



July 16, 2025

Comments on *Draft Scope List* and *Draft Impact Statement Guidelines* for the West Kitikmeot Resources Corp.'s "Grays Bay Road and Port" Project Proposal

Acting Chair, Albert Ehaloak
Nunavut Impact Review Board (NIRB)
By Email: info@nirb.ca

Dear Mr. Ehaloak:

Thank you for the opportunity to comment on the Draft Scope List and Draft Impact Statement Guidelines for West Kitikmeot Resources Corp.'s "Grays Bay Road and Port" Project. Our comments aim to strengthen the scoping and assessment process by ensuring the project is evaluated comprehensively, consistent with the Nunavut Planning and Project Assessment Act (NuPPAA), the Nunavut Agreement, established case law, and NIRB operational policies, specifically regarding enabling infrastructure primarily designed to support significant mining operations. In addition to detailed comments on the Draft Guidelines in Appendix 1, we wish to highlight two overarching concerns:

- 1. The need to include anticipated transportation activities—shipping and trucking enabled directly by the Grays Bay Road and Port— and anticipated utilities within the direct scope of this review.**
- 2. The Board's current operational definition of Cumulative Effects may unduly limit the scope of this review.**

Need to Include Anticipated Transportation within Project Scope

According to the Project Proposal submitted to NIRB August 2024 by West Kitikmeot Resources (the Proposal), the road and port are permanent infrastructure with the "principal purpose to create infrastructure that will facilitate economic development in the Kitikmeot Region by connecting its lands and waters to existing transportation networks (ss. 2.1.2)." The Proposal provides that utilities, power, and communications infrastructure are also likely to be developed in conjunction with the project (and that

there is potential for a future pipeline development). West Kitikmeot Resources Corp and project partners have, moreover, consistently profiled the Grays Bay Road and Port as a staging area for significant critical mineral, trade, and security uses.

It is imperative that anticipated transportation activities—shipping and trucking enabled directly by the Grays Bay Road and Port — and utilities be considered within the direct scope of the project's environmental assessment and not merely as cumulative effects. Specifically, the current Draft Scope and EIS Guidelines omit detailed projections or quantitative thresholds for marine and road traffic, do not explicitly mandate assessment of shipping frequencies or vessel types, and fail to require the proponent to clearly link anticipated trucking volumes to future mining operations. According to the Project Proposal, the infrastructure is explicitly described as a controlled-access facility, with commercial users paying tolls and fees to utilize both road and port facilities (ss. 10.2.3.3, 1.4.1, 1.6). The proposed road in its initial phase is explicitly being planned to accommodate “dual-powered road trains” (Proposal, ss. 2.1.1.3). Similarly, the port is proposed to provide berth to two “Post-panamax 100,000 deadweight tonnes (DWT) Ore-bulk-Oil ice class 1A” ships. Planned infrastructure will service both inbound and outbound shipping.

The current Draft Scope and EIS Guidelines fail to clearly incorporate these anticipated activities, providing only a generalized mention of transportation impacts rather than explicitly requiring analysis of the specific transportation volumes and operational scenarios directly linked to the project's intended uses.

Given the proposed user-pay arrangement, the proponent exercises direct control over the infrastructure's use, clearly establishing transportation activities as an integral, not ancillary, component of the project. The existing Draft Scope and EIS Guidelines do not acknowledge this critical element, omitting explicit direction to assess how the controlled nature of the infrastructure, including fees and usage restrictions, shapes anticipated marine and terrestrial traffic patterns.

NuPPAA mandates under section 101(3)(c) the consideration of direct impacts arising from the project. This includes activities that are economically and operationally integral, such as the regular transportation of minerals from planned mining operations (e.g. Hackett River, Izok Lake, and High Lake) utilizing the Grays Bay Road and Port.

Excluding anticipated transportation from the direct project scope would artificially segment the project's impacts and undermine both the rigour and transparency of the assessment process. Oceans North urges NIRB to rectify this issue by explicitly integrating anticipated marine and road transportation volumes and associated impacts within the direct project scope and clearly revising the Draft Scope and EIS

Guidelines to reflect this critical analysis. This will ensure robust, credible decision-making consistent with NuPPAA's precautionary and integrative assessment objectives, and consistent with the Supreme Court of Canada's guidance in *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.* (2017 SCC 40), that environmental assessments must consider broader impacts stemming directly from the operational characteristics and intended uses of the infrastructure being proposed.

Cumulative Effects

Article 12.2.2 of the Nunavut Agreement underscores the necessity of assessing cumulative impacts comprehensively, explicitly inclusive of foreseeable, economically imminent developments. Oceans North is concerned that the NIRB's current operational definition of "reasonably foreseeable future developments" — limited to projects that are under regulatory review or that have submitted preliminary documentation — imposes an unduly narrow threshold for assessing cumulative effects. This approach risks excluding the most relevant future impacts of the Grays Bay Road and Port, namely those associated with clearly identified and economically viable mining, utility, and energy projects that may not yet have submitted formal regulatory applications but are widely understood to be the intended beneficiaries of the infrastructure. Such a constrained definition conflicts with both the spirit and letter of the Nunavut Planning and Project Assessment Act (NuPPAA), which under s. 101(3)(c) requires NIRB to consider not only the direct impacts of a project but also "any cumulative impacts that are likely to result from the project in combination with other projects or activities that have been or will be carried out." Similarly, Article 12.2.2 of the Nunavut Land Claims Agreement mandates that an assessment process consider "the cumulative impact of development in a region, including impacts on wildlife harvesting and land use." There is no requirement in law that such developments must already be under formal review; to the contrary, the precautionary and integrated planning objectives of NuPPAA (s. 12 and s. 90(1)(j)) demand that the Board consider credible and economically foreseeable projects that would be directly enabled by this infrastructure. Restricting consideration only to projects that have filed applications undermines the effectiveness of cumulative effects analysis and risks mischaracterizing the true environmental and social footprint of the project. We urge NIRB to revise its scoping and guidance documents to reflect a more robust policy-consistent understanding of "foreseeable future development," one that supports transparent, evidence-based, and proactive decision-making.

A foundational priority in assessing the Grays Bay Road and Port Project is to understand its full marine and terrestrial impacts—not only to inform mitigation measures but also to create predictability for communities, regulators, and industry.

Given the role of this infrastructure as a gateway to significant mineral development in the Slave Geological Province and as a possible industrial trade corridor on a continental scale, the assessment must establish reasonable thresholds for shipping volumes, road use, and cumulative effects on sensitive ecological and cultural values. Establishing these thresholds up front—based on clear evidence and planning—will provide critical guidance to the proponent, future proponents, and to communities in the region. This would reduce uncertainty, prevent duplication in future assessments, and support more efficient regulatory decisions while protecting the long-term sustainability of the region.

Ideally, such regional infrastructure developments and their implications for intensive resource extraction activities should first be comprehensively addressed through the regional land use planning process under Article 11 of the Nunavut Agreement and sections 44-45 of NuPPAA and a regional environmental assessment (as recommended by the Board). This ensures a holistic approach to sustainable development, clearly delineating appropriate land uses and explicitly managing cumulative effects at the regional level prior to project-specific environmental impact assessments. Given this, NIRB should carefully consider whether the absence of a completed, comprehensive regional environmental assessment addressing cumulative mining-related impacts from the Grays Bay Road AND Port infrastructure constitutes a significant gap, potentially undermining NuPPAA's integrative planning objectives.

We appreciate NIRB's commitment to rigorous impact assessment practices and look forward to collaborating to ensure the Grays Bay Road and Port project undergoes a comprehensive review.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Christopher Debicki', with a stylized, flowing script.

Christopher Debicki
Vice-President of Policy and Legal Counsel

Appendix 1: Comments on Draft Impact Statement Guidelines

Activity and Impact Thresholds (s.1.4)

In alignment with s.23 of NuPPAA, Oceans North strongly urges that impact assessments articulate explicit thresholds for Valued Components (VCs) and maximum permissible cumulative activity levels consistent with maintaining ecosystemic integrity of the marine environment and socio-economic well-being.

Scenario Planning for Future Development (s.6.4)

To ensure the proponent has considered associated infrastructure and utility development and impacts, it is advised that NIRB guidelines require low, medium, and high shipping, export, and transportation volume scenarios for the following:

- Total expected marine traffic volumes over the project's full lifespan, including volumes explicitly linked to anticipated mineral extraction and export;

- Seasonality and ice-breaker activity;

- Comprehensive road traffic projections reflecting future mining and exploration activities, explicitly including additional spur roads and linkages to the national road network and cumulative effects analysis mandated by NuPPAA s.90(1)(j), and how this will impact shipping volume;

- Potential related impacts on ice cover, species migration, disturbance and displacement, ship strikes, wildlife strikes, and harvest patterns over project lifespan scenarios.

Proponent's Business Plan and Economic Information (s.6.4 and 6.5)

The current Draft Guidelines require information on downstream economics of the project, but to assess the viability of the project as well as overall impacts and benefits under NuPPAA, sections 6.4 and 6.5 should require additional financial disclosures. This should include standard information and disclosure with respect to the port, road, and development: the ownership group and all equity shares; public ownership and revenue stakes; any other commercial commitments to finance port and road operations over the life of the project. Disclosure should also include private financing terms and an analysis of

how potential financial pressures could alter project design, scheduling, or commitments. Financial risk analysis should be included under these guidelines.

Climate Change Considerations

In alignment with the *Canada Net-Zero Accountability Act*, the International Maritime Organization Net-Zero Framework and associated regulations, and with NuPPAA requirements, we recommend dedicated evaluation and forecasting of scope 1,2, and 3 greenhouse gas and air pollution including black carbon and methane emissions with respect to both shipping and terrestrial activities associated with the project.

Under section 6.2.1, we recommend that the proponent be required to include a net-zero or lowest-achievable carbon intensity scenario for shipping and terrestrial activities.

We recommend specifying both black carbon and methane as factors to be considered uniquely (under 6.1, 7.1, 7.4.2.1, 8.1.1.2 ii.) given the impact of these potent short-lived super pollutants to accelerate ocean warming and melting sea ice.

Impact Assessment Methodology (s.7.0)

To ensure compliance with NIRB's own policies and NuPPAA s.90(a-j), we recommend relocating Section 7.4 to precede other subsections, emphasizing upfront clarity on methodologies for:

Criteria for selecting VCs explicitly linked to projected mining and utility operations.

Methodologies for quantifying direct and indirect impacts from increased transportation facilitated by the proposed infrastructure.

Marine Environment Baseline Information (s.8.1.13.1)

The proponent must collect regional (at proposed port and along shipping route) marine acoustic data in advance of any development to ensure accurate baseline data is available to inform cumulative impact assessments as mandated by NuPPAA and relevant jurisprudence. As measurement of marine noise is comparative, it is imperative that a baseline of the pre-development noise levels in the marine environment be understood should future mitigation be required.

S. 8.1.13.2, this section is missing the acoustic impacts of increased shipping traffic through the shipping routes, as well as activities at the port (associated traffic such as tugs, support vessels, maintenance). This should make clear that shipping impacts should be assessed through modelling as much as possible, as well as cumulatively, over the at least 75 years years of the project's life.

S. 8.14.1, the characterization of regional acoustic thresholds for disturbance at the species level should be an eventual standard for understanding impacts to VCs identified in the impact assessment. Using general understanding of hearing and disturbance thresholds for larger categories of marine mammals is no longer acceptable where we are able to assess and evaluate specific species thresholds.

S. 8.1.14.2:

Subsection i, we suggest clarifying the factors associated with potential impacts on marine habitat due to shipping and the establishment of shipping routes.

Ss. viii, we suggest removing the concept of “mining cycle” and refocusing on the future uses of the port and road, regardless of any future use by mining or other industries. This can include defense, resource extraction, exports, bunkering, and other uses.

Economic Development and Opportunities (s.8.2)

Impacts to harvesting and harvesting effort (8.2.1.1 – Ss. iii and 8.2.1.2 – Ss. ii)

It is necessary to understand the harvesting effort (time, cost, and opportunity cost) associated with traditional harvesting prior to development, to then understand the impacts from the development (e.g. increased cost/time spent hunting/harvesting). As changes to harvesting effort have been raised as an issue in other large linear projects associated with shipping, we suggest this is very important baseline information.

Community Access to Road and Utilities

The Proposal (1.8) indicates that there will be no uncontrolled access of the road or related infrastructure. The Guidelines should require more details as well as explicit community consultations with respect to access to road and utilities (electricity, telecommunications). The Proponent should be required to give explicit consideration to the right of access and potential provision of local infrastructure for local economies and needs.

Imposition of Tolls/Taxes/Fees/Royalties and Revenue-Sharing

The Proposal (s.10.2.3.3) indicates that commercial use and use by government (s.1.6) and other parties will be tolled and other associated fees, taxes, and royalties may generate revenue. Section 8.2 of the Guidelines should therefore require planning details for both the imposition and/or revenue-sharing of any fees/taxes/tolls/royalties.

Psychosocial Impacts

Regarding Draft Guidelines 8.2.6.2 – Ss. 9 and 8.2.9.2 – Ss. viii, these sections should include the concepts of psychosocial impacts, such as the reluctance to harvest due to concerns about the health of the environment, as well as presumptions about harvesting time and success impacting choices around harvesting activities.