

Nunavut Impact Review Board
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Re: Comments on the Draft Scope List and Draft Impact Statement Guidelines – Grays Bay Road and Port Project (NIRB File No. 24XN038/Application No. 125987)

To Whom It May Concern:

Please consider this letter our formal submission in response to the request for comments on the Draft Scope List and Draft Impact Statement Guidelines for the Grays Bay Road and Port Project (hereafter, the Project).

We submit this letter as scientists with [Wildlife Conservation Society \(WCS\) Canada](https://www.wcs.org), an organization with a long history of conservation science and technical engagement in northern Canada. The three of us bring expertise in marine ecology, climate change, cumulative effects, environmental assessment, and Arctic/northern biodiversity, particularly in relation to infrastructure development in ecologically intact regions. Between us, we have over 50 years of experience working in the Arctic and subarctic. WDH and SJI have led research on underwater acoustics and marine mammal disturbance in the western and central Canadian Arctic since 2014, including recent studies on underwater noise impacts on bowhead whales and marine birds. JCR brings complementary expertise in terrestrial ecology and species at risk, especially caribou, based on decades of work across northern ecosystems. All three of us are Adjunct Professors at Canadian universities and maintain active academic and field-based collaborations. While our expertise regarding this project is strongest in marine systems, our review also addresses project-wide strategic considerations based on our broader experience in conservation science and policy.

The Grays Bay Road and Port Project represents a major infrastructure undertaking with the potential to open up a remote region of high ecological integrity to expanded industrial activity. As such, we have focused our review on recommendations that will strengthen the scope and guidelines to ensure they fully account for the breadth, scale, and duration of foreseeable impacts -- including direct, cumulative, and induced effects.

Our comments focus on two main areas:

- I. Marine environmental impacts associated with vessel traffic and underwater noise; and
- II. Project-wide strategic and technical issues, including:
 - The application of the mitigation hierarchy and the treatment of alternatives;
 - The consideration of cumulative effects and future development scenarios;
 - The articulation of project purpose and potential community benefits;
 - The prioritization of valued ecosystem components and key species; and

- Climate change implications, including both infrastructure vulnerability and land-based carbon emissions.

Our understanding is that the Scope List outlines the thematic components of the assessment, while the Guidelines provide procedural and content direction for the proponent's Impact Statement. As such, we have reviewed both documents together with the aim of supporting a proposed assessment that enables transparent, well-informed, and forward-looking decisions, consistent with the purposes of the Nunavut Planning and Project Assessment Act (NuPPAA) and the values of the Nunavut Agreement.

I. COMMENTS REGARDING MARINE ENVIRONMENTAL IMPACTS

The following comments are relevant to Scope Sections 1m, 1n, 1w, 2, and 3, and to the corresponding sections of the Draft Impact Statement Guidelines, including §§ 7.4.3, 7.4.4, 8.1.13–14, 8.2.6, 8.2.11, and 11.3.2.

The draft scope identifies various marine components (e.g., marine biota, habitat, and fisheries) but does not adequately reflect the full scale and complexity of marine risks associated with both the construction and long-term operational phases of the Project.

We recommend the following additions and clarifications to ensure the scope fully addresses the range of foreseeable marine impacts:

1. Underwater and In-Air Noise

The Project requires a comprehensive assessment of both underwater and in-air noise impacts on marine life, as outlined in the Guidelines (§8.1.13–14).

- Underwater noise: Impacts must be assessed for marine mammals (e.g., beluga, narwhal, bowhead whales, ringed and bearded seals), seabirds and seaducks (e.g., eiders), fish, and invertebrates.
- In-air noise: Potential impacts on pinnipeds (e.g., ringed and bearded seals) and marine birds during construction (e.g., pile-driving, blasting) and operations (e.g., helicopter traffic, cargo handling) should be included, especially in relation to disturbance of haul-out or nesting sites.

2. Other Impacts from Ship Traffic

The scope should explicitly address the following risks from marine vessel operations:

- Ship strikes on marine mammals, especially in narrow or shallow channels.
- Ship wake effects on coastal erosion and nearshore habitats.
- Risk of oil spills, including low-probability, high-consequence events that could impact multiple marine species and Inuit harvesting areas.
- Invasive species risks from ballast water or hull fouling — a documented and growing concern in Arctic marine systems.

3. Geographic Reach and Cumulative Marine Effects

Marine impacts must be assessed at a regional scale, as per Guidelines §7.4.3–4.

The assessment must account for the transboundary marine impacts (i.e., beyond project-adjacent waters), particularly:

- To the Inuvialuit Settlement Region (ISR) if westbound shipping routes are used through the Pacific Arctic.
- To Baffin Bay and Foxe Basin if traffic routes east, where vessel density is already high due to Baffinland and other shipping projects.

The cumulative effects assessment must recognize the additive pressure of this Project within the broader context of expanding Arctic shipping. Specifically, it must consider the existing and increasing volume of marine traffic in Canadian Arctic waters and the compounded impacts of each new port or industrial shipping route. Restricting analysis to the local project footprint would be inconsistent with both NuPPAA and NIRB's Guidelines on transboundary and cumulative effects, which call for a regional, transboundary, and forward-looking approach to cumulative effects.

4. Icebreaking and Seasonal Limits

The scope must require clear commitments and assessment conditions ensuring that all vessel traffic from the Grays Bay Port occurs during the open water season only.

Icebreaking outside this season poses risks that must be assessed and mitigated, including:

- Disruption of caribou migration across sea ice.
- Disturbance of ringed seals in lairs.
- Habitat fragmentation and changes to ice regimes.
- Impairment of Inuit travel and harvesting practices.

5. Regulatory Context: NOTMARs and Seasonal Restrictions

We recommend that the scope explicitly reference the two Canadian Coast Guard Notices to Mariners (NOTMARs) that pertain to:

- Icebreaking activities in the Kitikmeot Region, and
- Summer shipping guidelines in the Inuvialuit Settlement Region.

These NOTMARs provide established regulatory context that should inform seasonal restrictions and shipping protocols for the Project. Alignment with existing regulatory and co-management frameworks is essential for effective impact mitigation.

II. COMMENTS ADDRESSING PROJECT-WIDE ENVIRONMENTAL CONSIDERATIONS

The following comments are relevant to Scope Sections 1, 2, 3, 4, 5, 6, and 9, and to the corresponding sections of the Draft Impact Statement Guidelines, including §§ 6.0, 7.2.1, 7.4.2–7.4.6, 8.1, 8.2, 10.0, and 11.3.

The draft scope includes several components relevant to broader project-wide considerations, but does not fully reflect the depth and integration required to assess the long-term and systemic implications of the Project.

We recommend the following additions and clarifications to ensure that the scope and guidelines collectively support a precautionary, regionally informed, and sustainability-oriented review of the Project as a whole.

6. Alternatives and the Mitigation Hierarchy

The draft scope lists the “consideration of alternatives” (section 9) and “mitigation and offsetting measures” (section 3) as separate components. However, this separation risks undermining the foundational logic of the mitigation hierarchy, which requires that avoidance—typically achieved through robust alternatives analysis—is the first and most important step. Offsets are the last resort in this hierarchy.

While both the Scope List and Draft Guidelines refer to avoidance, minimization, restoration, and offsetting, they do not present these as a structured sequence. We strongly recommend that NIRB explicitly link these components and adopt the full mitigation hierarchy to ensure consistency with environmental assessment best practices and with the NuPPAA mandate to protect “ecosystemic integrity”.

To deploy the mitigation hierarchy effectively, the proponent should be required to follow the sequential order of:

1. Avoidance – including meaningful consideration of the no-go alternative and rerouting or design changes to avoid sensitive habitats;
2. Minimization – reducing the intensity, duration, and extent of impacts;
3. Restoration/Rehabilitation – re-establishing ecological function in disturbed areas;
4. Offsetting/Compensation – only considered if, and after, all previous steps are exhausted.

Offsets should never be decoupled from this hierarchy or used to justify permanent, avoidable impacts—especially in a landscape that is currently largely intact. This principle should guide the assessment of alternatives (section 9) and any closure/restoration planning (section 6).

To apply this hierarchy meaningfully, the scope should also require a baseline assessment of landscape-level ecological integrity, particularly in areas currently undisturbed. Understanding the condition and value of the broader landscape is essential to identifying where avoidance and minimization are most critical, and where restoration or offsetting may be insufficient or inappropriate.

7. Cumulative effects and induced development

The scale of the proposed Grays Bay Road and Port Project is massive and should be more explicitly acknowledged. While two phases are certainly envisioned at this time, the scope of this environmental assessment is focused only on Phase 1. While it is encouraging that within Phase 1 the scope is reasonably comprehensive (e.g., it does not separate the port from the

road), we are concerned that the lack of consideration of Phase 2 will lead to an incomplete evaluation of cumulative impacts. In particular, the assessment of Phase 2 must account for the enabling role this infrastructure will play in facilitating future mining and transportation activity across the region.

We have two recommendations following from this concern.

First, the cumulative effects assessment for this phase of the Project should not be constrained by the “reasonably foreseeable” standard outlined in NIRB guidance (and accordingly, in this proposed scope), as doing so would be inconsistent with the purposes of NuPPAA and the Nunavut Agreement. These frameworks emphasize the protection of ecosystemic integrity and the well-being of current and future generations, which requires a precautionary and forward-looking approach. The Project is a clear example of growth-inducing infrastructure, intended to catalyze future industrial development across a broad region. While specific projects may not yet be proposed, the enabling nature of the road and port makes it necessary to assess potential future impacts from all kinds of development already referenced in existing documentation. A scenario development approach is consistent with best practices in environmental assessment and is essential to avoid piecemeal and incomplete decision-making. Moreover, the indirect and induced effects of such infrastructure are foreseeable in nature and material to informed decision-making, even if they cannot be tied to specific proposals at this time. Limiting the scope of the cumulative effects assessment to only formally proposed projects would fail to account for the broader systemic changes this infrastructure is likely to trigger and would fall short of the legal and ethical obligations to fully inform communities and protect the land for future generations.

Second, to enable consideration of Phase 2, it would be useful to explicitly call for a Strategic Environmental Assessment (SEA) focused on this region. The Project is clearly enabling infrastructure, designed to unlock access to a remote mineral-rich region. As such:

- The NIRB should require assessment not just of cumulative impacts of known projects, but of systemic transformation scenarios;
- Without regional-scale planning, decision-making will remain piecemeal and reactive, undermining sustainability commitments under NuPPAA and the Nunavut Agreement;
- While SEAs are not explicitly established as a formal instrument under NuPPAA, the NIRB has undertaken SEAs under its broader mandate to assess environmental and socio-economic impacts in the Nunavut Settlement Area (e.g., Baffin Bay and Davis Strait). There is precedent for NIRB using SEAs as a proactive planning and assessment mechanism, especially in contexts where regional-scale or scenario-based analysis is needed to understand potential cumulative effects;
- This SEA could be undertaken in parallel to the assessment of the Project without delaying or duplicating existing review processes. Conducting an SEA alongside the project-specific review would allow NIRB to apply broader insights as they emerge, while maintaining the current project timeline and avoiding fragmented decision-making.

8. Purpose, Need, and Community Benefit Clarity

The scope must require a clear articulation of the primary versus secondary purposes of the Project. While industrial access is central to the project design, the Project is often discussed in public communications as offering regional and community benefits. However, there are no permanent Inuit communities directly along or adjacent to the proposed route.

Accordingly, the assessment must clearly distinguish between:

- Infrastructure designed to serve mining and industrial logistics (which dominates the current design), and
- Any potential or speculative community access benefits (which are incidental and not secured, particularly under the controlled access scenarios being contemplated).

Without this distinction, the socio-economic analysis may overstate community benefits and understate potential conflicts—such as restrictions on Inuit use of the road, access limitations, or the displacement of traditional land use by heavy transport infrastructure. The NIRB should require clarity on whether communities will actually gain practical, reliable, and equitable access, or whether the road will function primarily as a private industrial corridor with minimal local benefit.

Communities such as Kugluktuk, for example, may not benefit meaningfully from road access unless future spur roads are constructed. If such infrastructure is being considered, it should be included explicitly in the current assessment—rather than treated as a separate or future undertaking.

9. Prioritization of Valued Components and Species

While the draft Scope List refers broadly to categories such as “wildlife,” “marine mammals,” and “species at risk,” without identifying specific species or providing guidance on prioritization, we are pleased to see that the draft Guidelines outline a more structured approach to identifying Valued Ecosystem and Socio-economic Components (VECs and VSECs). This is important because the selection of too many components for detailed assessment can lead to an overly voluminous and diffuse review process—one that risks diverting attention from the species and habitat features most vulnerable to adverse effects or most significant to Inuit and community well-being.

The Guidelines appropriately call for VECs and VSECs to be selected based on ecological sensitivity, cultural and subsistence importance, potential for project-related or cumulative impacts, and community input, including Inuit Qaujimajatuqangit. We support this framework and emphasize the importance of applying it with discipline and strategic focus. A smaller number of well-chosen components, examined in depth, will provide a much stronger foundation for understanding and mitigating impacts than an overly broad or superficial treatment of many.

Equally important is ensuring that the final set of components functions as a coherent whole: representing a diversity of impact pathways, ecosystem functions, and cultural values without unnecessary overlap. Taking time to identify a concise, well-reasoned, and complementary

group of components will lead to a clearer, more effective, and more decision-relevant assessment.

Priority should be placed on those species and systems facing cumulative pressures, such as caribou and other key subsistence species.

10. Climate Change and Infrastructure Resilience

While the draft Scope List identifies climate and permafrost as assessment components, it does not adequately reflect the dual role of climate change — both as a long-term stressor on project infrastructure and as an impact pathway through greenhouse gas (GHG) emissions. The Draft Impact Statement Guidelines include general requirements related to climate projections and GHG accounting, but more explicit direction is needed to address key risks associated with infrastructure design, carbon release, and system feedbacks. This gap has two critical implications:

- Infrastructure Vulnerability: The 230-km all-season road and associated infrastructure traverse extensive permafrost zones. Climate warming is expected to increase thaw depth, ground instability, and hydrological changes that threaten road integrity, port access, and safety over the 75+ year project life. The assessment must include detailed permafrost and climate risk modeling, incorporating adaptive design considerations and scenario testing that reflect worst-case thaw conditions. A clear climate resilience plan should be mandatory, outlining long-term maintenance and safety measures and addressing the full life cycle of the Project and
- Land-Based Carbon Emissions: The scope and guidelines currently lack explicit direction to assess GHG emissions from land disturbance, particularly in carbon-rich ecosystems such as permafrost and wetlands. Given that the proposed route includes peat-forming environments and thermokarst terrain, the Project is likely to trigger:
 - Carbon release from permafrost thaw and peatland degradation, both of which are globally significant and long-lived sources of CO₂ and CH₄;
 - Positive feedback loops that may accelerate regional and global climate change dynamics.

These land-based emissions must be quantified and included in the Project's GHG profile. Their cumulative effects, both direct and indirect, should be considered alongside other emissions pathways and infrastructure vulnerabilities. Without this, the assessment risks overlooking a major impact pathway and misrepresenting the full climate footprint of the Project.

Thank you for the opportunity to provide this input. We would be pleased to respond to any questions regarding our review and look forward to continued engagement as the assessment of this Project moves forward.

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