 230 water crossings along the proposed route, of which 18 would require a span of more than five (5) meters, and 50 crossings of 1.5 to five (5) meters with numerous smaller culverts. The proposed Project would be located on both Inuit Owned Land parcels and Crown lands.

In addition to these areas, the geographic area likely affected by impacts would also include zones of influence around the project activities and components, as well as within a regional setting. The Project would cross the calving/post-calving grounds of the Bathurst caribou herd and the northern end of the road and the Grays Bay Port would fall within the range of the Dolphin Union herd. The proposed activities may take place within habitats for many local and far-ranging wildlife species such as muskox, wolves, migratory birds, non-migratory birds, fish, and Species at Risk such as the Eskimo curlew, as identified by the Proponent and mapping sources; the Project may also potentially affect animal migratory patterns.

2. *The ecosystemic sensitivity of that area.*

The Project would occur in an area with no formal designation for wildlife protection or particular identified ecosystemic sensitivity. However, it is noted that important wildlife and their habitat occur within the spatial and temporal boundaries of the proposed Project and could be subject to project-induced effects, such as the core caribou habitat (calving and post-calving grounds) delineated and shown to be used annually by barren ground caribou. Important wildlife habitats identified within, or adjacent to, the proposed project area have been identified for:

- Caribou habitats and migration routes (summer and winter ranges);
- Muskox;
- Moose;
- Grizzly bears;
- Wolves; and
- Migratory birds.

3. *The historical, cultural and archaeological significance of that area.*

There are known sites of historical, cultural and archaeological significance identified by the Proponent which are associated with the project area and are likely to be affected by the Project, with a reasonable potential for the presence of currently undocumented sites. The Proponent has committed to undertaking an archeological survey of the proposed project area and to having a certified archaeologist on site to supervise construction when near identified heritage resources.

During the commenting period, the Łutsel K'e Dene First Nation and the Kugluktuk HTO noted that the Project could affect traditional land use in the area.

This area has also been identified as having value and priority to the local communities for:

- Harvesting of various wildlife species including caribou, muskox, moose, grizzly bears, wolves, migratory birds, and fish and fish habitat;
- Important cultural and spiritual areas (trails, camps, cabins, caches, and graves); and
- Traditional camp areas and hunting grounds.

4. *The size of the human and the animal populations likely to be affected by the impacts.*

The proposed port would be approximately 160 km east of the hamlet of Kugluktuk, 290 km southwest of Cambridge Bay, 130 km west of Umingmaktok (Bay Chimo), and 170 km northwest of Kingoak (Bathurst Inlet), while the road corridor would be within 120 km west of Bathurst Inlet. The southern end of the road at Jericho Station would be within 60 km of the border of the Northwest Territories and the Proponent indicated that it would construct a winter road annually to connect the all-weather road to the Tibbitt-Contwoyto Winter Road. This would connect the project to Yellowknife, leading to transboundary effects.

Due to the location of the project and generally minimal current land use by Kitikmeot population in the West Kitikmeot interior, direct effects on human populations or activities is considered to be minimal. Wildlife habitat (including caribou habitat), fish habitat, and bird nesting grounds identified within, and adjacent to, the project area may be impacted by proposed construction and road operation activities. The operation of a road and port could also contribute to increased wildlife noise disturbances in the area.

The location of the road passing through the Bathurst Herd calving and post calving areas and its location in relation to the herd's migratory route potentially impacts the majority of the current herd population. The potential impact on caribou due to effects on calving and post-calving ground and migration could also lead to potential impacts on Indigenous harvesters in the Northwest Territories.

5. *The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.*

As the "Grays Bay Road and Port" project involves the proposed construction/operation of a port and road, the nature of associated potential impacts are considered to be known and primarily associated with operation of the transportation components of the Project. The probability for the impacts to occur is considered to be high, particularly for potential effects on caribou populations, while the frequency of impacts may be intermittent and ongoing for the life of the Project, which is essentially projected to be permanent with 75+ years of operation and no plans for decommissioning the infrastructure. Residual effects from the Project would therefore be considered to be long-term and/or permanent. As noted by commenting parties such as Environment and Climate Change Canada and Natural

Resources Canada, with due care and appropriate management, impacts to the biophysical environment could be reversible and mitigable. However, given that the stated objective of the Project is to establish a transportation corridor to encourage development of additional mineral projects within the West Kitikmeot Region, it is highly likely that the establishment of the Project would induce further developments. The resulting projects have the potential to exacerbate habitat fragmentation and contribute to other adverse ecosystemic effects that exceed the potential magnitude and probability of adverse impacts associated with the Project when considered in isolation.

6. *The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.*

The Project would take place within a 100 kilometre radius of a number of other projects that have been or are currently being assessed by the Board, as listed in Table 1. The potential for cumulative impacts to terrestrial and marine wildlife, fish and fish habitat, migratory and non-migratory birds, water quality, air quality, heritage resources, wildlife harvesting and other traditional activities resulting from the construction and operation of the road and port has been considered in development of the NIRB's recommendation. Specifically, the potential for this project to contribute to cumulative impacts on caribou populations has been cited within a number of comment submissions by parties and the NIRB has considered this issue in the development of the NIRB's recommendation.

The presence of the proposed port would not alter the shipping requirements for other projects such as the Hope Bay Project (NIRB File No. 05MN047) or the Back River Project (NIRB File No. 12MN036) as these projects would not necessarily access this infrastructure of this Project. Thus, there is potential for cumulative effects with other active mining projects that involve shipping. In addition, other shipping activities in the region such as community resupply, cruise tourism, research, etc. would also contribute to potential for cumulative effects. The winter connection to the Tibbitt-Contwoyto Winter Road could also result in additional increased marine activity due to supplies for the diamond mines in the Northwest Territories being sealifted into Grays Bay and transported southward in the winter trucking season as opposed to be transported northward from Yellowknife.

Further, it has also been identified that this project proposal could potentially induce additional exploration, mining, and transportation infrastructure in adjacent areas within the Kitikmeot and Northwest Territories.

**Table 1: Project List**

<b>NIRB Project Number</b>	<b>Project Title</b>	<b>Project type</b>
<b><i>Proposed Developments – undergoing Assessment</i></b>		
12MN043	Izok Corridor Project	Mine and All Weather Road
03UN114	Bathurst Inlet Port and Road	All weather road and port

<b>NIRB Project Number</b>	<b>Project Title</b>	<b>Project type</b>
12MN036	Back River Project	Mine and port
<b><i>Active Projects</i></b>		
14YN001	CROW - Canadian Ranger Ocean Watch	Research (ongoing)
16UN058	Jericho Site Stabilization	Reclamation
17YN067	2017/18 Research Program for the Grays Bay Road and Port project	Research (ongoing)
17YN061	Kitikmeot Region Marine Science Study	Research (ongoing)
17YN041	A Coastal, Pan-Canadian Collection of plants, microalgae and marine invertebrates for the Canadian Museum of Nature, as part of Canada C3	Research (ongoing)
17AN031	Canada C3 led by Students on Ice Foundation	Research/Tourism
17EN059	Arcadia Bay Project	Mineral Exploration
<b><i>Past Projects</i></b>		
99WR053	Lupin Mine	Care and Maintenance
00MN059	Jericho Diamond Mine Project	Diamond Mine in care and maintenance (see above)
06EN066	Izok and Hood Project	Exploration
08EN067	High Lake East	Exploration

7. *Any other factor that the Board considers relevant to the assessment of the significance of impacts.*

The Proponent has indicated the Project has the potential for improving the economic status of the Kitikmeot region (and thus Nunavut overall) by lowering transportation costs for community resupply of fuel and materials as well as by potentially improving the feasibility of other developments by lowering transportation and supply costs. However, these assumptions and the basis for them remain to be tested by further assessment. Without additional information, reviewing parties and the Board could not accept or reject these conclusions, and note only the potential for these types of significant positive project-induced impacts. The Board also notes that additional factors external to the Project, such as proponents within the Northwest Territories constructing an all-weather road northward to meet the proposed road, and providing an all-year connection between Nunavut and southern Canada could also potentially further improve the shipping and supply economics associated with the Project.

The current project proposal incorporates utilization of a portion of the existing Jericho mine infrastructure. Coordination between the Proponent and Indigenous and Northern Affairs Canada, which is currently undertaking site stabilization and reclamation activities at Jericho, would therefore be necessary. Potential connection of the proposed road infrastructure to the Tibbitt to Contwoyto Winter Road has been noted as likely. The Board notes that any such connection would be subject to future thorough assessment.

Further, the Board notes the association of the current proposed project with the Izok Corridor Project, currently under Review (NIRB File No. 12MN043). Specifically, the Grays Bay port infrastructure and the road corridor infrastructure as being proposed for this project is also part of the scope for the Izok Corridor Project and would require clarification from the project proponent regarding its intentions should the Grays Bay Port and Road project be approved to proceed.

#### Views of the Board

In considering the factors as set out above in the screening of this project proposal, the NIRB has identified a number of issues below and respectfully provide the following views regarding whether or not the proposed project has the potential to result in significant impacts.

#### **Ecosystem, wildlife habitat and Inuit harvesting activities:**

**Issue 1:** Potential adverse impacts to caribou and caribou habitat (Bathurst and Dolphin Union herds), other wildlife, wildlife habitat and migratory and non-migratory birds and their habitat from road construction and associated infrastructure development, road operation, transportation of personnel and equipment to the different sites, and the construction and operation of the port and small craft harbour.

**Board views:** As discussed above in the assessment of factors relevant to this project proposal, the potential for impacts is applicable to the footprint of a 660 km<sup>2</sup> open road and port, facilities in addition to zones of influence surrounding areas of project activities and components. The proposed timing of the potential impacts is considered to be intermittent during periods of construction and continuous during periods of operation. Operations are expected to continue for more than 75 years. The Proponent stated that monitoring data and Inuit Qaujimagatuqangit identified that the project spatially and temporally overlaps the range of both the Bathurst and Dolphin Union caribou herds, including sensitive habitats such as calving and post-calving grounds and migratory routes of the Bathurst herd. The primary effects of the proposed project on wildlife and migratory birds would result from the loss of habitat due to disturbance. Bird nesting habitat may be lost, while denning sites may be lost due to the use of eskers to build the road. In addition, dust deposition from construction and operation activities may increase the footprint of the disturbed or avoided area by wildlife and/or birds.

In its submission, the Proponent noted that the area contained caribou, muskox, grizzly bears, wolverines, wolves, moose, red and Arctic foxes, raptors, waterbirds, upland breeding birds, associated nesting grounds for migratory birds and raptors, and small mammals. The Proponent has noted that the project would have direct impacts on terrestrial wildlife and the overall impact of the proposed project on wildlife habitat would require an in-depth review. DFO, ECCC, and INAC indicated that the potential for effects on migratory birds and Species at Risk potentially encountered in the project area would require further technical review to reduce the potential for and magnitude of negative impacts.

Indirect habitat loss due to sensory disturbance (such as noise and movement) would be expected to extend beyond the project footprint and have adverse effects at the regional level. The impact of indirect habitat loss from sensory disturbance to caribou is considered moderate by the Proponent, but several commenting parties including the LKDFN, NSMA, Tłı̨chǫ, WRRB, YKDFN, and WWF expressed concerns about any and all types of direct and indirect disturbances to caribou.

Direct habitat loss to caribou due to the proposed infrastructure development is, in reference to the overall size of caribou habitat, considered by the Proponent to be minor. However, the nature of the proposed project as a transportation corridor passing through calving and post-calving ground and caribou migration routes would have the potential to result in significant levels of habitat fragmentation and migratory disruption, which could exacerbate direct habitat loss.

In addition, the proposed activities may have the potential to contribute to cumulative effects when combined with other past, present and reasonably foreseeable project-effects on caribou and caribou habitat, as noted by several commenting parties.<sup>6</sup> Recognizing that the proposed project could induce additional exploration and mineral development activities in the region, the potential for further additive cumulative effects on terrestrial wildlife generally and caribou in particular warrants further consideration. In addition, as previously discussed, residual impacts, and cumulative impacts from the proposed project on wildlife, migratory and non-migratory birds and their respective habitats, could in-turn impact traditional land use activities, Inuit harvesting, and the overall environmental integrity of the area.

Comments received from CARC and BQCMB indicated concern that the presence of a road would have greater impact due to allowing increased access to hunters into core caribou habitat.

Commenting parties also specifically noted that caribou use this area to migrate through to core calving and post-calving habitat, and expressed concern regarding the potential for the Project to affect migration routes as a result.

Noted Inuit Qaujimaningit, traditional or community knowledge: The Proponent has noted in its submission that Inuit Qaujimajatuqangit previously prepared for the Izok Corridor Project, identified 13 key wildlife species and 25 key bird species in the proposed Project Area.

Board Recommendation: As the potential for impact from the Project could be significant for caribou, birds, other wildlife, their habitat, and specifically could have effects on the calving grounds and migration routes of the Bathurst caribou herd, it is recommended that an in-depth review is required to fully assess the impacts of the project on wildlife and wildlife habitat with emphasis on caribou and caribou habitat. The Board also notes that more in-depth consideration is required with respect to the potential for impacts on caribou to result in adverse impacts to wildlife harvesting activities, traditional land use

---

<sup>6</sup> For example see comments submitted by LKDN, NSMA, and Tłı̨chǫ on September 12, 2017.

and the availability and safety of country foods for the Inuit and Indigenous communities in the area.

**Issue 2:** Potential adverse impacts to the freshwater aquatic environment including surface water quality and quantity, freshwater fish and fish habitat, and other aquatic organisms as a result of the construction of the road, water-crossings, quarrying activities, storage and use of fuel, chemicals and explosives, the operations of the road and associated infrastructure, and transportation activities.

**Board views:** The proposed road would include up to 230 drainage areas which would require approximately 18 single or multi-span bridges, up to 50 culverts of diameters between 1.5 metres (m) and 5 m; and numerous smaller culverts. The timing of the proposed activities and their associated potential impacts is considered to be intermittent during periods of construction, while continuous during periods of operation which is projected to exceed 75 years. The primary effects of the Project on the freshwater aquatic environment would result from the loss of fish habitat associated with the construction and operation of 230 water crossings along the road. In comment submissions from DFO, CARC, and WWF, concerns were noted that potential impacts to the aquatic environment including fish and fish habitat, surface quality and quantity of water would result from the proposed project development.

The Proponent has indicated in its submission that most waterbodies crossings for the road corridor are rated as having no to poor fisheries value due to their ephemeral or intermittent nature; however, permanent streams and rivers may have fish habitat, and the Proponent also noted that disturbance due to construction or operations may impact existing or potential fisheries downstream. The Proponent noted that prior sampling of streams in the area identified lake trout, char, grayling, burbot, white roundfish, slimy sculpin, and ninespine stickleback, with sculpin and grayling being the most common species encountered.

In addition, as previously discussed, residual impacts, and cumulative impacts, from the Project on fish and fish habitat, could in turn impact traditional land use activities, Inuit harvesting, and the overall environmental integrity of the area.

**Board Recommendation:** It is recommended that a full environmental review and in-depth assessment is required to adequately assess the potential for the Project to have significant adverse effects on surface water quality and quantity, freshwater fish and fish habitat, and other aquatic organisms.

**Issue 3:** Potential adverse impacts to the marine environment including water quality, marine mammals, marine fish and fish habitat, and other aquatic organisms as a result of the construction of the port, quarrying activities in the area, storage and use of fuel, chemicals and explosives, the operations of the port and associated infrastructure, and transportation activities.

**Board views:** The proposed port would include a dock for ore transport, ramp for sealift, and a small craft harbour. Port operations would take place during the open water season

from July to October. The primary effects of the Project on the aquatic environment would result from the loss of fish habitat associated with the construction and operation of docks and ramps at the port and vessel operations.

The Proponent noted that five species of marine mammals are known to occur in or near Grays Bay: ringed seal, beluga, narwhal, bowhead whale, and Polar bear. The Proponent went on to note ringed seals are by far the most common species while the remaining species are only seasonally or intermittently present.

In addition, as previously discussed, residual impacts, and cumulative impacts, from the Project on fish and fish habitat, could in turn impact traditional land use activities, Inuit harvesting, and the overall environmental integrity of the area.

Noted Inuit Qaujimaningit, traditional or community knowledge: The Proponent stated that consultation with Elders indicated that coastal areas are important for Polar Bear denning.

Board Recommendation: It is recommended that a full environmental review and in-depth assessment is required to adequately assess the potential for the Project to have significant adverse effects on marine water quality, marine mammals, fish and fish habitat, and other marine aquatic organisms.

**Issue 4:** Potential adverse impacts to vegetation, soil, permafrost and terrain due to the development and operations of the all-weather road and port, development of camp facilities and associated infrastructure, both temporary and permanent, storage and use of fuel, chemicals and explosives, dust generation, and quarrying activities.

Board views: These types of potential adverse impacts may occur within the spatial boundaries of proposed road transportation corridor, port, camps, quarries, and associated infrastructure. The primary effects of the proposed project on vegetation, soil and terrain would be from quarrying activities, the construction of the road and port facilities, and associated dust. Loss of vegetation is considered permanent in nature, while impacts to soil are considered moderate due to erosion potentially occurring during the construction phase and possible effects to permafrost due to operations. Further, the potential for impacts to contribute cumulatively to possible existing soil and water contamination in the area from ongoing road and port operations is considered to be high. In addition, dust deposition from construction and operation activities may increase the footprint of the impacted area.

The Proponent has noted that vegetation surveys identified 84 vascular plants previously reported within the project area. The physical loss of the vegetation anticipated to be considered long-term and continuous. There is potential that permafrost degradation associated with proposed infrastructure will have an effect on the Project's design.



**Board Recommendation:** It is recommended that a full environmental review and in-depth assessment of the potential impacts of the proposed project is required to determine the potential for the Project to have adverse effects on vegetation, soil and terrain.

**Issue 5:** Potential adverse impacts to air quality could result from project activities, including dust and emissions generated by the use of explosives to blast rock, dust from the use of heavy equipment for site preparation, road construction, and development of the port and associated infrastructure, as well as the operations of the road on a year-round basis.

**Board views:** As noted above, the potential for impacts is applicable to the spatial boundaries of proposed road transportation corridor, port, camps, quarries and associated infrastructure. There is potential for adverse impacts to air quality from site preparation, use of heavy equipment and machinery (terrestrial and marine), and blasting with the project, which would be limited to within the project footprint with a low probability of extending beyond the geographic area. Dust deposition from construction and operation activities may increase the footprint of the impacted area.

The Proponent indicated that a Road Management Plan would include dust mitigation measures, as well as an Air Quality Management Plan for construction and operations.

**Board Recommendation:** It is recommended that a full environmental review and in-depth assessment of the potential impacts of the proposed project is required to determine the potential adverse effects on air quality.

**Issue 6:** Potential negative effects on Inuit and other traditional harvesting activities due to impacts on caribou herd populations and changes in migratory patterns. Further, potential impacts may result due to changes in Inuit land use through the use of proposed infrastructure

**Board Views:** The proposed project would involve a small craft harbour and tent/refuge area in the location of the port, providing facilities along the shore of Coronation Gulf where none currently exist which may allow increased use of that area by local people boating to the port and using it as a base for other activities along the coast and inland. The existence of a road would allow access in the summer to the interior of the West Kitikmeot via all-terrain vehicle transported to the port via boat, whereas current access to the interior by land is limited to snowmobile during the winter months or to areas where ATVs may be transported by aircraft, limiting the potential use of that area for traditional, harvesting, or cultural activities.

The Board notes that harvesting activities and general land use that currently occurs throughout the project area is on a small scale at present. However, the project itself could change that by increasing access, increasing feasibility for establishment of outfitting camps, etc. which could lead to increased harvesting by Inuit and other groups into the interior of the mainland. Increased access to the interior would provide Inuit with greater opportunities for traditional land use.

As discussed in previous sections, concerns were noted by commenting parties regarding the potential impact to caribou numbers due to development in calving and post-calving grounds. It was noted by BQCMB and WWF that an all-season road to the interior of the West Kitikmeot could increase hunting pressure on the Bathurst Herd by providing easier access. The road may also potentially cause a change in caribou migratory patterns which could result in changes to traditional hunting areas used for traditional harvest activities.

Noted Inuit Qaujimaningit, traditional or community knowledge: The LKDFN, NSMA, Tłıchǫ, WRRB, YKDFN, and WWF noted the cultural importance of caribou on Inuit and other Indigenous peoples' traditional lifestyles, including subsistence harvesting. Concerns were expressed that the road in particular could present a barrier to caribou migration at a regional scale, which in turn could impact traditional activities. It was noted by INAC that the proposal could cause significant adverse impacts to Inuit harvest activities while Health Canada noted that contamination of country foods could affect human health. The Kugluktuk HTO, LKDFN and NSMA noted concern with respect to wildlife and their habitat with the associated concern with respect to traditional use of land and harvesting.

Board Recommendation: It is recognized that this proposed major development project may alter Inuit land use and other groups in the interior of the West Kitikmeot and along Coronation Gulf. It is recommended that a full environmental review and in-depth assessment of the potential impacts of the proposed project be required. The Board also notes that more in-depth consideration is required with respect to the potential for impacts on caribou to result in adverse impacts to wildlife harvesting activities, traditional land use and the availability and safety of country foods for the Inuit and Indigenous communities in the area.

**Socio-economic effects on northerners:**

**Issue 7:** Potential adverse impacts to historical, cultural and archaeological sites in the project area may result from project activities.

Board Views: The Proponent is proposing to work in areas of known historical and cultural significance. These sites have been considered in Project planning, the Proponent plans to conduct an archaeological survey and to develop appropriate mitigation measures when avoidance is impossible. The Proponent has committed to developing and implementing a Heritage Resource Management Plan and having a qualified archaeologist on site to supervise construction activities when near known heritage sites or in areas of high potential. The Proponent would require approval from the Government of Nunavut – Department of Culture and Heritage prior to initiation of any activities.

Board Recommendation: The proposed Project may alter archaeological sites for which avoidance is not feasible and the Proponent would be required to determine the extent of potential adverse effects on historical, cultural and archaeological sites. It is recommended that a full environmental review and in-depth assessment of the potential

impacts of the proposed project is required to fully assess the potential for, and mitigation of these types of effects.

**Issue 8:** Potential positive socio-economic impacts associated with the positive economic benefits from the induced development of additional mineral projects and transportation infrastructure.

**Board Views:** The proposed Project could result in increased exploration and mining activities as well as improving the economic feasibility of known mineral deposits, increasing opportunities for local and Inuit training, employment, and contracting. The existence of a port and road to the south provides the possibility of allowing for direct shipment of material from the south and staging at the port for earlier sealift to communities in the open water season, decreasing costs for residents of the Kitikmeot and allowing construction in communities to begin earlier than allowed with the current fall sealift schedule. The Proponent states excess revenue from road tolls and port fees could be directed by the Kitikmeot Inuit Association to funding that would provide benefits to Kitikmeot Inuit.

**Noted Inuit Qaujimaningit, traditional or community knowledge:** The Kugluktuk HTO noted that the project has the potential to provide significant social and economic benefits to the people of Kugluktuk and the Kitikmeot region.

**Board Recommendation:** It is recognized that this proposed major development project may offer opportunities for significant economic benefits to accrue to the Kitikmeot region. It is recommended that a full environmental review and in-depth assessment of the potential impacts of the proposed project be required to adequately assess the nature and extent of these effects.

**Significant public concern:**

**Issue 9:** The project proposal is likely to arouse significant public concern.

**Board Views:** The proposed Project would occur in habitat considered critical for the health of caribou, specifically the Bathurst herd, and this concern was raised by the GNWT, WRRB, LKDFN, NSMA, Tẖcẖ, YDFN, BQCMB, CARC, CPAWS-NWT, and WWF in the comments submitted, and by the Proponent in its application, indicating the existing level of public concern. It will be important for the Proponent to demonstrate to the affected communities and the public generally that Project components have been adequately evaluated and appropriately mitigated.

**Board Recommendation:** The proposed project has the potential to cause significant adverse effects on the ecosystem and may be a cause of significant public concern. It is recommended that the magnitude of concern be clarified and addressed through further opportunities for the affected communities and public to provide comment on the proposed project during a full environmental review process.

**Technological innovations for which the effects are unknown:**

**Issue 10:** While the proposed project would utilize technologies which have been demonstrated to be effective in an arctic environment, as noted by the received comments, road and other infrastructure proposals in the North can require customized techniques, procedures and technologies to address variable climatic conditions and unique operating environments.

**Board Views:** Road and port infrastructure development is generally well-understood technology, however the long distances involved and the rapidly changing Arctic conditions (e.g. the effects of climate change on permafrost conditions) may make it difficult to predict effects with a high degree of certainty.

**Board Recommendation:** It is recommended that a full environmental review and in-depth assessment is required to ensure mitigation techniques and the technology chosen are appropriate, adequately reflect, and can be adapted to, rapidly changing Arctic conditions and would effectively limit the potential for adverse effects resulting from the proposed Project should it be approved to proceed. In the Board's opinion, an in-depth assessment is required to ensure that proposed mitigation measures and technology reflect the experience gained during the operation of other ports and all-weather Arctic roads (such as those in use at existing mines), recent data from project and regional monitoring programs and the most up to date knowledge of the effects of existing mitigation measures, cumulative effects and the effects of climate change in the Arctic.

PARTICULAR ISSUES OR CONCERNS IDENTIFIED BY NIRB

Given the type of project development (i.e. road and port development), as set out in Article 12, Section 12.4.4(b) of the Nunavut Agreement and paragraph 92(2)(b) of the NuPPAA, the NIRB has identified additional particular issues or concerns that should be considered through a public review process to ensure that the concerns of those who might be directly impacted are better known and could be effectively mitigated should the project be approved to proceed.

**1. Potential Cumulative Effects of Increasing Mineral Development in the Kitikmeot Region**

In the Board's view the potential for the proposed project to result in adverse ecosystemic and socio-economic effects as a result of the combined cumulative effects of the Project and increased levels of mineral development in the Kitikmeot Region likely to be associated with the Project requires further analysis and should also be considered during the review of the project proposal as described below. Comments received from various commenting parties, such as LKDFN and WWF have identified this issue of potential cumulative effects as a particular concern and also noted that a comprehensive environmental review would be necessary to fully account for these potential impacts.

The NIRB is aware of a significant number of mineral exploration and development projects within the Kitikmeot Region which have operated in the past, are currently operating, or are

proposed to operate in the future. A search of the Board's online public registry at [www.nirb.ca](http://www.nirb.ca) yields more than 100 assessments for such projects.

The majority of the currently operating exploration and potential programs in the Kitikmeot Region may provide some employment and/or business opportunities to residents of the region and include activities such as transportation by air, road or winter trails, helicopter-assisted surveying and diamond drilling, water withdrawal, bulk fuel storage, and operation of camps and other supporting infrastructure. The NIRB recognizes that the analysis of potential impacts from the proposed development arising as a result of the proposed Grays Bay Road and Port must thoroughly consider the potential for cumulative effects to occur from project effects acting in concert with effects from other past, present and reasonably foreseeable projects. The consideration of cumulative effects is particularly important in a project such as this where the need for, and stated purpose of the Project, is to encourage other development projects to be developed.

Given the number of mineral exploration projects in the region, the importance of wildlife habitat (e.g., caribou calving and post-calving habitat) and Inuit harvesting in the region, the potential transboundary effects, and the continued encroachment of development into previously undisturbed areas throughout the region, it is the view of the Board that the potential for adverse cumulative ecosystemic and socio-economic effects must factor prominently into the assessment of the Grays Bay Road and Port. The Proponent's intentions to utilize the road and port to encourage mineral exploration and potential development may also encourage the construction of an all-weather connection to the south, a potential indirect effect which requires consideration during the assessment of the Project, as well as the associated implications on further development in the West Kitikmeot Region.

While the potential development of future mining projects in the region *in general* cannot be predicted with certainty and therefore potential cumulative effects would be at best theoretical, the proposed road routing passes through or adjacent to known deposits at High Lake (base metals), Ulu (gold) and ends at Jericho (diamonds), while the Izok deposit (base metals) would be approximately 100 kilometers from Jericho site. The deposits at High Lake and Izok require moving large quantities of concentrate to tidewater and each of these deposits, individually and in combination, were the subject of prior development proposals that were eventually deemed uneconomic due to the cost of developing the projects in conjunction with constructing the roads and ports necessary to move the product. The Ulu deposit has been the site of advanced exploration, but has not received a positive feasibility study as a standalone project.<sup>7</sup>

The presence of road and port facilities (as well as the shortened road needed to be built for Izok) could improve the economics of these projects to the point where they could be more likely to move forward, and therefore their potential cumulative effects would need to be taken into account. Additionally, the presence of the road could conceivably revive interest in the Jericho mine and surrounding area, which has indicated potential for further diamondiferous kimberlite discoveries.

---

<sup>7</sup> *Technical Report on the Ulu Gold Property*, prepared for WPC Resources Inc., July 2015, [https://www.wpcresources.ca/site/assets/files/1328/technical\\_report\\_on\\_the\\_ulu\\_property.pdf](https://www.wpcresources.ca/site/assets/files/1328/technical_report_on_the_ulu_property.pdf)

## **2. Other Transportation Infrastructure Projects**

Other major development projects currently under Review by the NIRB have the potential to confuse or complicate the assessment of the Grays Bay Road and Port Project. The proposed Bathurst Inlet Port and Road (BIPR) Project (NIRB File No. 03UN114) would theoretically intersect the Project near the former Jericho diamond mine, with the objective of also providing access to the interior of the West Kitikmeot and Contwoyto Lake for potential mineral development projects, similar to the Grays Bay Road and Port proposal. The Izok Corridor Project (NIRB File No. 12MN043) includes development of essentially identical main road and port infrastructure, the major significant difference being the extension of the road from the area of the former Jericho diamond mine to MMG's Izok Lake property. Given the nature of the proposals, clarification may be necessary from the respective project proponents regarding implications to the feasibility of their proposals, should the Grays Bay Road and Port Project be approved to proceed.

## **3. Effects of Increased Shipping in the Kitikmeot Region**

While not directly associated with the infrastructure of the proposed Project, should the Back River Project (NIRB File No. 12MN036) proceed to development, the planned annual shipping to its sealift facility on Bathurst Inlet would occur in concert with other existing shipping operations for the Doris North Gold Mine (NIRB File No. 05MN047) and for annual resupply to communities in the Kitikmeot Region. If approved to proceed, the Grays Bay Road and Port Project would contribute significantly to the increasing frequency and amounts of goods and fuel being shipped within the Kitikmeot Region; measures for accident prevention, spill response capabilities, and the effects of climate change on the open water shipping season within the Kitikmeot Region will warrant special consideration during the Review for the Project.

## **4. Effects on the Bathurst Caribou Herd**

While it has been noted that both the Dolphin Union and Bathurst herds are present in the project area, multiple parties have raised concerns primarily regarding the project's location at least partly within the calving and post-calving areas of the Bathurst herd, as well as its location along the migratory route between Nunavut and the Northwest Territories. Recent assessments of projects in the region—Doris North (05MN047 and 12MN001) and Back River (12MN036)—have demonstrated that potential adverse impact on caribou and caribou habitat is a matter of significant interest and concern among members of the public, Inuit, other Indigenous groups, and other stakeholders, as have the comments received by the NIRB in response to this project proposal. Given the significant size and location of the project, an in-depth assessment of this particular project and its potential for inducing further development projects is necessary.

## **5. Transboundary Issues**

The proposed project has the potential for adverse effects on the Bathurst caribou herd which has the potential to affect important traditional harvest activities of communities in both Nunavut and the Northwest Territories. Consequently, as in previous NIRB reviews<sup>8</sup> and as noted by several commenting parties, transboundary issues must be considered in the context of this review as the

---

<sup>8</sup> See for example the discussion of these issues in relation to the Back River Project, NIRB File No. 12MN036 Final Hearing Report for the Back River Project, Sabina Gold & Silver Corp., June 15, 2016 and Revised Final Hearing Report for the Back River Mine Project, Sabina Gold & Silver Corp., July 17, 2017.

potential for effects on the Bathurst caribou herd have been identified as central concerns of the Government of the Northwest Territories as well as several nearby Indigenous communities in the Northwest Territories. The connection of the proposed road to the Tibbett-Contwoyto Winter Road and the stated possibility raised by the Proponent of connecting to an all-weather road coming from the south to the Nunavut border over the long term also raises further transboundary issues that should be assessed during the review of the Project. The existence of an all-weather road connecting tidewater to the diamond mines in the NWT and beyond to potential connections with the southern road system also likely warrants further assessment of both environmental and socio-economic transboundary impacts. While any future connection to the NWT road network is, at the moment, hypothetical only, as the issue has been raised within the project proposal documentation the Board anticipates that further investigation of any planned infrastructure connections may be necessary during any Review of the Project.

As noted by the Proponent, if the Responsible Minister(s) accept the Board's recommendation that a review of the Project should be conducted, the Minister(s) can direct that the Review be conducted by the Board under Article 12, Part 5 of the Nunavut Agreement and pursuant to subsections 94(1)(a)(iii) or (iv) of the NuPPAA, or alternatively, could require that the Review be conducted by a federal panel under Article 12, Part 6 of the Nunavut Agreement and pursuant to subsections 94(1)(a)(i) and (ii). As noted by the Proponent, the project proposal submission was premised on the assumption that the Project would be subject to a Review by the NIRB under Part 5 of the Nunavut Agreement. The Government of the Northwest Territories agreed that a Part 5 Review with the participation of affected communities in the Northwest Territories and the GNWT is appropriate. The Canadian Arctic Resources Committee indicated that, given the potential for transboundary effects on caribou, fish, marine mammals and other wildlife in the area, the Review should be conducted by a Federal Environmental Assessment Panel under Article 12, Part 6 of the Nunavut Agreement.

In correspondence to the NIRB received on September 26, 2017, the Mackenzie Valley Environmental Impact Review Board (MVEIRB) noted comments submitted to the NIRB regarding the potential transboundary impacts of the Project and highlighted its support for the thorough engagement and participation of NWT parties in any Review of the project and a thorough consideration of potential transboundary impacts. Recognizing that the NIRB and the MVEIRB have a Memorandum of Understanding in place to guide coordination and cooperation between the Boards, the MVEIRB has indicated its support for collaboration, coordination and cooperation with the NIRB regarding consideration of these transboundary issues, and that the two Boards would be *“more effective, efficient, and true to the intent of the established land claim agreements in the NWT and Nunavut than a federal environmental assessment panel.”*<sup>9</sup> Most commenting parties did not, however, indicate a preference for whether a Review of the Project should be conducted under Article 12, Part 5 or 6 of the Nunavut Agreement, with the majority of commenters highlighting only that the Project should undergo a *“full environmental*

---

<sup>9</sup> MVEIRB, Letter to Nunavut Impact Review Board Re: Offer to Cooperate with Nunavut Impact Review Board – Grays Bay Road and Port Project (NIRB File No.: 17XN011), September 26, 2017.

*assessment that takes into account the transboundary and future cumulative impacts of this project.”<sup>10</sup>*

## **6. Availability of Participant Funding**

It is the NIRB’s opinion that there are several important factors associated with the further review of the Project that highlight the need for participant funding during the assessment, including: the range and scope of the potential impacts of the proposed project; the capacity issues identified by the Board, community organizations and community members during recent NIRB Reviews; the specific requests for participant funding provided to the NIRB from the Government of the Northwest Territories, North Slave Métis Alliance, CPAWS-NWT, and WWF during their comments on this file that largely echo the observations of the Government of the Northwest Territories on this point:

*Given the importance of caribou to Aboriginal people in the NWT and the level of public concern that this proposed project is likely to generate, the GNWT recommends that the federal government provide participant funding for this review for parties in Nunavut and in the NWT. The GNWT sees participant funding as an important way of helping to ensure that northerners have meaningful opportunities to participate in the assessment of potential benefits and risks associated with development proposals.<sup>11</sup>*

The NIRB also shares the concerns expressed by Nunavut Tunngavik Incorporated and the Qikiqtani Inuit Association in submissions sent to the Minister of Indigenous and Northern Affairs in September, 2017 regarding the potential limitations on the efficacy of the regulatory process in the absence of participant funding during reviews:

*Inuit community representatives, unless participant funds are provided, do not have the resources to review and understand all aspects of proposals, conduct necessary research, gather information and knowledge from community members, prepare submissions and respond to the submission of other parties...The denial of timely participant funds for impacted Aboriginal peoples is throwing into question the long term legal reliability of regulatory processes.<sup>12</sup>*

Consequently, the Board recognizes the need participant funding as a vital mechanism in promoting effective participation by potentially affected groups in any future Review of this proposal.

The Board notes that there is a precedent for the awarding of this type of funding in previous Reviews conducted by the NIRB. However, the NIRB also recognizes that no established participant funding program is currently in place, and as such, these requests for support must be

---

<sup>10</sup> WWF, Submission to the Nunavut Impact Review Board, Grays Bay Road and Port, NIRB File No. 17XN011, Application No. 125069, September 12, 2017 at p. 4.

<sup>11</sup> Government of the Northwest Territories, Submission to the Nunavut Impact Review Board on the Notice of Screening for the Grays Bay Road and Port Project (NIRB File No.: 17XN011), September 12, 2017 at pp. 4-5.

<sup>12</sup> Nunavut Tunngavik and Qikiqtani Inuit Association, Correspondence to the Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs Canada, Re: Participant Funding for Regulatory Processes, September 1, 2017 at p. 2.



considered by the Minister on a case by case basis. The NIRB recommends that in this case, the Minister, in making her determination, consider the need for providing participant funding to support the Review of this project proposal, and more generally the need to establish a permanent participant funding program to facilitate the desired level of meaningful public participation in NIRB Reviews moving forward.

#### NIRB DETERMINATION

Collectively, the Board has carefully considered the factors set out in s. 90 of the NuPPAA, taking into account the information the Proponent and parties have provided to date, as well as providing its determination on the significance of potential adverse ecosystemic or socio-economic impacts of the project.<sup>13</sup> It is the Board's determination that, as set out in Article 12, Section 12.4.4(b) of the Nunavut Agreement and subparagraphs 89(1)(a)(i) and (ii) of the NuPPAA, the "Grays Bay Road and Port" project proposal requires a Review under Article 12, Part 5 or Part 6 of the Nunavut Agreement and Part 3 of the NuPPAA.

As noted above, the NIRB has identified several particular issues or concerns which the Board believes should also be addressed through a review of this project proposal.

#### CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Kitikmeot Inuit Association and the Government of Nunavut's "Grays Bay Road and Port" project proposal. The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated October 31, 2017 at Whale Cove, NU.



Elizabeth Copland, Chairperson

Attachment: Appendix A: Comment Submissions (NIRB File No. 17XN011)

---

<sup>13</sup>Significance was assessed by the Board with regard to the factors outlined in s. 90 of the NuPPAA.

**Appendix A**  
Comment Submissions (NIRB File No. 17XN011)



Environment and  
Climate Change Canada

Environnement et  
Changement climatique Canada

Environmental Protection Operations Directorate  
Prairie & Northern Region  
5019 52<sup>nd</sup> Street, 4<sup>th</sup> Floor  
P.O. Box 2310  
Yellowknife, NT X1A 2P7

ECCC File: 6300 000 039/001  
NIRB File: 17XN011

September 12, 2017

Via email to: [info@nirb.ca](mailto:info@nirb.ca)

Kellie Gillard  
Manager, Project Monitoring  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, NU X0B 0C0

Dear Ms. Gillard:

**RE: 17XN011 – Kitikmeot Inuit Association and the Government of Nunavut –  
Grays Bay Road and Port – NIRB Screening**

Environment and Climate Change Canada (ECCC) has conducted a preliminary review of the information submitted to the Nunavut Impact Review Board (NIRB) regarding the above-mentioned NIRB screening of the Grays Bay Road and Port Project (the Project). ECCC's review is based on our mandate, in the context of the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Please find ECCC's responses below to the NIRB's questions outlined in the Notice of Screening for this Project:

**Whether the project proposal is likely to arouse significant public concern; and if so, why**

ECCC has no comments.

**Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; and if so, why**

ECCC has identified the following items which fall within its mandate and areas of expertise that require further technical review to assess whether the Project will cause

significant adverse eco-systemic impacts. A Board Review of the Project would ensure that the following topics and the supporting material provided could be adequately reviewed.

#### Atmospheric Environment

Potential negative impacts to air quality resulting from dust from vehicle operations as well as greenhouse gas emissions from project vehicles and shipping operations.

#### Freshwater Environment

Potential negative impacts to the water quality of fish bearing waterbodies resulting from sedimentation and erosion during the construction of the all season road and associated water crossing structures.

The development of sediment and erosion control mitigation measures for the construction of the all-season road to mitigate potential negative impacts to the receiving fish bearing waterbodies.

#### Marine Environment

Potential negative impacts to water quality resulting from the port construction activities, including but not limited to dredging.

The development of sediment and erosion control mitigation measures for the construction of the port to mitigate potential negative impacts on marine water quality.

#### **Whether the project is likely to cause significant adverse impacts on wildlife habitat or Inuit harvesting activities; if so, why**

ECCC has identified the following items which fall within its mandate and area of expertise where additional information is required so that the department can complete its technical review of the potential negative impacts on wildlife and their habitat and the proposed measures to mitigate these effects.

#### Migratory Birds and Species at Risk

Potential negative impacts on wildlife (including Migratory Birds and Species at Risk) and their habitat, including potential habitat destruction, habitat modification or habitat fragmentation, incidental take and mortalities resulting from the Project.

The development of mitigation measures or monitoring programs to mitigate potential negative impacts on wildlife (including Migratory Birds and Species at Risk) and their habitat.

**Whether the project is of a type where the potential adverse effects are highly predictable and mitigatable with known technology, (please provide any recommended mitigation measures)**

ECCC notes that potential negative effects may be similar to those of other comparable projects and as such are expected to be predictable and mitigatable with known technology. However, project design, mitigation measures, monitoring and adaptive management will be key to limiting the intensity, duration and scale of potential negative impacts.

**Any matter of importance to the Party related to the project proposal**

Please note that should this Project not proceed to a Board Review, ECCC requests an opportunity to conduct a more in-depth review of the screening application and provide additional comments.

Should you require further information, please do not hesitate to contact Loretta Ransom at (867) 669-4744 or [Loretta.Ransom@canada.ca](mailto:Loretta.Ransom@canada.ca).

Sincerely,

  
Susanne Forbrich  
Regional Director

cc: ECCC Review Team  
Georgina Williston, Head, Environmental Assessment North (NT and NU)



501 University Crescent  
Winnipeg, MB  
R3T 2N6

September 08, 2017

Your file    Votre référence  
125069

Our file    Notre référence  
17-HCAA-00855

Nunavut Impact Review Board  
Kelli Gillard, Manager, Project Monitoring  
29 Mitik Street, PO Box 1360  
Cambridge Bay, NU  
X0B 0C0

Dear Kelli Gillard,

**Subject: Notice of Screening and Comment Request for Kitikmeot Inuit Association's and the Government of Nunavut's Grays Bay Road and Port Project Proposal**

Fisheries and Oceans Canada's Fisheries Protection Program (DFO-FPP) would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to provide comments on the Kitikmeot Inuit Association's and the Government of Nunavut's (the Proponent) application for the *Grays Bay Road and Port Project* (the Project).

As directed by the NIRB in their letter dated August 23, 2017, DFO-FPP is providing the following comments with respect to the Project's screening. DFO-FPP understands that the NIRB would like parties to provide comments regarding:

- 1) Whether the project proposal is likely to arouse significant public concern; and if so, why;

DFO-FPP is not aware of any significant public concern at this stage of review, however, it is recommended that consultation take place to ensure that public concern is heard and addressed via the environmental assessment process.

- 2) Whether the project proposal is likely to cause significant adverse eco-systemic or socioeconomic effects; and if so, why;

DFO-FPP has reviewed the Proponent's application pursuant to its mandate to maintain the on-going productivity of commercial, recreational, and Aboriginal fisheries. DFO-

\*

FPP has identified several components of the proposed Project that may result in negative impacts to fish (including marine mammals and marine invertebrates) and their habitat, which include, but is not limited to;

***Road corridor:***

- Construction and operation of temporary and permanent watercourse crossings over fish-bearing or potentially fish bearing watercourses;
- Blasting for the construction of a 230 km all season road and the development of 40 temporary and permanent quarries;
- Water withdrawal for the construction and operation of the all season road, segments of winter road, and domestic camp uses; and
- Construction and operation of temporary and permanent airstrips near Jericho station.

***Grays Bay Port:***

- Construction and operation of a deep water port suitable for commercial shipping, and associated shipping activities;
- Construction and operation of a small craft harbor near the proposed port location;
- Construction and operation of a breakwater near the proposed port location;
- Construction and operation of floating docks and a barge landing near the proposed port location; and
- Construction and operation of temporary and permanent airstrips near the proposed port location.

- 3) Whether the project is likely to cause significant adverse impacts on wildlife habitat or Inuit harvesting activities; if so, why;

After reviewing the information that has been presented by the proponent on the NIRB registry to date, including mitigation measures and best management practices, it is DFO-FPP's opinion that there is potential for the Project to cause significant adverse effects on fish and fish habitat, thus potentially impacting Inuit harvesting activities in the affected waterbodies.

- 4) Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology (please provide any recommended mitigation measures);

Proponents are responsible for avoiding and mitigating *serious harm to fish* that are part of or support commercial, recreational or Aboriginal fisheries. When proponents are unable to completely avoid or mitigate *serious harm to fish*, their projects will normally require authorization under subsection 35(2) of the *Fisheries Act* in order for the project to proceed without contravening the Act. DFO-FPP will work with the Proponent in the

environmental assessment and regulatory review processes to identify appropriate mitigation measures.

5) Any matter of importance to the Party related to the project proposal

DFO-FPP will be a responsible minister with respect to this Project, and as such recommends that the NIRB consider recommending the Project for Review pursuant to the *Nunavut Project Planning and Assessment Act* (NuPPAA).

If you have any questions, please contact Jessica Taylor at 867-669-4927 or by email at Jessica.Taylor@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Bev Ross  
A/Manager, Regulatory Review  
Fisheries and Oceans Canada

cc. Jessica Taylor, DFO  
Véronique D'Amours-Gauthier, DFO  
Ange Simonfalvy, NPMO  
Tineka Simmons, NPMO







Environmental Health Program  
Regulatory Operations and Regions Branch,  
Health Canada  
Suite 730, 9700 Jasper Avenue  
Edmonton, AB T5J 4C3

September 11, 2017

Kelli Gillard  
Manager, Project Monitoring  
Nunavut Impact Review Board  
PO Box 1360  
Cambridge Bay, NU, X0B 0C0

*Sent by email*

**Subject: Health Canada's comments regarding the screening of the Grays Bay Road and Port Project**

---

Dear Kelli Gillard:

Health Canada received the Nunavut Impact Review Board's (the Board's) Notice of Screening dated August 22, 2017, requesting comments from the public and federal departments on the application for the proposed Grays Bay Road and Port Project (the Project).

The key objective of Health Canada's Environmental Assessment program is to prevent, reduce and mitigate the potential effects of any change to the environment on the health of Aboriginal peoples. Upon request, Health Canada makes available specialist or expert information and knowledge on human health issues related to the potential environmental impacts of a proposed project.

Health Canada has reviewed the Project Proposal and Information Requests and Clarification for the Project and provides the following comments.

▪ **Whether the Project is likely to arouse significant public concern and, if so, why:**

Health Canada has no comments on whether the Project is likely to arouse significant public concern.

▪ **Whether the Project is likely to cause significant adverse ecosystemic or socio-economic effects and, if so, why:**

Health Canada has identified several components of the proposed Project which could contribute to adverse effects on human health through impacts to air quality, noise, drinking and recreational water quality, and country foods.



The Project has the potential to adversely impact human health by Project-related activities from the construction of, but not limited to:

- the 230 km all-season road;
- construction and use of 40 quarries;
- construction of a deep water port in Grays Bay;
- construction of a small craft harbour in Grays Bay;
- construction of and use of staging and storage areas.

Additionally, the Project has the potential to adversely impact human health by Project-related activities related to the operation of, but not limited to:

- use and maintenance on the 230 km all-season road;
- increased commercial shipping in the region as a result of the deep water port in Grays Bay;
- increased use of small crafts in the region as a result of the small craft harbour in Grays Bay.

The Project has potential to impact human health through Project-related effects on air quality, noise, drinking and recreational water quality, and country foods.

- **Whether the Project is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities and, if so, why:**

Health Canada has no comments on whether the project is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities.

- **Whether the Project is of a type where the potential adverse effects are highly predictable and can be prevented/managed appropriately with known technology:**

Health Canada cannot provide comments on the predictability of the potential adverse effects from the Project and the adequate mitigation of these effects without the opportunity for the rigorous technical scrutiny of the draft Environmental Impact Statement.

- **Any matter of importance to the Party related to the project proposal:**

The region where the Project will be constructed and operated is used by Inuit for hunting, harvesting, and fishing. However, the Project Proposal did not mention the potential for the Project to adversely affect human health through the contamination of country foods. Health Canada wants to make the Board aware of the potential for the construction and operation of the all-weather road and deep water port to adversely affect human health through the contamination of country foods.

Should you have any questions regarding Health Canada's comments, please contact Graham Irvine at 780-495-0433, or [graham.irvine2@canada.ca](mailto:graham.irvine2@canada.ca).



Health  
Canada

Santé  
Canada

Sincerely,

Jody Small

Regional Manager, Environmental Health Program

Health Canada, Edmonton

Tel: 780-495-5766

cc:     Graham Irvine, Environmental Assessment Coordinator, Health Canada  
         Melissa Gorman, Environmental Assessment Coordinator, Health Canada  
         Gregory Kaminski, Senior Environmental Health Assessment Specialist, Health Canada  
         Katherine Hess, Environmental Assessment Officer, Health Canada



Nunavut Regional Office  
P.O. Box 100  
Iqaluit, NU, X0A 0H0

Your file - Votre référence  
17XN011  
Our file - Notre référence  
CIDMS # 1171371

September 12, 2017

Kelli Gillard  
Manager, Project Monitoring  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, NU, X0B 0C0  
*Via electronic mail to: info@nirb.ca*

**Re: Notice of Screening for Kitikmeot Inuit Association and the Government of Nunavut's "Grays Bay Road and Port" Project Proposal**

Dear Ms. Gillard,

On August 22, 2017 the Nunavut Impact Review Board (NIRB) invited parties to comment on Kitikmeot Inuit Association and the Government of Nunavut's "Grays Bay Road and Port" project proposal. Indigenous and Northern Affairs Canada (INAC) appreciates the opportunity to provide comments and offers the response below as it pertains to the NIRB's request:

**Whether the project proposal is likely to arouse significant public concern; and if so, why;**

The potential for the Grays Bay Road and Port project to arouse significant public concern exists due to the scale and irreversibility/permanence of the project being proposed. The magnitude of concern would be clarified through further opportunities for the public to provide comments on the proposed project. Community information sessions conducted by the NIRB and continued consultation by the proponent are appropriate measures to assess the concern related to this project.

**Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; or significant adverse impacts on wildlife habitat or Inuit harvest activities; if so, why;**

Due to the nature and scale of the project proposal, INAC is of the view that the project has the potential to cause significant adverse eco-systemic or socio-economic effects, and significant adverse impacts on wildlife habitat or Inuit harvest activities.



Therefore, the potential adverse effects of the Grays Bay Road and Port project would be most appropriately assessed through a full environmental review.

INAC conducted a preliminary assessment of the Grays Bay Road and Port project proposal and identified 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, vegetation, landforms and permafrost features in the area;
- The anticipated socio-economic impacts throughout the project;
- The potential adverse impacts on the surrounding environment of the proposed development activities, including but not limited to the Grays Bay Port (Wharf), the Grays Bay Road Northern and Southern Termini, and the facilities required to support operations;
- Consideration for potential impacts to the groundwater regime and provisions for management and potential contamination of groundwater;
- The impacts of potential accidents or malfunctions during construction and operation;
- 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 border and the proposed connection to the Tibbitt to Contwoyto winter road;
- The adequacy of proposed mitigation, monitoring, and adaptive management measures.

**Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures):**

INAC is of the view that a project of this scale operating in the North is not the type where potential adverse effects are highly predictable. Recommended mitigation measures could be provided following a more in-depth review in the areas of INAC's jurisdictional responsibility.

This responsibility in relation to the proposed project includes Ministerial responsibilities for approval of the water licence and administration of Crown land.

Furthermore, INAC appreciates being of assistance to the NIRB throughout the impact assessment process and expects to offer expertise in the following areas:

- Geotechnical engineering and permafrost considerations
- Geochemistry (potential for acid rock drainage/metal leaching)
- Surface and ground water quality and quantity
- Hydrogeology
- Lands and vegetation



- Waste (including hazardous) materials management
- Water and wastewater management
- Quarry design and construction
- Environmental monitoring and management plans
- Cumulative effects and alternatives assessment
- Reclamation planning and estimates for security
- Socio-economic impact assessment including socio-economic monitoring and mitigation
- Adaptive management

INAC looks forward to working with the NIRB and the Proponent throughout the environmental assessment of this project. Should you have any questions, please contact Julia Prokopick at (867) 975-4567 or by e-mail at [julia.prokopick@aadnc-gc.ca](mailto:julia.prokopick@aadnc.gc.ca).

Sincerely,

[Original Signed by]

Karen Costello  
Director Resource Management

**NIRB file:** 17XN011  
**NRCan file:** NT-089

September 12, 2017

Kelli Gillard  
Manager, Project Monitoring  
Nunavut Impact Review Board  
PO Box 1360  
Cambridge Bay, NU, X0B 0C0

**Re: Comment Request for Notice of Screening for Kitikmeot Inuit Association and the Government of Nunavut's "Grays Bay Road and Port" Project Proposal**

---

Dear Kelli Gillard,

Natural Resources Canada (NRCan) received the Nunavut Impact Review Board letter dated August 22, 2017, which requested parties to review and provide comments on the Kitikmeot Inuit Association and the Government of Nunavut's (collectively, the Proponents) Grays Bay Road and Port Project Proposal (the Project).

Specifically the NIRB requested that interested parties comment on:

1. *Whether the project proposal is likely to arouse significant public concern; and if so, why;*
2. *Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; or significant adverse impacts on wildlife habitat or Inuit harvest activities; if so, why;*

NRCan notes that the Project is a major road and port facility. Limited information on potential environmental effects and baseline is provided in the proposal, and a more in depth review of the Project is required in order to determine if there is the potential for significant public concern or significant adverse effects.

Within the context of NRCan's mandate, the following technical expertise will be provided if the NIRB refers the project for a Review as per the *Nunavut Project Planning and Assessment Act*:

- marine geosciences;
- permafrost; and
- explosives storage and manufacture.

NRCan may revise the technical expertise depending on additional information related to the Project that is provided by the Proponent.





3. *Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures);*

NRCan notes that with respect to explosives storage and manufacture, the *Explosives Act* and Regulations ensure the advancement of explosives safety and security technology. As a result, explosives storage and manufacture is not expected to cause adverse effects and any potential effects are highly predictable and mitigable with known technology as per the *Explosives Act* and Regulations.

4. *Any matter of importance to the Party related to the project proposal*

NRCan is responsible for administering the *Explosives Act* and Regulations, and pursuing the advancement of explosives safety and security technology. Our principal priority is the safety and security of the public and of all workers involved in the explosives industry in Canada. Through the Explosives Regulatory Division, NRCan provides services and support to the explosives industry, including manufacturers, importers, distributors, and users of explosives.

Storage of explosives may require a licence issued by NRCan under the *Explosives Act*.

Should you have any questions or if you require clarification, please contact Rachelle Besner via email at [Rachelle.Besner@canada.ca](mailto:Rachelle.Besner@canada.ca) or by telephone at (343) 292-6746.

Sincerely,

*Original signed by*

Rachelle Besner  
Senior Environmental Assessment Officer  
Office of the Chief Scientist  
Natural Resources Canada  
Government of Canada

Cc: R. Johnstone, Lands and Minerals Sector  
A. Dixit, Lands and Minerals Sector



Transport Canada    Transports Canada

Prairie and Northern Region  
Environmental Services, Programs  
P.O. Box 8550  
3<sup>rd</sup> Floor, 344 Edmonton Street  
Winnipeg, Manitoba  
R3C 0P6

Your file    Votre référence  
17XN011

Our file    Notre référence  
7075-70-1-394

September 12, 2017

Kelli Gillard  
Manager, Project Monitoring  
Nunavut Impact Review Board  
PO Box 1360  
Cambridge Bay, NU, X0B 0C0

**Re: Comment Request for Notice of Screening for Kitikmeot Inuit Association and the Government of Nunavut's "Grays Bay Road and Port" Project Proposal**

Dear Kelli Gillard,

Transport Canada received the Nunavut Impact Review Board letter dated August 22, 2017, which requested parties to review and provide comments on the Kitikmeot Inuit Association and the Government of Nunavut's (collectively, the Proponents) Grays Bay Road and Port Project Proposal.

Transport Canada is responsible for the transportation policies and programs that promote a safe transportation system, ensuring that they work effectively and in an integrated manner. After reviewing the project proposal and supporting documents, Transport Canada has identified an interest in various project components and activities that would pertain to our mandate and area of expertise of our department.

- 18 single or multi-span bridges
- potential installation of up to 50 culverts of diameters between 1.5 m and 5 m, in addition to numerous culverts less than 1.5 m in diameter
- Construction and operations of a Grays Bay Port, open annually during the open-water season (July to October), managed through port fees, specifically:
  - development of one (1) wharf, designed based on the potential docking size of a 75,000 deadweight tonnes Ore-Bulk-Oil class 1A vessel, and a second wharf when demand warrants
  - Dredging of sea floor to reach appropriate depths in the development of the wharf
  - A small craft harbour to provide safe moorage for up to 50 vessels, including floating docks, launching ramp, refueling station containing approximately 5,000 litres (L) of gasoline, tent and refuge area, light vehicle parking for the public, and optional breakwater to reduce wave height within the harbour
  - Installation of appropriate navigation aids
  - Transport, temporary storage, and staging of materials and equipment including:
    - i. Mobilization of construction materials and equipment via two (2) ocean freighters and barges, lightering and delivering to the Grays Bay shore, followed by annual sealift deliveries during construction and operations
    - ii. During construction, staging and laydown areas established to store and maintain equipment and supplies, provide loading and unloading facilities, stockpile granular material, store fuel, and provide helicopter landing sites



- iii. During operations, laydown and container storage area would support the receipt, handling, and storage of any materials or supplies required for any exploration and mining projects as well as community resupply
  - o Establish fuel storage facilities within secondary containment to initially contain 25 million litres (ML) of diesel with the potential to expand to 100 ML of diesel
  - o Up to 1,800 m airstrip constructed initially at either the proposed location of the permanent strip or at a widened section of the embankment along Grays Bay Road at a suitable location. The permanent 1,800 m gravel airstrip and access road would be constructed and operated year round and involve support infrastructure including air traffic control, fuel storage facilities to hold up to 90,000 L of jet fuel, a shelter building, a cargo shelter, and maintenance garage for storage of snowplowing and airfield grading equipment.
- Establish Jericho Station located at or near the existing Jericho Mine Site, including:
  - o Optional use of the existing airstrip associated with the Jericho mine during construction to mobilize the workforce and to bring in supplies. During operations, potential use of the existing airstrip at Jericho for emergency response
  - o Up to 5,000 L fuel stored at the airstrip in drums or enviro-tanks
  - o Tankfarm established within secondary containment to hold up to 20 ML of fuel.
  - o Staging areas constructed to store materials in transit from Grays Bay until winter road established

Transport Canada is of the opinion that the proposed project has the potential to cause significant impacts and may be a cause of public concern. Transport Canada is of the view that the proposed Gray's Bay Road and Port project warrants an in-depth review to determine the potential adverse effects and the recommendation of potential mitigation measures. Transport Canada is providing the following for the Nunavut Impact Review Board's consideration:

#### **NAVIGATION PROTECTION**

The Arctic Ocean is part of the Scheduled waters listed under the *Navigation Protection Act* (NPA) and any works within the Arctic Ocean will require a NPA approval prior to construction. The 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 harbor. Transport Canada encourages the Proponents to contact the Navigation Protection Program to determine the information requirements for works on navigable waters that are a part of the Scheduled waters listed under the NPA.

Section 4(1) of the NPA contains a provision which allows the owner of a proposed work in **any** navigable waterway (other than those listed in the Schedule) to 'Opt-in' to Transport Canada's legislative regime and the NPA review process. If an opt-in request is accepted by Transport Canada under Section 4(1), then all provisions and review processes of the NPA would apply to the work.

The following website provides more information on the NPA:

<http://www.tc.gc.ca/eng/programs-621.html>

Transport Canada also recommends the Proponents to review the Order Amending the Minor Works and Waters Order and self-assess to determine if the proposed works may be considered a Minor Work. Minor works under the Order do not required notice or Approval by TC.

For the Order Amending the Minor Works and Waters Order, please see the following website:

<http://www.gazette.gc.ca/rp-pr/p1/2014/2014-04-19/html/notice-avis-eng.php#trans2>

#### **MARINE SAFETY**

Transport Canada's Marine Safety Division is responsible for maintaining the safety and security of marine transportation for operators and passengers of vessels, as well as performing a key role in Canada's marine transportation system by administering and encouraging compliance with Acts and Regulations that promote marine safety and protect the marine environment. Vessels utilized for the project are

required to abide by the *Canada Shipping Act (CSA), 2001*, the *Marine Liability Act (MLA)*, and the *Arctic Waters Pollution Prevention Act (AWPPA)*, which combine to provide Canada's operational regulatory regime, which govern marine safety and environmental protection matters. Transport Canada administers these three acts and is responsible for monitoring compliance and enforcing its requirements.

- The CSA 2001 provides an overall regime to protect safety and the environment for vessels operating under Canadian jurisdiction.
- The AWPPA provides enhanced protection for vessels operating under Canadian jurisdiction north of 60° North latitude. It establishes a zero-discharge regime, prohibiting discharges from oil, chemicals, garbage and other wastes generated onboard. The regulations under AWPPA also establish vessel control systems for preventing a vessel from operating in ice conditions which exceed its capability. These regulations establish liability limits and insurance requirements to cover damages caused by the deposits of waste in Arctic waters.
- The MLA sets out a regime that requires vessels operating under Canadian jurisdiction to carry insurance to pay for damages from oil spills. There are various regimes available to pay for cleanup and compensation costs, such as ship owners' insurance, domestic and international funds.

Foreign vessels will be subjected to Coasting Trade Act (CTA).

The Arctic Shipping Pollution Prevention Regulations (ASPPR) set requirements for how vessels operating in Arctic waters must be built and details the conditions of the no-discharge regime. These regulations also establish vessel control systems for preventing a vessel from operating in ice conditions which exceed its capability.

Two complementary vessel control systems are established under the ASPPR. These controls provide for operational safety by taking into account the vessel's capability to operate safely in ice by virtue of ice strengthening, and the ice conditions it will encounter.

- Under the Zone/Date System, Canadian Arctic waters are divided into 16 shipping safety control zones. A vessel is allowed to operate in a particular zone between the dates that correspond to its ice class. Zone numbering indicates the relative severity of ice conditions from Zone 1, the most severe, to Zone 16.
- The second system, the Arctic Ice Regime Shipping System (AIRSS), was developed to complement the Zone/Date System and provides a more flexible framework for decision-making based on actual ice conditions. Vessels using AIRSS are required to have an experienced ice navigator on board. The ice navigator uses currently available ice information to plan a preliminary route and determine by calculation if it is safe to proceed. While underway, decisions on whether to continue are made based on that calculation, taking into account both the vessel's ice strengthening and observations from the bridge of actual ice conditions.

## **TRANSPORTATION OF DANGEROUS GOODS**

Persons that handle, offer for transport, transport or import dangerous goods must comply with the Transportation of Dangerous Goods (TDG) Regulations. There is no requirement for permits or licences in order to handle/offer for transport/transport/import dangerous goods. One exception would be for dangerous goods that require an Emergency Response Assistance Plan (ERAP) under Section 7 of the *Transportation of Dangerous Goods Act, 1992* (e.g. certain explosives, propane in 3000 L or greater size tanks). ERAPs are intended to assist local emergency responders by providing them with technical experts and specialized equipment at an accident site.

## **ABORIGINAL CONSULTATION**

Transport Canada may have a duty to consult Aboriginal groups due to potential approvals the department may issue. Transport Canada will need to assess whether it has a duty to consult with groups whose Aboriginal or treaty rights may be adversely impacted by the project and/or by the department's decision to issue such approvals as are required under its mandate. As well, Transport Canada will participate in any

coordinated 'whole of government' aboriginal consultation within the Northern Project Management Office and Nunavut Impact Review Board environmental assessment processes.

Transport Canada appreciates the opportunity to provide comments on the Grays Bay Road and Port Project Proposal. These comments are based upon our understanding of the supporting documents submitted by the Proponents.

Should you have any questions regarding Transport Canada's comments concerning this project, please contact Christopher Aguirre via email at [christopher.aguirre@tc.gc.ca](mailto:christopher.aguirre@tc.gc.ca) or by telephone at (204) 984-2615.

Regards,



Adam Downing  
A/Superintendent Environmental Services

Cc: Greg Black - Navigation Protection Program  
Shane Sadoway – Marine Safety  
Zeena Mohammed - Transportation of Dangerous Goods  
Michael DesRoches - Aboriginal Consultation





Kelli Gillard  
Manager, Project Monitoring  
Nunavut Impact Review Board  
PO BOX 1360  
CAMBRIDGE BAY, NU, X0B 0C0

SEP 12 2017

Dear Ms. Gillard:

**The Government of the Northwest Territories Submission on the Notice of Screening for the Kitikmeot Inuit Association and the Government of Nunavut's Grays Bay Road and Port project proposal  
(NIRB file number 17XN011)**

---

Thank you for your letter dated August 22, 2017 requesting comments regarding the screening of the Kitikmeot Inuit Association (KIA) and the Government of Nunavut's (GN) Grays Bay Road and Port (GBRP) project proposal.

Government of the Northwest Territories (GNWT) with responsibilities related to the project have reviewed the materials circulated by the Nunavut Impact Review Board (NIRB) and have identified the following areas of interest:

- Wildlife and their habitat;
- Traditional uses of land;
- Human health Issues;
- Aboriginal harvesting activities;
- Trans-boundary impacts; and
- Socio-economic considerations

Specific comments are provided below.

**Wildlife:**

As a primary authority for wildlife conservation and management in the Northwest Territories (NWT), GNWT is responsible for working with other jurisdictions to ensure that trans-boundary wildlife populations harvested in the NWT are managed in a way that supports their sustainable use by current and future generations. As part of this responsibility, the GNWT collaborates with regulators and stakeholders in Nunavut on wildlife management issues of shared importance.

While recognizing the potential benefits of the proposed road to Inuit communities, Nunavut and even the NWT, the GNWT has concerns about potential adverse impacts of the project on populations and habitat of trans-boundary wildlife species. In particular, the GNWT is concerned about the potential adverse impacts of the project on caribou, including barren-ground caribou (Bathurst herd) and Dolphin-Union caribou, both trans-boundary herds of great significance to Aboriginal communities in the NWT. Of greatest concern is that the proposed road would cut through the western portion of the Bathurst caribou herd's calving ground, as used consistently since 1996. This herd has declined by 96% from an estimated peak in 1986 of 470,000 to an estimated 20,000 in 2015, with a declining trend. The decline has resulted in very difficult management decisions, including closure of all harvest, including Aboriginal harvest, in the NWT, and restriction of Aboriginal harvest in Nunavut to 30 males. A feasibility assessment is underway in the NWT to consider wolf reduction in this herd's range. Calving grounds are widely considered, both from a scientific and a Traditional Knowledge perspective, as the most sensitive habitat for migratory barren-ground caribou herds. Cows with young calves are considered to be the most sensitive of caribou sex and age classes to disturbance. Calving grounds are special areas that cows migrate to annually, where a combination of limited predator numbers and suitable feeding conditions occurs that is favourable to cows giving birth. Any factors that impede recovery of the herd, even small-scale disturbances that reduce calf survival, can affect Inuit and other Aboriginal people's ability to harvest this herd.

Barren-ground caribou and Dolphin-Union caribou are important at a territorial and national level. Dolphin Union caribou are currently listed in territorial and federal legislation as being of Special Concern. The GNWT is currently cooperatively involved in management planning with the Government of Nunavut and Environment and Climate Change Canada; this work should be considered in any assessment of the proposed road. In 2016, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed barren-ground caribou in northern Canada as Threatened, and the NWT Species at Risk Committee similarly assessed barren-ground caribou in the NWT as Threatened. Under federal Species at Risk legislation, a recovery strategy will be required if this species is listed and identification and protection of critical habitat will be a required component of such a plan. For migratory barren-ground caribou herds, the calving grounds would likely be considered critical habitats. Given the regional and national interest in this species, calving grounds need to be given special consideration assessing the proposed project.

The GNWT notes that the proponents have identified impacts on caribou as a key consideration in understanding the impacts of the project (e.g. Project Proposal Section 1.1.2: Factors to Assess the Significance of Effects, Section 7.4.3: Potential

Changes to Wildlife and Wildlife Habitat, Section 9.2: Cumulative Effects Assessment).

**Socio-economic considerations:**

The GNWT notes that the proponents have identified the potential for the project to have socio-economic impacts and benefits in the NWT. Some key statements in the Project Proposal include:

- The main assessment area for economic and infrastructure, services and well-being effects encompasses the Kitikmeot communities and Yellowknife, but also considers the broader potential socio-economic effects on Nunavut and the Northwest Territories (Section 8.1: Introduction to Potential Effects on the Socio-economic Environment).
- Potential trans-boundary effects include (Section 9.2.3.6: Trans-boundary Effects):
  - effects and cumulative effects on health and well-being of residents of NWT communities who may be employed during the construction of the Project
  - increased economic and employment opportunities associated with sourcing and movement of materials, fuel, labour and supplies from Northwest Territories
  - economic (business) relationships and use of public services in and from Northwest Territories during construction
  - effects to traditional land use by traditional land users who practice traditional activities on both sides of the Nunavut-Northwest Territories border

The GNWT notes that the proposed project could present positive economic development opportunities for both Nunavut and NWT residents. Subject to appropriate mitigations, the GNWT is supportive of projects led by Northerners that seek to ensure direct benefits to Northern residents.

The GNWT is interested in understanding the potential socio-economic impacts and related cumulative effects of the project on the well-being of NWT residents, as well as on the delivery of healthcare to NWT and Kitikmeot region residents. At this time, the GNWT does not have detailed comments.

**Other:**

The GNWT notes the proponents' statements in the Project Proposal that the project will include use of the Tibbitt-Contwoyto Winter Road in the NWT, particularly during construction. At this time, GNWT does not have further comments.



**Suggestions and Recommendations:**

The GNWT notes the following statement in the proponents' Project Proposal (Section 1.4: Position of the Proponents on the Future Review of the Proposal):

Having regard for the scale of the project and the sensitivity of wildlife in the area, the proponents jointly accept the need to subject this project to an environmental assessment. As described in the Nunavut Agreement, this could proceed as a review led by the NIRB (Part 5) or a panel review (Part 6)...Throughout this project proposal, we have presented information that is based on the assumption of the project being subject to a Part 5 review...We believe that an environmental review will ensure appropriate consideration of potential effects and the development of the best overall design and operation of the GBRP Project. We also support an environmental review as a credible way to promote meaningful opportunities for public input and community consultation within both Nunavut and the Northwest Territories.

The GNWT agrees with the proponents (i.e., the Government of Nunavut and the Kitikmeot Inuit Association) that further environmental review could add value to this project. The GNWT notes that recent reviews under Article 12, Part 5 of the Nunavut Comprehensive Land Claim Agreement (NCLCA) of projects in the West Kitikmeot have included consideration of trans-boundary concerns.

Given the potential of the proposed road to impact one of the most important wildlife populations in the NWT, the GNWT recommends that any review have particular focus on trans-boundary and cumulative impacts to wildlife, wildlife habitat, and traditional use of wildlife populations. In particular, very careful consideration needs to be given to how potential impacts to calving grounds, cows and calves can be avoided. The GNWT notes that the project description does not provide sufficient detail and consideration of how adverse impacts to caribou will be avoided, managed and monitored. While the project description refers to mitigations that "may" be used during sensitive wildlife periods, the GNWT believes that a full-scale review is necessary to help flesh out approaches to mitigation and monitoring and to investigate the extent to which proposed impacts can sufficiently avoid, minimize, and detect project impacts.

Given the importance of caribou to Aboriginal people in the NWT and the level of public concern that this proposed project is likely to generate, the GNWT recommends that the federal government provide participant funding for this review for parties in Nunavut and in the NWT. The GNWT sees participant funding as an important way of helping to ensure that northerners have meaningful

opportunities to participate in the assessment of potential benefits and risks associated with development proposals.

The GNWT departments will participate in any environmental review of the project in accordance with their mandates and jurisdiction.

**Closing Comments:**

As stated in the GNWT's January 13, 2017 review of the 2016 draft Nunavut Land Use Plan (DNLUP), filed with the Nunavut Planning Commission, the GNWT recognizes the potential trans-boundary economic benefits associated with linear infrastructure corridors such as the Grays Bay Road and Port, and the GNWT supports strategic infrastructure developments such as the GBRP. As further stated in the January 2017 review, the GNWT has been working collaboratively since 2014 with Nunavut stakeholders and other affected parties on the Bathurst Caribou Range Plan and will continue to engage with Nunavut partners on options to maintain the integrity of the Bathurst core calving area.

Should NIRB or any participants have any questions about this submission, please contact Arusa Shafi, Project Assessment Analyst by email at [Arusa Shafi@gov.nt.ca](mailto:Arusa.Shafi@gov.nt.ca) or by phone at 867-767-9180 (Ext. 24023).

Sincerely,

A handwritten signature in blue ink, appearing to read 'L Seale', is positioned above the printed name.

Lorraine Seale  
Director  
Securities and Project Assessment  
Department of Lands  
Government of the Northwest Territories



## Beverly and Qamanirjuaq Caribou Management Board

12 September 2017

Elizabeth Copland,  
Chairperson  
Nunavut Impact Review Board  
Cambridge Bay NU X0B 0C0

Via e-mail: [info@nirb.ca](mailto:info@nirb.ca)

Dear Ms. Copland:

### **NIRB File No. 17XN011 - Grays Bay Road and Port Project Proposal**

On behalf of the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), I am submitting screening comments on the joint proposal from the Kitikmeot Inuit Association (KitIA) and Government of Nunavut (GN) for the Grays Bay Road and Port (GBRP) project. This project proposal is significant to the BQCMB because the Board has been actively involved for many years in discussions and policy and planning exercises about industrial development on caribou calving and post-calving areas, and about roads on key caribou habitats. This includes recent long-term involvement in development of the Nunavut Land Use Plan. This project is also relevant to the BQCMB because harvest pressure is being shifted from the Bathurst herd to adjacent herds, including the Beverly and Qamanirjuaq herds. **More details on the connection of this specific proposal to the BQCMB are summarized in an attachment to this letter** (see Attachment A).

The project proponents have stated in their application that a review should be conducted. Although we agree that the proposed project has significant potential for adverse effects, uncertainty concerning the project's economic feasibility, including required identification of major funding sources before its development would be possible, make us question whether the project proposal should be considered by the NIRB at this time. **We urge the NIRB to carefully consider if the proposal is sufficiently developed to permit proper review**, and whether it is reasonable to expect all parties to expend the considerable resources required to participate in a lengthy review process for such an uncertain project. We suggest that the NIRB's reflection on the project proposal include consideration

of the following questions and BQCMB recommendations, which we have explained further in an attachment to this letter (see Attachment B).

- ***How does the level of uncertainty compare to that of the Kiggavik project when it was rejected?*** The BQCMB recommends that the NIRB be careful not to repeat the scenario that unfolded for the Kiggavik review for the Grays Bay Road and Port project.
- ***What is the likelihood that funding required for an additional northern road project would be available soon?*** The BQCMB recommends that a review of the GBRP project not be started until funding required to implement the project is committed.
- ***What is the likelihood that funding required for this proposed project would be available soon?*** We understand that the federal Minister of Industry has said that this project is not ready for federal funding. We agree, as there is considerable work remaining to be done in at least two critical areas, namely assessment of the project's feasibility and identifying ways to ensure that potential adverse effects on Bathurst caribou are highly predictable and mitigable with known technology. This situation indicates to the BQCMB that starting a review of the GBRP project at this time would be premature.

### **BQCMB Concerns about the Project Proposal**

As we have indicated in numerous submissions to the NIRB over the years, the BQCMB is not against mining or other forms of economic development. However, we are very concerned about this proposal, in large part because of the following aspects of the project.

- a) The proposed 230 km permanent, all-weather road that would be used year-round and would cross the calving and post-calving areas of the Bathurst caribou herd in Nunavut, affecting sensitive habitat and producing potential disturbance to caribou during the most vulnerable periods.
- b) The intended "basin-opening" nature of the project, where it is hoped that an all-weather road will enhance the feasibility of many mineral exploration and mining projects in the region, and lead to a network of roads and developments across that part of the Kitikmeot region and the Bathurst caribou post-calving and summer range.
- c) The additional traffic required to supply the project via the existing Tibbitt-Contwoyto winter road through Bathurst winter range in the NWT, which will increase road effects on the herd.
- d) The increased pressure that will occur to replace the Tibbitt-Contwoyto winter road with an all-season road through the NWT portion of the Bathurst range.
- e) The access to caribou range that will be provided to hunters from across the caribou range and beyond, particularly if year-round access is provided from Yellowknife north to the coast.

The Bathurst caribou herd has severely declined as a result of the cumulative negative effects from various factors acting upon it. The cumulative effects from existing and new infrastructure, including

all-weather and winter project road networks and “induced” development will add substantial adverse impacts to the herd over time. The BQCMB believes that additional stress inflicted on the herd from this project will contribute to continuing the decline to the extent that recovery of the herd may be no longer possible. This could have severe ramifications for the Beverly and Qamanirjuaq herds as well as the food security of people who have traditionally harvested these three barren-ground caribou herds, for reasons outlined below (see Attachment A).

An additional concern about this project relates to the apparent lack of serious attention given to investigating alternatives to the road project, including alternative means of transportation that might make an all-weather road unnecessary and greatly reduce the impacts of mining on caribou and other wildlife in the region.

### **BQCMB Recommendations**

As stated above, the BQCMB believes it is premature to conduct screening of this project at this time. **Our primary recommendation is that the NIRB recommend to the Minister that the proposal should be returned to the proponent for further development because it is insufficiently developed,** for reasons that include those outlined above and in Attachment B.

**However, should the NIRB consider this project proposal adequate to permit proper screening, the BQCMB recommends that you indicate to the Minister that the project requires a comprehensive, rigorous and transparent review of ecosystemic and socio-economic effects under Part 5 or 6 of the NLCA.** We further recommend that the following issues and concerns be carefully considered in such a review:

- 1) The “basin-opening” nature of the project should be recognized and accommodated during all phases of the review.
- 2) The review should include assessment of the cumulative effects (CE) resulting from the project and from additional projects which become feasible because of the GBRP project.
- 3) CE assessment should include effects across the annual Bathurst caribou range, defined as the geographic area used by the herd in the 1990s prior to its decline, extending beyond Nunavut into the Northwest Territories (NWT) and Saskatchewan.
- 4) The review should take into account the effects of the proposed project on hunters who have traditionally harvested Bathurst caribou, and their families and communities. This should consider the economic value of sustainable hunting and harvest and the economic impact of reduced availability of caribou on food security for these communities.
- 5) The transboundary nature of the Bathurst caribou range, both in terms of caribou ecology and human use of caribou, should be recognized and accommodated by all aspects of the review. Impacts on caribou and communities will not be restricted to Nunavut. CE assessment should

be sufficiently broad to include impacts on adjacent caribou herds, including the Beverly and Qamanirjuaq herds. (See Attachment A for more details.)

- 6) The project proponents should be required to provide convincing evidence that their proposed activities produce no risk of creating additional serious long-term effects on Bathurst caribou or to communities that have traditionally harvested the herd. This should include a thorough review and assessment of the effectiveness of proposed road mitigation measures which have been attempted elsewhere to limit traffic and restrict access when caribou are in the area.
- 7) The review should be supported by a participant funding program that is sufficient to support meaningful participation by organizations representing caribou range communities and others in all stages of the review.

In conclusion, the BQCMB believes that, if the NIRB decides to proceed with consideration of this project proposal, a comprehensive review of the project is warranted because:

- *the project proposal will arouse significant public concern*, as indicated by the many submissions to the Nunavut Planning Commission from organizations that represent caribou harvesters from Nunavut, NWT, and Saskatchewan, concerning the need for protecting caribou calving and post-calving areas
- *the project proposal is likely to cause significant adverse eco-systemic and socioeconomic effects*, including effects to caribou, caribou habitat, and caribou harvesters
- *the project proposal is likely to cause significant adverse impacts on wildlife habitat* and on long-term harvesting activities of Inuit and other Indigenous peoples who have traditionally depended on caribou,
- *the project proposal is of a type where the potential adverse effects are NOT highly predictable OR mitigable with known technology*, based on experience from other projects in some cases, and otherwise in the absence of an equivalent scenario where current technology and proposed approaches have been tested and proven successful (see #6 above).

Thank-you for the opportunity to comment on this project proposal. If you have any questions about these comments, please contact BQCMB Executive Director Ross Thompson ([rossthompson@mymts.net](mailto:rossthompson@mymts.net)) or contract biologist Leslie Wakelyn ([wakelyn@theedge.ca](mailto:wakelyn@theedge.ca)).

Sincerely,



Earl Evans  
BQCMB Chairperson

Attachments (2)

## Attachment A. Relevance of this Project Screening to the BQCMB.

The mandate of the BQCMB is to safeguard the Beverly and Qamanirjuaq caribou herds, primarily in the interests of Indigenous peoples from Nunavut, the NWT, Saskatchewan and Manitoba who have traditionally relied upon these herds, and to advise governments and caribou range communities on conservation and management of the herds and their ranges. The relevance of the GBRP project to the BQCMB results primarily from the following two factors.

- *Shifting harvest pressure* - Some of the previous harvest pressure on the Bathurst herd has shifted to the east of the Bathurst range onto the Beverly, Ahiak and Qamanirjuaq herds. This has resulted from both: a) the reduced availability of caribou for harvest by communities in the NWT and northern Saskatchewan, due to the reduction in the herd's numbers and size of its annual range, and b) the restrictions on harvest of Bathurst caribou, which were imposed by the Government of the Northwest Territories in response to the decline of the herd in an attempt to slow the decline and support herd recovery.

The BQCMB expects that a prolonged loss of availability of Bathurst caribou for harvest would result in ongoing and possibly accelerating harvest of the Beverly and Qamanirjuaq herds, which when added to other ongoing harvest may result in unsustainable levels. Due to the declining trend of both of these herds, any sustained increase in harvest could lead quickly to worsening trends for the Beverly and Qamanirjuaq herds. This could soon lead to even greater lack of availability of caribou and hardship for Indigenous peoples who have traditionally harvested one or more of these three herds.

- *Potentially setting a precedent allowing industrial development on caribou calving grounds* – If the GBRP project is allowed to develop an all-weather road across the Bathurst calving and post-calving areas, the most crucial habitats of this severely declining herd, this could set a precedent for all subsequent proposals for industrial development on habitat of barren-ground caribou, across Nunavut and possibly globally.

Over the 35 years since the board was established, the BQCMB has consistently called for long-term protection of caribou calving grounds and post-calving areas through prohibition of industrial land use activities such as mineral exploration and development in those areas. The Board's main recommendation in a 2004 position paper was for establishing legislated protected areas to provide permanent habitat protection. In the absence of any plans for application of federal or territorial protected area legislation to these areas in Nunavut, and with the land use planning process for Nunavut stalled, the environmental review process is currently the primary means by which the potential impacts of development on calving grounds and post-calving areas can be avoided.

More generally, the BQCMB has been actively involved for many years in discussions and policy and planning exercises concerning industrial development on caribou calving and post-calving areas, and about roads on key caribou habitats. This includes recent long-term involvement in development of the Nunavut Land Use Plan. The Board's perspective on these issues is described in the *Beverly and Qamanirjuaq Caribou Management Plan 2013-2022*<sup>1</sup>. Following are some excerpts from the management plan which illustrate key points related to ongoing BQCMB concerns about roads and about development on calving and post-calving areas.

*Roads (p. 39)*

"Much of the Beverly and Qamanirjuaq caribou ranges are currently roadless areas. However, the increasing numbers of roads providing greater access to the historic caribou ranges has long been a concern for the BQCMB and other wildlife management boards and communities. Observations by BQCMB members and other people from caribou range communities have determined that roads that have been built over the past few decades have increased unregulated harvest of caribou, acted as barriers to caribou movement, resulted in frequent disturbance, and reduced habitat availability. There is a high potential for greater harvest levels resulting from increased access to caribou range that could be provided by various new roads and those that are currently proposed.

Roads of greatest concern are those that provide easier access to previously remote areas of caribou range for industry and hunters from southern Canada or those that provide easier access to caribou range for large numbers of local hunters. Permanent all-season roads generally have greater potential for negative impacts on caribou than temporary winter roads. The BQCMB recognizes that it is a serious challenge to manage harvest associated with increased access provided by roads into key habitats and migration routes. Restrictions on use of roads built to support exploration and development are very difficult to establish and enforce.

To indicate its ongoing high level of concern about potential impacts of new roads on Beverly and Qamanirjuaq caribou ranges, in November 2011 the BQCMB passed a resolution on roads that stated: 'The BQCMB believes that anticipated expansion of road networks associated with development and accessing the caribou ranges in Manitoba, Saskatchewan, Northwest Territories and Nunavut will lead to the demise of mainland migratory caribou herds as known today.' "

*Land Use Activities on Calving and Post-calving Areas (p. 40)*

"The potential impacts on caribou and habitat from commercial land use activities occurring on caribou calving and post-calving areas have been a major concern for the BQCMB. Exploration activities have continued to be permitted in these important habitats, despite clear opposition from the BQCMB and increasingly vocal opposition from caribou range communities and wildlife management boards. Although Caribou Protection Measures are included as conditions in land use permits and licences issued by the federal government and

---

<sup>1</sup> BQCMB. 2014. Beverly and Qamanirjuaq Caribou Management Plan 2013-2022. Beverly and Qamanirjuaq Caribou Management Board, Stonewall MB. 102pp.



Kivalliq Inuit Association for mineral exploration on the Beverly and Qamanirjuaq calving grounds, the Board believes that the limited protection they provide is not adequate to protect the herds and their habitat from the effects of current and future land use activities.

The Board has therefore taken a position to recommend against exploration and development on Beverly and Qamanirjuaq calving grounds, post-calving areas and key migration routes. This position was described in detail in a BQCMB paper<sup>2</sup> distributed widely to governments, regional organizations and caribou range communities in 2004, as well as through recommendations submitted directly to federal and territorial governments and regulatory and land use planning agencies over the following decade. This position has been supported by community and regional organizations from across the caribou ranges during their reviews of proposed projects and draft land use plans.”

---

<sup>2</sup> BQCMB 2004. Protecting Calving Grounds, Post-Calving Areas and Other Important Habitats for Beverly and Qamanirjuaq Caribou. A Position Paper by the Beverly and Qamanirjuaq Caribou Management Board. 31 pp.

## **Attachment B. Suggested Questions for the NIRB to Consider Concerning the GBRP Project Proposal.**

### ***How does the level of uncertainty compare to that of the Kiggavik project when it was rejected?***

As you know, uncertainty about project timeline and feasibility due to unfavourable market conditions was a key factor in the rejection of the AREVA Kiggavik project, which occurred following a lengthy and intensive review process. The BQCMB has direct experience with that review, having worked with several community and regional organizations representing caribou harvesters in Nunavut and Saskatchewan to assist the NIRB with their review of caribou-related issues. The BQCMB and many other parties spent considerable time, effort and funding providing input on these issues. But in the final analysis, economic factors tipped the balance, and primarily on that basis the NIRB recommended against approval of the project.

The BQCMB recommends that the NIRB be careful not to repeat the scenario that unfolded for the Kiggavik review for the Grays Bay Road and Port project. Uncertainty resulting from a lack of funding for project implementation and absence of an industry proponent are currently known characteristics of the GBRP proposal. Parties may not be willing or able to participate in the NIRB's review process for this project proposal if it is not clear that the results of their efforts will be used for decision-making.

### ***What is the likelihood that funding required for an additional northern road project would be available soon?***

In early September 2017 our Prime Minister announced significant federal government funding for Yukon roads, involving a contribution of \$274 million, or two-thirds of the estimated cost of increasing road access in two areas in that territory. In 2011, the previous federal government approved a \$300 million, 75-mile long highway between Inuvik and Tuktoyaktuk in northern NWT, which has almost been completed. The GBRP project proponents apparently need at least \$375 million (75% of the \$500 million project cost estimate) in federal funding for this project to be economically feasible.

It appears improbable that significant federal government funding would be available for road projects elsewhere in the North for half a dozen years or more, and likely not in time to begin the GBRP project in 2020 as described in the project application. The BQCMB recommends that a review of the GBRP project not be started until funding required to implement the project is committed.

### ***What is the likelihood that funding required for this proposed project would be available soon?***

Even if federal funding for additional major northern road projects is available in the next few years, the GBRP project is not the first or only road project in line for this funding. The all-weather Manitoba-Nunavut road was proposed many years ago, with engineering feasibility studies conducted, community consultations done, and funding proposals submitted to all three relevant governments. The BQCMB has direct experience with that project, as the proposed road routing would bisect the range of the Qamanirjuaq caribou herd, from the south end of its winter range in Manitoba to the north through the post-calving and summer range in Nunavut. Therefore project

proponents and their consultants attended several BQCMB meetings to provide updates on the project over many years. Our understanding is that the GBRP project is not nearly this far advanced and has not held this level of consultations with communities and caribou harvesters.

We understand that the federal Minister of Industry has said that this project is not ready for federal funding. We agree, as there is considerable work remaining to be done in at least two critical areas, namely assessment of the project's feasibility and identifying ways to ensure that potential adverse effects on Bathurst caribou are highly predictable and mitigable with known technology. This situation indicates to the BQCMB that starting a review of the GBRP project in 2017-18 would be premature.



September 12, 2017

Ryan Barry  
Executive Director  
The Nunavut Impact Review Board  
29 Mitik Street  
P.O. Box 1360  
Cambridge Bay, Nunavut  
X0B 0C0

RE: Grays Bay Road and Port Project, NIRB File No. 17XN011

Dear Mr. Barry:

The Canadian Arctic Resources Committee (CARC) is Canada's oldest citizen's organization dedicated to environmental sustainability in the Arctic. We have a long history in commenting on environmental assessments in the Canadian North. Moreover, for decades, we have been a vocal supporter of caribou conservation for their own sake and for those who rely on them for food.

CARC is aware that the Nunavut Impact Review Board (NIRB) is now screening the Grays Bay Road and Port Project proposal. We also know that the Project's proponents, the Government of Nunavut and the Kitikmeot Inuit Association, have issued a joint press release outlining the "transformative nation-building socio-economic benefits" of the Project. We are writing in support a full federal environmental review of this project, with reasoning as outlined below.

While we certainly appreciate the socio-economic needs of the people of Nunavut, we believe that there is considerable public concern that building a road through the calving grounds of the Bathurst caribou herd will have a severely detrimental effect on these animals. Broad public concern is reflected and underscored by the fact that the government agencies, both federally and in the Northwest Territories, responsible for reviewing the status of wildlife species, have proposed that most barren-ground caribou populations be designated "threatened". Final decisions from both jurisdictions are pending and should be announced this fall. Should these proposals be confirmed, an entirely new standard will have to be met when reviewing the proposed Grays Bay Road and Port Project.

The Bathurst caribou herd and, in fact, all other barren-ground caribou populations found in the surrounding area, have experienced a steep decline in numbers in recent years and their recovery is by no means guaranteed. The populations are suffering from the cumulative effects

of climate change, new road building, new and existing resource development, resource exploration and unsustainable hunting levels. We are concerned that this Project will only serve to hinder the herd's recovery. Moreover, we are worried that if caribou numbers continue to drop, the population will collapse thereby eliminating all hunting opportunities. This will jeopardize a major food source for local people and create a different kind of socio-economic problem for those who rely on them for food.

CARC is also in line with the considerable public concern that the proposed development will lead to additional pressure for construction of an all-weather road through the Northwest Territories to the southern end of the Grays Bay Road. This would provide year-round road access for hunters, mineral exploration companies and others via Yellowknife putting increased pressure on already dwindling caribou populations.

For many years, local communities and organizations like the Beverly and Qamanirjuaq Caribou Management Board (BQCMB) have spoken out against exploration and development within key caribou habitats. Even so, mineral exploration has continued to grow across the barren-ground caribou range. The BQCMB have also expressed concern about the building of new roads. They note that roads provide easier access to previously remote areas of caribou range for industry and hunters. Furthermore, they have stated that permanent all-season roads tend to create more problems for caribou than temporary winter roads. They have stated in their current management plan that: no new all-season roads should be allowed on the caribou ranges; no new winter roads should be allowed on calving and post-calving areas or key migration corridors; the development of any new roads should include plans for de-commissioning; and public access to project-related roads should be limited.

In the overview of the Project on the NIRB website, it states that the proponents of the Project are planning to restrict access to certain parts of the road or port to the public to prevent interactions with commercial users or sensitive wildlife. The proponents note that the Project crosses through land used by the Dolphin and Union, and Bathurst caribou herds. As such, they are seeking to develop and implement a broad range of measures to minimize effects on these animals. They state that the port will not be open when Dolphin Union caribou are crossing the Coronation Gulf in spring and fall. Moreover, they note that the road will be closed to vehicles when Bathurst caribou are calving near the corridor, that the side slopes of the road will be made flatter and packed down in areas where caribou are expected or known to cross and that construction activities will be shut down at times when large numbers of caribou are nearby.

The proponents also note that, during project construction, activities at the port could disrupt marine mammal and fish activities and that freshwater fish and their habitat may be locally impacted during road bridge construction. They state that they will implement best practices to prevent sediment from entering waters to minimize harm to fish. While we appreciate any efforts made to conserve these animal populations, we believe that the effects of global warming are already being seen in the north and that the Project will add to the increased levels of such activities as shipping already having a negative effect on aquatic species and migrating caribou, seabird and cetacean populations.

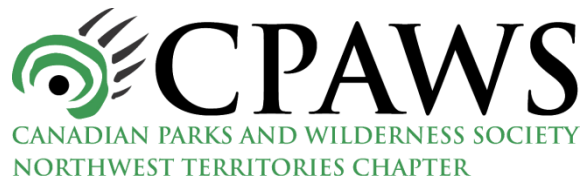
We also wonder the proponents have fully considered all the possible alternatives to road building. For example, there is the potential for new hybrid airships, now in development, to move materials to and from the new mine site. These new airships do not require a landing strip to be built, would seem likely to have much less impact on wildlife and may indeed be a lower cost option.

On your website, it states that the Project's proponents are expecting a full environmental review. Given the potential impacts of the proposed development on threatened caribou populations, fish, marine mammals and all other wildlife in the area we agree and strongly recommend the proposal be subject to a full Environmental Impact Assessment. Given that caribou, fish and marine mammals are cross boundary species we recommend a review by a Federal Environmental Assessment Panel as required under Article 12, Part 6 of the Nunavut Land Claims Agreement. Furthermore, we request that CARC be registered as full participant in this process.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Blundell".

Gary Blundell  
Program Manager  
Canadian Arctic Resource Committee  
P.O. Box 371, Station A  
Ottawa, Ontario  
K1N 8V4  
[gary.blundell@carc.org](mailto:gary.blundell@carc.org)  
(866) 949-9006  
[Facebook](#) Twitter: [@CARCCanada](#) [carc.org](http://carc.org)



September 12, 2017

Ms. Elizabeth Copland, Chairperson  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, NU  
X0B 0C0

*Sent by e-mail to [info@nirb.ca](mailto:info@nirb.ca)*

**Re: NIRB Screening of Grays Bay Road and Port Project – NIRB File # 17XN011**

The Northwest Territories Chapter of the Canadian Parks and Wilderness Society (CPAWS-NWT) is a non-profit organization dedicated to the conservation of land, water, and wildlife in the NWT. We are supported by an NWT membership and our work is grounded in collaborating with communities across the territory.

CPAWS-NWT is deeply concerned that the proposed Grays Bay Road and Port Project will impact Bathurst caribou and its habitat in ways which will have serious consequences for the herd and for NWT communities that rely on caribou for food security. As proposed, the road would be built through known calving and post-calving areas and at time when Bathurst caribou have yet to show recovery from the herd's recent drastic decline. The road could contribute to the total loss of the herd. We encourage NIRB to consider the long term viability of the Bathurst caribou herd as a key factor in screening this project.

There is no question that many communities and organizations have continually supported a precautionary approach to development within the caribou range. Submissions that oppose development on caribou calving grounds are prevalent on the public record and can be found within the Nunavut Land Use Planning process, and in the reviews of other similar projects such as the proposed Bathurst Inlet Port and Road [BIPAR], the Izok Road corridor, and Sabina Back River Mine.

Prior to a final screening decision we request that the proponents provide the following:

- A map that shows the proposed route of the main road and location of other infrastructure (including proposed winter roads to access quarry sites) in relation to Bathurst caribou calving and post calving areas
- Information about possible alternative routes for the road or locations for the port. This would include routes that completely avoid caribou calving and post-calving areas. Other significant areas such as caribou migration corridors and key caribou water crossings should also be considered as

important for determining the potential impacts of the project.

We recommend that NIRB indicate to the Minister that the proposal requires a full environmental and socio-economic review and that the following recommendations be addressed by the review:

- The full review will include assessment of trans-boundary cumulative effects and trans-boundary participation by all parties who would be subjected to those effects if the project is approved.
- Participant funding will be provided thus allowing all parties, including NWT communities, regional organizations and ENGOS, to participate fully in all stages of the review.

On behalf of CPAWS-NWT I thank you for considering our submission,

A handwritten signature in black ink, appearing to read "Kris Brekke". The signature is fluid and cursive, with the first name "Kris" and last name "Brekke" clearly distinguishable.

Kris Brekke  
Executive Director  
Canadian Parks and Wilderness Society - NWT Chapter  
5112 52nd St.  
Box 1934  
Yellowknife, NT X1A 2P5





## COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board (NIRB) has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. To assess the environmental and socio-economic impacts of the project proposal, NIRB would like to hear your concerns, comments and suggestions about the following project proposal application:

<b>Project Proposal Title:</b>	<b>Grays Bay Road and Port</b>		
<b>Proponent:</b>	<b>Kitikmeot Inuit Association and the Government of Nunavut</b>		
<b>Location:</b>	<b>Kitikmeot Region</b>		
<b>Comments Due By:</b>	<b>September 12, 2017</b>	<b>NIRB #:</b>	<b>17XN011</b>

**Indicate your concerns about the project proposal below:**

<ul style="list-style-type: none"> <li>• no concerns</li> <li>• water quality</li> <li>• terrain</li> <li>• air quality</li> <li>• wildlife and their habitat</li> <li>• marine mammals and their habitat</li> <li>• birds and their habitat</li> <li>• fish and their habitat                             <ul style="list-style-type: none"> <li>● wildlife and their habitat</li> <li>● traditional uses of land</li> <li>● Dene harvesting activities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• traditional uses of land</li> <li>• Inuit harvesting activities</li> <li>• community involvement and consultation</li> <li>• local development in the area</li> <li>• tourism in the area</li> <li>• human health issues</li> <li>• other: _____</li> </ul>
---	--

• heritage resources in area \_\_\_\_\_

**Please describe the concerns indicated above:**

●

Health of the Bathurst caribou herd is critical to Lutsel K'e's food security. The herd is currently reduced to less than 10% of peak population. The herd has endured significant development in their traditional range including all the diamond mines and associated winter roads. Lutsel K'e has not hunted the Bathurst caribou for the past three years because of their low numbers. Now this major project proposes to place what we believe will be the final blow to the herd from which they will not recover.

**Do you have any suggestions or recommendations for this application?**

Delay the project until the Bathurst caribou are no longer threatened.



**Do you support the project proposal? Yes • No • Any additional comments?**

No. The project should not go ahead at this time due to the drastic decline of the Bathurst caribou herd. The project will dissect their calving ground and their most important habitat. Imposing the construction activities of this large project on the distressed herd and opening them to difficult-to-control hunting pressure is not acceptable at this time. This project should be delayed until the herd is no longer in a critical state.

**Name of person commenting:** Ray Griffith **of** Lutsel K'e Dene First Nation

**Position:** Manager Wildlife, Lands and Environment **Organization:** Lutsel K'e Dene First Nation

**Signature:** \_\_\_\_\_ **Date:** August 30, 2017

## COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board (NIRB) has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. To assess the environmental and socio-economic impacts of the project proposal, NIRB would like to hear your concerns, comments and suggestions about the following project proposal application:

<b>Project Proposal Title:</b>	<b>Grays Bay Road and Port</b>		
<b>Proponent:</b>	<b>Kitikmeot Inuit Association and the Government of Nunavut</b>		
<b>Location:</b>	<b>Kitikmeot Region</b>		
<b>Comments Due By:</b>	<b>September 12, 2017</b>	<b>NIRB #:</b>	<b>17XN011</b>

**Indicate your concerns about the project proposal below:**

- |   |  |
|---|--|
| <input type="checkbox"/> no concerns<br><input type="checkbox"/> water quality<br><input type="checkbox"/> terrain<br><input type="checkbox"/> air quality<br><input checked="" type="checkbox"/> wildlife and their habitat<br><input type="checkbox"/> marine mammals and their habitat<br><input type="checkbox"/> birds and their habitat<br><input type="checkbox"/> fish and their habitat<br><input type="checkbox"/> heritage resources in area | <input checked="" type="checkbox"/> traditional uses of land<br><input type="checkbox"/> Inuit harvesting activities<br><input type="checkbox"/> community involvement and consultation<br><input type="checkbox"/> local development in the area<br><input type="checkbox"/> tourism in the area<br><input type="checkbox"/> human health issues<br><input type="checkbox"/> other: Métis harvesting activities |
|---|--|

**Please describe the concerns indicated above:**

The Bathurst Caribou Herd has declined to less than 5% of its historic peak in the 1980s, and are severely threatened by the cumulative effects, including of development and habitat loss/fragmentation. The Northwest Territories has imposed a total harvesting restriction on Bathurst caribou for the last 3 years, and Aboriginal rights holders have effectively stopped harvesting this herd as an emergency conservation measure. The proposed route for the GBRP Project goes directly through the Bathurst herd core calving areas, which are highly sensitive to disturbance and fragmentation. We are concerned with direct effects on caribou from road disturbance, and with potential cumulative effects of future mineral development and other land uses in the Slave Geological Province. These effects on caribou will delay the herd's recovery and impact the Aboriginal rights of North Slave Métis Alliance members to harvest caribou.

In their Project application, the GBRP proponents have emphasized their ability to exercise complete control over use of and adaptive management of the Gray's Bay Road due to the considerable power that they wield in the Kitikmeot region, citing their ability to institute and enforce mobile protection measures such as timing of construction activities and road restrictions/shutdowns. However, once a road is built, it is very difficult to manage people's use of and activities on the road; particularly in remote regions that may have limited on the ground enforcement capacity. Even when they can be implemented (this has proven challenging in all jurisdictions), mobile protection measures do not address the impacts of physical habitat loss and fragmentation.

The NSMA is also concerned with the seemingly insufficient consideration of cumulative effects. On one hand, on the topic of cumulative effects from operations, the proponents state

that “the number of reasonably foreseeable future users of the facility is limited;” and that “the remote location of the GBRP Project in a largely undisturbed landscape reduces the potential that GBRP’s residual effects will interact with the effects of most other projects in a cumulative way.” However, the proponents also state that “the configuration of the road is intended to take advantage of the mineral potential of the Slave Geological Province...[and to] lower the cost of access to the geologically rich interior of the Kitikmeot region.” This project is clearly intended to facilitate mineral development and exploration in sensitive and irreplaceable Bathurst caribou calving areas, and must be evaluated as such. Furthermore, NSMA questions the proponents’ future ability and commitment to measures such as road closures when the road will be integral to the functioning future industrial developments (for example, “the MMG project may use the road to haul ore...to the port on average every 12 minutes year-round.”)


**Do you have any suggestions or recommendations for this application?**

Considering the severe nature of likely transboundary impacts, the NSMA suggests that this application be subjected to a full environmental assessment.

NSMA also requests that NIRB provide Participant Funding to offset travel costs during in-person hearings to facilitate participation by Northwest Territories’ Aboriginal groups and in consideration of transboundary effects.

**Do you support the project proposal? Yes ☐ No ☒ Any additional comments?**

NSMA does not support this project proposal. Development of a road to connect mineral resources in the Kitikmeot region to overseas markets should not proceed except along an alignment that specifically avoids sensitive calving and post-calving habitat.

**Name of person commenting:** Shin Shiga **of** \_\_\_\_\_  
**Position:** Manager, Environment **Organization:** North Slave Métis Alliance  
**Signature:**  **Date:** September 12 / 2017



September 12, 2017

Elizabeth Copland  
Chair, Nunavut Environmental Impact Review Board  
PO Box 1360  
Cambridge Bay, NU X0B 0C0

Via email: [info@nirb.ca](mailto:info@nirb.ca)

**Re: Notice of Screening and Comment Request for KIA and GN's "Grays Bay Road and Port" Project Proposal**

Dear Elizabeth Copland,

The following comments are submitted to the Nunavut Impact Review Board (NIRB) on behalf of the Wek'èezhì Renewable Resources Board (WRRB) to be considered during the screening phase of the Kitikmeot Inuit Association's (KIA) and the Government of Nunavut's (GN) "Grays Bay Road and Port" Project Proposal, NIRB file number: 17XN011; application number: 125069. The WRRB has a mandate for wildlife, plant and forest management in Wek'èezhì and adheres to the principles and practices of conservation in fulfilling its duties.

The Board understands the Grays Bay Road and Port Project (GBRP) consists of a port for cargo ships to dock, a small craft harbour, supporting infrastructure at Grays Bay, and a 232km gravel road that connects the port to the site of the former Jericho Mine in Nunavut. The port is approximately 200km east of Kugluktuk on the Coronation Gulf and west of Bathurst Inlet. To elaborate, the following principal components of the GBRP make up the project:

- Construction and operation of an approximately 230km all-season controlled access road from Grays Bay, Nunavut to the Jericho Mine site, Nunavut (the "Grays bay Road");
- Construction and operation of watercourse crossing structures;
- Construction and operation of up to 40 temporary and permanent quarries;

- Construction and operation of a deep water port in Grays Bay (the “Grays Bay Port”) suitable for commercial shipping;
- Construction and operation of a small craft harbour at the Grays Bay Port;
- Construction and operation of temporary and permanent airstrips near Grays Bay Port;
- Construction and operation of bulk fuel storage facilities at Grays Bay Port;
- Construction and operation of staging and fuel storage facilities at the Jericho Mine site (“Jericho Station”);
- Construction and operation of temporary and permanent works to service the Project, including power, accommodation, administration, waste management, water supply, resupply, emergency shelters, operation and maintenance and emergency response facilities and telecommunications infrastructure to link GBRP Project components; and,
- Reclamation of areas not required for ongoing operations and maintenance

In addition:

- The GBRP Project will be connected seasonally to southern transportation systems via the Tibbitt-Contwoyto Winter Road (TCWR);
- The road and port components of the GBRP Project are considered permanent infrastructure with a design life of 75 years; and,
- Sources of anticipated cumulative effects of the Project include:
  - Activities of marine vessels at and around the port under care and control of third parties
  - Use of the road by third party vehicles
  - Activities of aircraft under the care and control of third parties
  - Mining or exploration-related activities

WRRB Concerns:

#### Barren-ground caribou:

During the draft Nunavut Land Use Plan (DNLUP) hearings, March 21-26, 2017, the WRRB stated their position: barren-ground caribou calving and post-calving grounds, as well as key access corridors and freshwater crossings, should receive the highest level of protection in the DNLUP, including the possibility of creating Protected Areas. The protection of calving and post-calving grounds is a major concern for conservation of many barren-ground caribou herds, in particular the Bathurst herd. The total Bathurst population estimate fell from 34,690 in 2012 to an estimate of 19,769 in 2015 – a decline of approximately 40% over three years and a decrease of 96% since the peak population estimated at 470,000 in 1986.

Section 1.1.2 Factors to assess the significance of Effects states: *“Of note, the proposed activities overlap with the highly variable and important seasonal ranges of the Bathurst and Dolphin and Union caribou herds.”* Section 5.3.3. Wildlife and Wildlife Habitat recognizes that the Project interacts with the Bathurst herd, and that the Bathurst herd has experienced a decline to an estimated 20,000 animals. Section 9.2.3.2 acknowledges that the Bathurst herd has a regional assessment area that extends to most of the annual range and includes calving,

post-calving summer and fall migration, and that Bathurst caribou are present in the GBRP Project area from spring (April) to fall (October).

Sections 7, 9 and 11 discuss potential effects to the biophysical environment, including impacts to wildlife, potential for cumulative effects, and the importance of an Environmental Protection Plan (EPP) and details in the EPP's component management plans. The WRRB recognizes that materials mention the need for an adaptive management approach regarding project effects and cumulative effects, along with the use of tools and approaches relying on science and Inuit Quajimajatuqangit. The WRRB appreciates that an indication of approaches, such as timing operations to reduce potential effects to caribou, are provided as examples. However, the Environmental Protection Plan and the ten management plans listed are yet to be developed as part of the assessment, construction, and operation of the Project. In Section 11, it is clarified that it is anticipated that management plans will be based on regulatory requirements, guidelines, best practices and experience from other projects in Nunavut and the NWT, with specific reference to the importance of feedback via consultation with regulators, HTOs, communities and other indigenous groups in defining protection measures that address the most important issues of concern, such as caribou/tuktuut.

Tłıchq harvesters have been limited in their harvest of the Bathurst caribou herd in order to allow the herd every opportunity to recover and increase in size. The proposed development and cumulative impacts related to a transport corridor may put the herd at further risk and ultimately continue to affect harvesting opportunities for Tłıchq and other aboriginal harvesters. This consideration will need to be adequately addressed in the assessment of potential effects of the proposed project. The WRRB provided additional clarification on their position in a submission to the DNLUP process: though options are available for actions specific to calving and post-calving grounds, the Board maintains its perspective that calving and post-calving grounds should have no exploration or development on them at any time. The Board feels, despite possibility of restrictive conditions on access and assorted activities, the areas vital to the Bathurst herd should not be subject to any development under any circumstance.

#### Species at Risk

Barren-ground caribou were assessed by COSEWIC as Threatened in November 2016. The reasons for designation include evidence from both local Aboriginal people and scientific studies which suggest that most herds have undergone natural fluctuations in numbers in the past; however, available demographic data indicate no sign of rapid recovery at this time and cumulative threats *are without historical precedent* (emphasis added) for most of these subpopulations ([http://reviewboard.ca/upload/project\\_document/EA-1617-01\\_COSEWIC\\_Status\\_of\\_Caribou\\_submitted\\_to\\_MVEIRB.PDF](http://reviewboard.ca/upload/project_document/EA-1617-01_COSEWIC_Status_of_Caribou_submitted_to_MVEIRB.PDF)).



In addition to barren-ground caribou, the Project may also have transboundary impacts in the Northwest Territories on other species at risk. Section 1.1.2 mentions species at risk may occur within the proposed project area, and Section 5.3.3 mentions species of conservation concern, but limited clarification is provided regarding their federal status. Under the Species at Risk Act (SARA) (s.79), species at risk are protected from the effects of development in that potential impacts are to be identified, mitigated and monitored regardless of their level of significance. Best practices for considering wildlife at risk in environmental impact assessment (including preliminary screening) suggest that COSEWIC listed species be treated in a similar fashion to species listed under the SARA. Protecting key habitats and mitigating and monitoring potential impacts are a major concern for the conservation of species at risk.

### Cumulative Effects

The WRRB acknowledges the Project Proposal mentions the GBRP Project Proponents KIA and GN recognize that mitigation of project effects on the environment is an inherent responsibility of both proponents given their respective mandates. The WRRB also acknowledges the Proponents' approach to the proposed road management highlights the importance of using science, Inuit Quajimajatuqangit and traditional knowledge, and continuous monitoring to evaluate mitigation measures and their effectiveness, as the WRRB's approach also involves using both traditional knowledge and science.

The WRRB believes it is very important to consider cross border impacts with regards to wildlife and cumulative effects. Statements in Sections 2.4.2 and 9.2 mention that the initial assessment indicates that both positive and negative cumulative effects on ecosystemic valued components in Nunavut and the Northwest Territories are possible, with projects which may need to be considered including the Ekati and Diavik mines, and the proposed Izok Corridor Projects and Bathurst Inlet Port and road. Further, Section 1.5.2.1 clarifies that the configuration of the road is intended to take advantage of the mineral potential of the Slave Geological Province that straddles the Nunavut/NWT border, and that the intent of the GBRP Project is to lower the cost of access to the geologically rich interior of the Kitikmeot region. The Project application indicates the GBRP Project is meant to be a project that encourages development in the Kitikmeot region, and as a result, we will carefully manage cumulative effects from future developments to minimize possible harm to the environment. Section 9.2.3.2 acknowledges that the Bathurst herd has a regional assessment area that extends to most of the annual range and recognizes that that mitigation of potential effects and cumulative effects to caribou has been raised as a concern during engagement with Inuit and Northwest territories groups and communities, and that these concerns will be a key focus of the EA.

The WRRB reiterates the importance of cross-border considerations, notably with regard to cumulative effects and the Bathurst herd. The recognition of the Project's direct linkages to mineral potential, though positive as a source of wealth for Inuit, does raise serious cumulative effects concerns for the WRRB. As stated in the WRRB expert report: "*Reasons for Decisions Related to a Joint Proposal for the Management of Bathurst ?ekwò (Barren-ground caribou) Herd – PART B*, as part of the review of the DNLUP, the Bathurst herd is currently subject to a significant amount of human disturbances. Though the Bathurst Herd is the focus of cumulative effects initiatives, there is the need for continued coordination among initiatives and

approaches. The Board 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. The WRRB recognizes the continuing need for coordination among components that support landscape-level and project level considerations related to environmental assessments, as well as the need for overall coordination of approaches to monitoring and managing cumulative effects in the NWT and Nunavut.

#### Concluding remarks

Given the current critical status of the Bathurst herd and the current amount of anthropogenic disturbance throughout the Bathurst herd annual range, and concerns related to other species at risk, the WRRB believes the GBRP Proposal has the potential to cause significant adverse impacts to wildlife. The WRRB recommends that a thorough review be undertaken to adequately assess the potential for project specific effects and cumulative effects of this project on the wildlife of importance in this region and how it may influence wildlife that is transboundary. In addition, given the transboundary nature of the Bathurst herd, the proposed listing of barren-ground as “threatened” at a national level, and the cumulative effects concerns in both the NWT and NU, the WRRB recommends the review allows for full assessment of concerns, including those outside of Nunavut.

If you have any questions regarding these comments, please feel free to contact our office.

Sincerely,



Grant Pryznyk, Chair

cc

Jessica Hum, Manager,  
Culture and Lands Protection, Tłıchq Government

Bruno Croft, Regional Superintendent,  
Environment and Natural Resources, North Slave Region

Kelli Gillard, Manager, Project Monitoring  
Nunavut Environmental Impact Review Board



**WWF-Canada**  
318 Creekside Village  
P.O. Box 1750  
Iqaluit, Nunavut  
Canada X0A 0H0

Tel: (867) 222-1276  
Toll-free: 1-800-267-2632  
Fax: (416) 489-3611  
ca-panda@wwfcanada.org  
wwf.ca

September 12, 2017

Elizabeth Copland  
Chairperson  
Nunavut Impact Review Board  
Cambridge Bay, Nunavut X0B 0C0

**Via email: [info@nirb.ca](mailto:info@nirb.ca)**

Dear Ms. Copland,

**Re: Grays Bay Road and Port. NIRB File No. 17XN011. Application No. 125069.**

Thank you for the opportunity to submit comments on the Grays Bay Road and Port proposal. The submission of the Grays Bay Road and Port for screening by the Nunavut Impact Review Board (NIRB) raises many questions about the scope of environmental assessment in Nunavut that deserve careful attention. Before this project should be accepted for review, issues associated with the feasibility and cumulative effects of this project warrant consideration. For reasons outlined below, WWF believes that this proposal is insufficiently developed to allow for the fulsome consideration of impacts required to move ahead with a public review. It is recommended that the NIRB return the proposal to the proponent for clarification and potential resubmission at some future time that the items below are appropriately addressed.

The cost of a NIRB assessment process for a project of this magnitude is likely to be extensive, and will require significant investment from the federal government. As no project funding is currently in place, there is also no guarantee the project will be able to proceed even if approved by NIRB, and if so, at what time in the future the development may be undertaken. The financial uncertainty surrounding this project could lead to significant investment from the NIRB and all affected stakeholders and parties to conduct a rigorous review, only to have issues around the uncertainty of a project development and implementation timeline arise. These issues could be similar to those seen in the Kiggavik hearings, where a lack of certainty around start date resulted in a substantial waste of public funds and stakeholder effort.

While a timeline for development has been presented in the project proposal, there is no indication of an actual start date, and we feel this project should be sent back to the proponents for clarification given the uncertainty with regard to the schedule and considering the similarly uncertain funding situation. We would also question why this project has been submitted at this time for assessment by NIRB before project timing and funding are in place.

Consideration of a project of this nature also raises questions about the scope of the potential NIRB assessment for Grays Bay Road and Port, given that this project has no confirmed industrial development partner and is being built primarily to encourage future industrial development in the region. This review cannot be treated as a one-time use impact

potential, and needs to consider the long-term implications of this infrastructure project above and beyond the effects of constructing the project itself. Cumulative effects of projects are difficult to assess, but given that the intent of this project is to encourage future development, the review must acknowledge projects currently operating and exploring in the area, as well as future projects in the region. These landscape level decisions are supposed to be handled in Nunavut by the Nunavut Planning Commission, through the implementation of the Nunavut Land Use Plan (NLUP). Delays associated with the NLUP have prevented land use considerations of this project, which is extremely worrying for a project of this magnitude.

Should it be determined that the Grays Bay Road and Port be subject to review, a full environmental impact assessment of this project will be necessary, given the significant impact potential. This project represents an unprecedented undertaking in Nunavut, the impacts of which will be transboundary. This project has both terrestrial and marine components, and cumulative impacts from projects that will use this infrastructure to increase the development footprint in the area need to be considered in the review to understand the environmental impacts both present and future.

## **Terrestrial environment**

Our main concern in the terrestrial environment with this project is that the road is proposed to go through the core calving grounds and post calving grounds of the Bathurst barren-ground caribou herd. The Bathurst herd is approaching a population minimum, with no biological signs of recovery noted to date. The most recent data indicate a continued decline in the years to come before a potential rebound can occur. Given the significant industrial development footprint on other parts of the herd's range, as well as other stressors in the form of a changing climate leading to unpredictable weather, the recovery of the herd is not certain.

No significant roads have been constructed through the calving grounds of barren-ground caribou in Nunavut to date. A July 2017 draft report analyzing the effects of a road on the seasonal distributions and movement patterns of caribou outside of the calving grounds in the Kivalliq region has indicated that: roads may act as a semi-permeable barrier to movement, the presence of a road may increase avoidance and meandering movements, and these events occur within a zone of influence of 36km from the road. Barren-ground caribou are at their most sensitive during the calving season, and considering these preliminary findings, a precautionary approach to conserving this herd dictates that no permanent infrastructure should be developed on their core calving grounds.

While there is minimal harvest of Bathurst caribou in Nunavut, harvest of this herd is of the utmost importance to many communities in the Northwest Territories, where the herd migrates after the calving season. A harvest moratorium on the Bathurst herd in the Northwest Territories has been in place for the last two years in response to the extremely low population numbers and worrying population demographics. Local monitoring groups have also been established to observe Bathurst caribou on their range and report back on the health of the caribou, observed effects of mining development, and activity of predators. The sacrifices and efforts of the communities to foster the recovery of the herd need to be considered before a road

is constructed through the core calving grounds of the herd at a time when the population is approaching a historic low.

Numerous groups in the Northwest Territories have already presented viewpoints against development in caribou calving ground through the Nunavut Land Use Plan process and during the assessment of the Back River project. While these comments apply to different processes, the context of these submissions demonstrate the importance of the Bathurst caribou and their calving grounds to groups such as the Wek'èezhì Renewable Resources Board, the Tłıchǫ Government, the North Slave Métis Alliance, the Yellowknives Dene First Nation and the community of Lutsel K'e.

Inherent in all of this is the need for the communities in the Northwest Territories who will be most impacted by this project to be given the full opportunity to participate in the assessment process. This includes being provided with sufficient funding to ensure their full and active participation via submissions, technical review of documents, as well as in person attendance at technical, pre-hearing and public hearing sessions. The significant impact potential of this project and the transboundary nature of the effects necessitates high levels of participant funding for participants both in and outside of Nunavut. We therefore recommend that the NIRB request sufficient participant funding from the Minister if a review is recommended.

## **Marine environment**

There are also significant environmental concerns associated with building a port. Some of the main environmental features in this area include beluga whale, bowhead whale, ringed seal, and bearded seal, as well as key habitat sites for birds, including ducks and geese. The area is also within the range of Arctic char and Arctic cod. Dolphin and Union caribou migrate on the sea ice between the mainland and Victoria Island, in the vicinity of the proposed port.

While there is no precedent for building a road through a barren-ground caribou core calving ground in Nunavut, there are many lessons that can be learned from the process of screening the construction of deep water ports in the Arctic, such as the Baffinland Shipping and Marine Wildlife Management Plan. Updates from previous and current proponents on the effectiveness of Arctic port construction impact mitigation plans as well as realities learned on-site should also be considered in the NIRB review process.

The future cumulative effects of building a deep water port in this region should also be considered, including disruption of wildlife, introduction of invasive species, release of pollutants, and increased chance of a disaster or spill. A full understanding of the current and projected ship traffic in the region is essential for an impact assessment of this project. Any proponent proposing to build a port in the Arctic must demonstrate the capacity to mitigate these impacts and respond to an environmental disaster in a region where capacity to respond to spills is minimal, especially considering the proposed port is not near any community.

## **Concluding remarks**

Uncertainty surrounding the feasibility of this project calls in to question whether a lengthy and expensive review of this project is appropriate at this time. Given that this project will lead to permanent infrastructure development on the Bathurst caribou core calving grounds, WWF-Canada does not support this project as it is currently proposed. Should it be determined by the NIRB that a review of this project is appropriate, a full environmental assessment that takes into account the transboundary and future cumulative impacts of this project will be necessary.

Sincerely,

A handwritten signature in black ink, reading "Paul Crowley". The signature is fluid and cursive, with the first name "Paul" and last name "Crowley" clearly distinguishable.

Paul Crowley  
Vice President, Arctic  
WWF-Canada



## **Yellowknives Dene First Nation**

P.O. Box 2514

Yellowknife, NT X1A 2P8

Dettah

Telephone: (867) 873-4307

Facsimile: (867) 873-5969

Ndilo

Telephone: (867) 873-8951

Facsimile: (867) 873-8545

Ryan Berry  
Executive Director  
Nunavut Impact Review Board  
29 Mitik Street  
PO Box 1360  
Cambridge Bay, Nunavut  
X0B 0C0

Sept 12, 2017

### **Re: Grays Bay Road and Port Project (file 17XN011)**

Dear R. Barry,

The Yellowknives Dene First Nation (YKDFN) have occupied the region referred to as Chief Drygeese Territory since time immemorial. Much of Chief Drygeese Territory comprises the area North and Northeast of Great Slave Lake as far as Contwoyto Lake in Nunavut. The Yellowknives' territory serves as winter habitat for barren-ground caribou, most notably the Bathurst herd.

The YKDFN are very concerned about the proposed development by virtue of its location and potential impact on barren-ground caribou. Not only the direct impacts of the project in question, but also the long-term effects of facilitated access to previously remote portions of caribou habitat. The expressed purpose of this project is to encourage development in the region.

Caribou are more than just a source of food and economic wellbeing to the YKDFN. They are a source of identity. Caribou and their harvest is inextricably tied to language, cultural practices, spirituality, and sense of belonging on the land.

The YKDFN is also concerned that the Government of Nunavut (GN) is the proponent of this project. Recently the GN has adopted a pro-development stance toward development on caribou calving and post-calving grounds and pulled out of the Government of Northwest Territories led Bathurst Caribou Range Management Plan Working Group. Further, emails obtained by the WWF-Canada through access to information requests show an unwillingness for the GN to adhere to an evidence based approach to wildlife management. Taken together, the YKDFN does not believe that the GN is acting in the best interests of the caribou or the Nunavummiut who rely on them.

Finally, this is all taking place against the backdrop of the recent decline in barren-ground caribou across the North. This decline has resulted in harvesting restrictions preventing the Yellowknives from accessing the Bathurst herd on which they rely so heavily. Further development in barren-ground calving areas can only serve to worsen the situation and prolong this restriction. The longer this ban is in place, the harder it is for the Yellowknives to prosper and maintain their connection to the land. YKDFN does not believe that this is something the Nunavummiut would inflict on their neighbours as lightly as the GN seems to think.

The Yellowknives are acutely aware of the economic challenges that the Nunavummiut face, and respect their sovereignty over their territory. However, it is critical that decisions affecting a transboundary



## **Yellowknives Dene First Nation**

P.O. Box 2514

Yellowknife, NT X1A 2P8

Dettah

Telephone: (867) 873-4307

Facsimile: (867) 873-5969

Ndilo

Telephone: (867) 873-8951

Facsimile: (867) 873-8545

species that so many communities rely on must be undertaken with the utmost care and rigour. It is for these reasons that the Yellowknives request that the Grays Bay Road and Port Project undergo a full Environmental Assessment. Further, YKDFN requests full participation as intervenors in any assessment of the proposed project

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Power", written over a horizontal line.

Alex Power, MSc.  
Regulatory and Research Specialist  
Department of Land and Environment  
Yellowknives Dene First Nation





## **Tłıchǫ Government**

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • [www.tlicho.ca](http://www.tlicho.ca)

September 11, 2017

Chairperson of the Nunavut Impact Review Board  
29 Mitik Street  
P.O. Box 1360  
Cambridge Bay, NU  
X0B 0C0

Re: Grays Bay Road and Port

The Tłıchǫ Government thanks the Nunavut Impact Review Board for its invitation to comment on the Grays Bay Road and Port Project proposal. We are in agreement with the developer that the project should be subject to a full environmental review due to its potential for significant adverse impacts to the Bathurst Caribou herd.

Caribou, and our relationship with the caribou, constitute a significant part of our way of life. Caribou are culturally our most important animal. When the caribou are calving they are extremely vulnerable, it is therefore crucial that the impacts to caribou and their calving grounds are minimized.

The significant decline in caribou populations is already creating significant and direct effects to all northern people. The reasons for this decline are complex, and not fully understood, however increased pressure from transportation access and industrial development are considered by the Tłıchǫ as a significant part of the increased pressures on the herd.

Aboriginal groups have been working in partnership with other resource managers to mitigate impacts to caribou through management decisions such as limits to our ability to harvest. This is so the caribou are given the best chance to regenerate their populations.

Protecting the caribou is a significant and complex task that requires many different groups to work together through many different approaches. At this time we are recommending that the proposal is subject to a full environmental review as the impacts to caribou from this project have the potential to cause significant adverse effects.

In Tłıchǫ Unity,

Tammy Steinwand  
Director of Culture and Lands Protection  
Tłıchǫ Government