



MAY 04 2018

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

Dear Ms. Gillard:

Draft Scope and Draft Environmental Impact Statement Guidelines for the Kitikmeot Inuit Association's Grays Bay Road and Port project proposal (NIRB file number 17XN011)

On March 5, 2018, the Nunavut Impact Review Board (NIRB) invited parties to review and provide comments on NIRB's Draft Scope List and Draft Environmental Impact Statement (EIS) Guidelines for the Grays Bay Road and Port (GBRP) project. The Government of the Northwest Territories (GNWT) has reviewed these documents as they relate to our mandate, jurisdiction and areas of expertise, and officials have attended scoping sessions in Cambridge Bay, Kugluktuk, Yellowknife and Inuvik. We note that as of today's date, NIRB has not yet released its report on the scoping sessions.

GNWT provides the attached for the consideration of NIRB and the proponent:

- Comments and recommendations on Draft Scope List
- Comments and recommendations on Draft EIS Guidelines

These comments focus on project effects that may occur in the Northwest Territories, including potential impacts to transboundary populations of wildlife such as barren-ground caribou, grizzly bears, wolverine, beluga whales, bowhead whales, and seals, and potential socio-economic impacts and benefits.

The GNWT is aware of NIRB's decision earlier today to suspend assessment activities effective Monday, May 7, 2018. The GNWT will continue to monitor this file and will participate in the review once NIRB resumes assessment activities. In this context, we encourage NIRB to continue its discussions with the Environmental Impact Screening Committee, the Environmental Impact Review Board, and the Mackenzie Valley Environmental Impact Review Board to facilitate collaborative approaches to the assessment of transboundary impacts.

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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 or Melissa Pink, Manager, Project Assessment Branch by email at [Melissa Pink@gov.nt.ca](mailto:Melissa.Pink@gov.nt.ca) or by phone at 867-767-9180 ext. 24021.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L Seale', with a stylized, cursive script.

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

Attachments

COMMENTS ON DRAFT SCOPE

Page	Section	Paragraph or Reference	Issue	Rationale	Suggested Change
1	1)b)i)	Project Components – All Weather Road	Under the description of the all-weather road, the text should explain if the road is public or private.	During public scoping sessions it was explained this road is intended to be private with public access being allowable following further discussion (details forthcoming). If the road is intended to be private, the section should state this in plain language. This should be clarified throughout the Scope, and the EIS Guidelines, as applicable.	Suggested text modification: “Activities and Facilities would include construction and operations of an approximately 230 kilometer (km), privately-owned, permanent year-round, all-weather road, through a tolling regime”
4	1	Scope of the Assessment – Anticipated effects of the environment on the project	The list of environmental factors does not include fire, a natural environmental occurrence.	Extreme fire seasons can have impacts on the project, and on the VECs that are to be assessed.	Suggested addition: add item h) Fire.
5	k.	Terrestrial wildlife and wildlife habitat	Section ii) indicates “Wildlife migration routes and crossings, with specific consideration of potential effects on migration of the Bathurst caribou herd.” This section does mention of calving grounds. The the EIS Guidelines do mention calving grounds.	The EIS Guidelines and the Scope should use consistent wording.	Suggested text modification could include: “Wildlife migration routes and crossings, with specific consideration of potential effects on migration of the Bathurst caribou herd, and attention to caribou, caribou calving and post-calving areas, migratory routes and current herd populations”. (This comment is also included in GNWT’s comments on the draft Guidelines.)

Page	Section	Paragraph or Reference	Issue	Rationale	Suggested Change
5	n	2) Anticipated eco-system and socio-economic impacts of the Project Marine Wildlife	There are transboundary implications – specifically beluga whales, bowhead whales and seals.		Representative marine wildlife to include beluga whales, bowhead whales and seals
5	q	2) Anticipated eco-system and socio-economic impacts of the Project Traditional activity and knowledge and community knowledge including:	Missing reference to Inuvialuit and Dene traditional knowledge		Add as one of the bullets: v) Relevant Inuvialuit and Dene traditional knowledge

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7	-	Compensate persons whose interests are adversely affected by the project	The Scope includes “steps that the Proponent proposes to take to compensate interests of parties adversely affected by the Project including all non-confidential details pertaining to any Inuit Impact and Benefit Agreement pursued in connection with the Project”. This statement does not consider Impact Benefit Agreements that the Proponent may negotiated with other Indigenous peoples in connection to the Project.	Language lacks inclusivity. Consider adding the word Indigenous to widen the context of this statement.	Suggested modification: “The scope of the assessment will include the steps that the Proponent proposes to take to compensate interests of parties adversely affected by the Project including all non-confidential details pertaining to any Inuit or other Indigenous Impact and Benefit Agreement pursued in connection with the Project.”

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COMMENTS ON DRAFT EIS GUIDELINES					
13	4.3	Use of Existing Information	The statement “lessons learned at previous and/or currently active projects in Nunavut” does not include mention of the Sabina Project. The paragraph could take into account other high north all season road projects outside of Nunavut as relevant information.	The Sabina Project included innovative and relevant mitigations for caribou and wildlife management that should be referred to in designing mitigations for the proposed road. Furthermore, other jurisdictions outside of Nunavut with northern road building experience, such as the NWT, may be of special interest to the EA. Another road project for consideration may include Canadian Zinc’s Prairie Creek Mine all season road. As a case study, this project includes elements of private and public use and may provide important lessons if analyzed.	Suggested wording change to bring in experiences from Sabina Back River Project, and other relevant jurisdictions outside of Nunavut: “In preparing the EIS, the NIRB expects the Proponent will utilize available and pertinent results of surveys and studies completed in the Project region or neighboring jurisdictions by other developers, government agencies, organizations, institutions, regional authorities, and individual researchers. For example, lessons learned at previous and/or currently active projects in Nunavut (e.g., the Meadowbank Gold Mine Project, the Jericho Diamond Mine Project, Doris North Gold Mine Project, Sabina Back River Project etc.) and the NWT (Misery Road at the Ekati Mine, Gahcho Kue Mine, Canadian Zinc Prairie Creek Mine all season road, Inuvik/Tuktoyaktuk Highway etc.) and the Proponent should incorporate these lessons.”

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15	5.4	Translation	The EIS will be delivered in both of Canada's official languages (French and English) and in Inuktitut and Inuinnaqtun; however, communities in the NWT will also require translated materials.	Improved review efficiency with broader language accessibility.	Suggested wording change: For efficiency, the Proponent shall prepare the main document and the summary of each thematic volume of the EIS in both of Canada's official languages (French and English), Inuktitut, Inuinnaqtun and other relevant languages for interested Dene and Inuvialuit communities in the NWT.
20	7.0	Project Components – All Weather Road	Under the description of the all-weather road, the text should explain if the road is public or private.	During public scoping sessions it was explained this road is intended to be private with public access being allowable following further discussion (details forthcoming). If the road is intended to be private, the section should state this in plain language. This should be clarified throughout the Scope, and the EIS Guidelines, as applicable.	Suggested text modification: "Activities and Facilities would include construction and operations of an approximately 230 kilometer (km), privately-owned, permanent year-round, all-weather road, through a tolling regime"
20, 47	7.1and/or 9.1.5	Project Design, and Geological Features	Very little is known about the permafrost conditions in the project area.	The Grays Bay project lies in the continuous permafrost zone where the permafrost is thick and the ground temperatures are typically well below 0 degrees Celsius. While the continuous permafrost has been perceived as relatively stable compared to warmer permafrost in the south, dramatic erosion and land instability is being observed in NWT continuous permafrost in the western Arctic.	Recommend that the Guidelines require the proponent to provide sufficient geotechnical data to allow reviewers to make informed comments on permafrost impacts. It is important that: <ul style="list-style-type: none"> Sufficient geotechnical surveys are conducted for the port, road and aggregate quarries during the preconstruction phase, and

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					<ul style="list-style-type: none"> The geotechnical data is made accessible to permafrost scientists and engineers.
23-25 25-26	7.3.2.1 and 7.3.2.2	Construction and Operations & Maintenance	Does not include a description of health and safety measures required for planned construction activities or operation and maintenance	GNWT currently has an agreement with the Government of Nunavut to provide certain health and emergency responses services to residents of the Kitikmeot region. Potential impacts of the project on the provision of healthcare services, as well as planning for emergency services should accidents occur requiring the medical evacuation of employees, should be included in the overall development plan throughout all phases of the project. More information is needed for GNWT to understand potential impacts on health and emergency services delivery.	<p>Suggested changes:</p> <ul style="list-style-type: none"> Under d) Personnel requirements: Include a description of health and emergency response services that will be used to support the construction workforce, including who will be responsible for providing these services. Under f) Operational requirements: Describe operational requirements and/or agreements with government(s) required to provide health care services and emergency response services, including requirements for employee healthcare insurance coverage.
28	7.3.2.2	Operation & Maintenance	The section does not mention wildlife mitigation and monitoring plan requirements.	Wildlife should be included as an aspect of operation and maintenance for the project.	Include the requirements for full implementation of wildlife mitigation & monitoring plan under section 7.3.2.2.
28	8.1.1	Scope of EA – Factors to be	(b) Whether and to what extent, the project would protect and enhance the	Lack of clarity about the area to be assessed could result in an incomplete Environmental	Add a definition of “designated area” and specify which NWT communities

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		considered	existing and future well-being of the residents and communities of the designated area, taking into account the interests of other Canadians;" <ul style="list-style-type: none"> What is included in the "designated area"? NWT communities? 	Impact Statement.	are included.
30	8.1.2.1	Valued Ecosystem and Socio-economic Components	The list of Valued Ecosystem Components in Section 8.1.2.2 is not exactly the same as the VECs listed in the Scope [page 4; 2)a to 2)o]. Of particular concern is that one of the sub-bullets under the bullet Terrestrial wildlife and wildlife habitat requires "Special attention to caribou, caribou calving and post-calving areas, migratory routes and current herd populations", however this wording is not replicated in the Scope of the Project.	Given the location of the project in relation to caribou calving grounds, the impact of the project on calving and post-calving is of particular interest and this should be reflected in both the EIS Guidelines and the Scope.	The GNWT recommends that the list of Valued Ecosystem Components in the Scope be edited to include the wording: "Special attention to caribou, caribou calving and post-calving areas, migratory routes and current herd populations", as currently included in the EIS Guidelines. (This comment is also included in GNWT's comments on the draft Scope.) Overall, GNWT recommends that the lists of Valued Ecosystem Components in the Scope and in the EIS Guidelines Section 8.1.2.1 be the same.
31	8.1.2.1	Valued Ecosystem and Socio-economic Components	The first bullet on page 31 indicates special attention to caribou, caribou calving and post calving areas, migratory routes and current herd populations. It does not explicitly include reproductive potential, access and future herd	These additional aspects when reviewed for the Caribou VEC will provide additional insight, analysis and a more comprehensive delineation of the potential caribou impacts that may result from the project.	Consider adding reproductive potential, access issues, and future herd populations to the Terrestrial Wildlife VEC for Caribou.

Page	Section	Paragraph or reference	Issue	Rationale	Suggested change
			populations.		
31	8.1.2.1	Valued Ecosystem and Socio-economic Components	The second last bullet under Valued Ecosystem Components refers to Marine Wildlife. This needs to be more specific to include critical species to the NWT such as the beluga whales, bowhead whales and seals.	The marine wildlife – beluga whales, bowhead whales and seals - are critical to the people of the NWT, specifically residents of Beaufort Delta communities.	The GNWT recommends specifically adding beluga whales, bowhead whales and seals to the VECs for Marine Wildlife. The GNWT recommends adding these species to the Draft Scoping List as well.
40	8.6.3	Cumulative Effects Assessment	In Section 8.6.3, cumulative impact is defined as the impact on the environment due to <i>actions</i> , which implies human actions. This does not take into account impacts due to natural processes.	The Canadian Council of Ministers of the Environment (CCME) defines cumulative impacts as a change in the environment caused by multiple interactions among human activities and natural processes that accumulate across space and time.	The GNWT recommends that instead of referring to only ‘actions’ throughout this section, the EIS Guidelines should be edited to refer to ‘actions and natural processes’ throughout.
41	8.6.4	Transboundary Impacts	In the case of caribou, transboundary effects are largely cumulative. Inclusion of transboundary effects for incorporation into the main impact assessment portion for caribou (with consideration for whole-herd impacts and harvest impacts for NWT residents and Indigenous governments) would benefit the document and overall review.	Proper assessment of cumulative effects for far-ranging, migratory caribou requires consideration at a range scale, which essentially also incorporates transboundary impacts. The assessment will be more comprehensive if these impacts are considered together.	For caribou, consider incorporating the assessment of transboundary effects in the cumulative effects assessment.
41	8.6.4	Transboundary Impacts	Use of the Tibbitt-Contwoyto winter road. There are concerns about the potential for trafficking once the winter road connects with the proposed port at	Regular information sharing, planning and coordination would benefit all winter road users and promote safe and sustainable operations.	The GNWT recommends that NIRB require the proponent to have a plan to engage companies in the NWT who use and maintain the Tibbitt – Contwoyto

Page	Section	Paragraph or reference	Issue	Rationale	Suggested change
			Grays Bay.		winter road. Furthermore, consider requiring the proponent to provide information about their safety plan for the trafficking of illegal substances as well as their plans for establishing a port authority.
41	8.6.4	Transboundary Impacts	Potential loss of marine wildlife through increased shipping (from July – October) could have significant impacts on the food security and livelihood of Beaufort Delta residents. Overlap between the proposed road and caribou ranges may create concerns about food security in Northwest Territories communities.	Loss of marine wildlife in the Beaufort Delta could result in an increase in the demand / need for income support as residents could be less able to rely on harvesting for food and livelihood. There is also the potential for the loss of access to traditional foods. If the project has adverse impacts on the caribou populations there may be implications for wildlife management decisions.	Recommend that NIRB consider requiring the proponent to assess the impacts of the project on food security in the Northwest Territories and to identify any required mitigation.
42	8.6.6	Significance Determination	Where the text says, “In addition, the NIRB considers other relevant attributes in assessing the significance of impact”, bullet number 2 at the bottom of page 42 lists “The environmental sensitivity of the area likely to be affected by the project”. The statement does not include resiliency as a factor to consider, and does not mention VECs.	Resilience should be considered when assessing environmental sensitivity to determine and consider how impacts from the development might affect recovery of wildlife populations at risk or other VECs.	Suggested Modification: “The environmental sensitivity and resilience of the area and VECs likely to be affected by the Project”.

43	8.6.6	Significance Determination	On page 42, the text states “In addition, the NIRB considers other relevant attributes in assessing the significance of impact”. Bullet number 5 then states: “The extent of the effects of the project on other regional human populations and wildlife populations, including the extent of the effects on Inuit harvesting activities”. This statement does not take into account resilience of wildlife populations, nor does it take into account Dene or Inuvialuit harvesting activity.	Dene peoples rely heavily on caribou, and the Inuvialuit rely on marine wildlife for their food security and livelihood. Resilience of affected wildlife populations should be considered when assessing environmental sensitivity to determine and consider how impacts from the development might affect recovery of populations at risk.	Suggested modification for Bullet 5 on page 43: “The extent of the effects of the project on other regional human populations and wildlife populations and their resilience , including the extent of the effects on Inuit, and where relevant due to transboundary impacts, Dene and Inuvialuit harvesting activities”.
54	9.1.11.1	Terrestrial Wildlife & Wildlife Habitat – Baseline Information	Bullet a) requires listing of species in rank order determined by conservation status, VEC, important to ecosystem function and importance to Inuit life and culture. The bullet does not mention importance to NWT Dene and Inuvialuit communities, life, and culture.	To properly assess transboundary impacts, this section should include the Dene and Inuvialuit.	Add to this bullet “listing of species in rank order determined by conservation status, VEC, important to ecosystem function and importance to Inuit, Dene, and Inuvialuit life and culture”.
55	9.1.11.1	Terrestrial Wildlife & Wildlife Habitat – Baseline Information	Bullet c) speaks to Traditional Knowledge studies regarding identified VECs. The bullet or sub listing does not include an identification of groups that use the valued component in transboundary areas.	To properly assess transboundary impacts, use of traditional knowledge will be of great value.	Wording on bullet c) can state: “Present available published information and/or information resulting from Inuit Qaujimaningit and Traditional Knowledge studies, in addition to other indigenous groups that use the identified VC in transboundary areas. ”
59	9.2.2.1	Employment – Baseline Information	Bullet b) speaks to assessing the current local and national labour force available to satisfy the needs of the project. As a project with transboundary implications consideration could be given to assessing	The project could have positive economic outcomes for both NWT and NU residents. The strength of assessing the northern labour supply could be extended to the NWT, benefitting the NU by providing northern	Consider including a bullet for a northern adopting a preferential hiring practice/ plan in section 9.2.2.1.

Page	Section	Paragraph or reference	Issue	Rationale	Suggested change
			northern labour supply.	experience.	
61	9.2.4	Contracting and Business Opportunities	The project could present positive economic development opportunities for the NWT and Nunavut residents.	Potential for increased sourcing and movements of materials, fuel, labour and supplies from the NWT, as well as increased mining exploration on both sides of the border. Flights through Yellowknife airport (YZF) could benefit northern owned airlines and expediting companies.	Consider adding a bullet extending northern preferential contracting opportunities to northern owned businesses in section 9.2.4. Consider adding the use of flights for both freight and personnel through Yellowknife airport (YZF).
66	9.2.10 & 9.2.10.2	Community Infrastructure and Public Services &	Does not include impacts to health care, medical system, and emergency response services in the NWT	Focuses on the potential increased demand on the local and regional health care systems. Must include the GNWT health care system as well. GNWT currently has an agreement with the Government of Nunavut to provide certain health and emergency responses services to residents of the Kitikmeot region. Potential impacts of the project on the provision of healthcare services, as well as planning for emergency services should accidents occur requiring the medical evacuation of employees, should be assessed.	Under (c), include the GNWT health care system in the assessment of potential increased demand and the challenges raised by this increase in demand.
71-72	10.4.1	Risk Management and Emergency Response Plan	(j) does not require a description of the roles of GNWT or GNWT agencies in risk management and emergency response plan should GNWT services (emergency response) or infrastructure (Stanton	An understanding of what (if any) role is expected of the GNWT services and agencies is required. The current wording seems to only include the Government of Nunavut.	Under (j) include the roles of other government agencies who deliver services and emergency response.

Page	Section	Paragraph or reference	Issue	Rationale	Suggested change
			Territorial Hospital) be required.		
79	10.4.14	Wildlife Mitigation & Monitoring Plan	The section does not refer specifically to a caribou management plan.	A caribou management plan, if referred to specifically in this section, would enhance the wildlife management overall.	Consider adding a requirement for a Caribou Management Plan, either as a standalone section, or as a subsection under 10.4.14.
82	10.5.2	Occupational Health and Safety Plan	(b) does not include interactions with Northwest Territories medical health system	The GNWT system should be included in this discussion because of the role GNWT plays in providing these services and the potential impact it may have on the GNWT system.	(b) include the Project's interaction with the Northwest Territories health system.
		General	Environmental factors section should include fire, a natural environmental occurrence.	Extreme fire seasons can have impacts on the project, and on the VECs that are to be assessed.	Where appropriate consider the fire