



Ms. Dionne Filiatrault
Executive Director
Nunavut Impact Review Board
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Cambridge Bay, NU
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Sent via email: dfiliatrault@nirb.ca; info@nirb.ca

June 24, 2025

Dear Ms. Filiatrault:

Re: NIRB File No. 24XN038 - Grays Bay Road and Port Project – Inuvialuit Scoping Concerns

The Inuvialuit Game Council (IGC) and the Inuvialuit Regional Corporation (IRC) would like to thank the Nunavut Impact Review Board for supporting engagement with Inuvialuit on the Grays Bay Road and Port Project (Project). IGC and IRC acknowledge that the Arctic lags far behind the rest of Canada and the developed world when it comes to critical infrastructure. As the impacts of the Project would, if approved, span multiple treaties, settlement regions and regulatory systems it requires careful, coordinated and inclusive study. We are hopeful that our comments, both at the April 2025 engagement session in Inuvik in and in this letter, will help ensure transparency and order through the assessment of the Project and result in lasting protections and benefits for Inuit, Northern residents, and Canada.

Based on correspondence from Tara Arko, NIRB Director of Operations, dated on March 11, 2025, we understand that the Project Scope will be defined according to the project proposal provided by West Kitikmeot Resources Corp. (WKR) provided to NIRB. The Project Scope is required to include any work or activity identified in the project proposal, as well as any other work or activity that the Board considers sufficiently related to the project.

Furthermore, we understand further that the Assessment Scope will include the components of the biophysical and/or socio-economic environment that could be impacted by the Project and for which there is public concern. The Assessment Scope will confirm which valued ecosystemic and socio-economic components must be considered to determine the potential for impacts associated with the project proposal through all planned project stages of the development, and which the Proponent will be required to examine within its Environmental Impact Statement.

At this early stage of review, we are concerned that the proposed Project Scope and Assessment Scope are artificially narrow. We note that the Draft Scope List attached as Appendix A to the March 25, 2025

correspondence includes the following list of **Project Scope Components**: 1. Port at Grays Bay; 2. 230km All-Season Access Road Between Grays Bay and the Jericho Mine; 3. Staging at the Jericho Mine Site; 4. Annual construction of a winter road to connect the Jericho Mine to the ice road in Nunavut/Northwest Territories. However, this list excludes any and all marine activities, such as the staging in Inuvik and barge sailings from Tuktoyaktuk that will be necessary prior to and during the construction phase. This list also excludes induced shipping through the Beaufort stemming from the availability of this infrastructure throughout the Port's operations. As the road and port will require clientele to see a return on this significant financial investment, timing, type, and volume of ship traffic and road traffic is a necessary component of the project design.

We acknowledge that the Project Proposal WKR submitted to NIRB in August 2024 did not include activities within the Inuvialuit Settlement Region (ISR). However, we believe that construction-related activities in the ISR as well as any resupply or induced shipping throughout operations validly constitute "any other work or activity that the Board considers sufficiently related to the Project" and WKR should accordingly consult with IRC and IGC when developing activities or work to be included in the Project Scope regarding the ISR.

We note further that the **Assessment Scope Components** outlined in the Draft Scope List, including 1(y), transboundary effects, could provide the level of study required to understand and develop recommendations to mitigate significant adverse impacts on the environment within the ISR and on Inuvialuit treaty rights. However, because the Project Scope does not include activities outside of Nunavut, the assessment factors are not currently fully applied to impacts that may be felt in the ISR.

The list references "Nunavut's unique socio-economic environment, including the following specific factors: Limited availability of labour and capacity and limitations on physical infrastructure". It is clearly reasonable to consider such features of the region where the infrastructure will be located. However, activities are planned for the ISR and transboundary impacts on wildlife will be experienced in the ISR. As such, ISR-specific socioeconomic and environmental factors should be reviewed. Further, the Assessment Scope references "steps that the Proponent proposes to take to compensate interests of parties adversely affected by the Project [...] any Inuit Impact and Benefit Agreement (IIBA) pursued in connection with the Project". While Inuvialuit absolutely support benefits flowing from this Project to Inuit of Nunavut, it must be acknowledged that an IIBA between WKR and Inuit of Nunavut does not address the economic participation and wildlife compensation obligations under the *Inuvialuit Final Agreement* (IFA). Finally, the Assessment Scope lists the permits from Canada and Nunavut that WKR will be required to obtain to proceed with the Project. Due to the limited Project Scope, Inuvialuit are unable to assess what permits may be required to stage equipment and materials (i.e. land use permits and permits to store explosives needed during the construction phase) in our Inuvialuit communities, or compliance with Notices to Mariners, for example.

The construction of this significant development has the potential to greatly impact the environment and wildlife of the ISR. This include species such as the Bluenose-East caribou, Dolphin-Union caribou, beluga whales, bowhead whales, muskoxen, seals, polar bears and migratory birds which are vital to the Inuvialuit's traditional harvesting practices and inhabit areas that will be affected during each stage of the Project's construction and operations. Construction-related shipping, operations-related shipping and other induced shipping transiting between Grays Bay and Tuktoyaktuk and beyond would impact the Beaufort Sea, including the Anguniaqvia Niqiqyuam Marine Protected Area and the Tarium Niryutait

Marine Protected Areas (Kitigaaryuit/Kittigazuit and Okeevik), potentially undermining their conservation objectives.

It is imperative that the wildlife, fish and marine management measures and the co-management processes under the IFA, and the principles of Indigenous-led stewardship, must be embedded throughout the Project's planning, construction and operation. This includes meaningful participation of the IRC and Inuvialuit co-management bodies in the design and implementation of environmental monitoring, mitigation, and adaptive management programs. Based on the current Project Scope and Assessment Scope, Inuvialuit cannot be certain that adequate baseline data will be collected now and changes monitored over the lifespan of the Project to support adaptive management of these Valued Ecosystem Components.

Including activities and impacts we anticipate will be part of the Project now will improve certainty for the proponent and for regulators with respect to potential rights impacts, mitigations and accommodations. Ultimately, scoping these activities will yield a higher-quality assessment that can be used for informed planning. It should be noted that the Environmental Impact Screening Committee (EISC) has jurisdiction to screen those activities that take place within the ISR as well as potential transboundary impacts stemming from projects outside of the ISR. The EISC also evaluates whether another review process will adequately encompass the assessment and review functions under the IFA. If referred, the Environmental Impact Review Board (EIRB) has jurisdiction to conduct a full review in accordance with its own processes. Proper coordination will be essential.

Given the linkages of the proposed Project to our region and our processes, we respectfully request that the Impact Statement Guidelines for this Project not be finalized until all relevant activities and potential impacts, both terrestrial and marine, have been incorporated into the Scope List and the relevant review bodies have had an opportunity to consider them.

We request that you continue to communicate developments regarding this review with Jodie Maring, Committee Program Manager, Inuvialuit Joint Secretariat, at cpm@jointsec.nt.ca and Kate Darling, Chief Advisor, IRC, at kdarling@inuvialuit.com to ensure our organizations remain informed and have an ongoing opportunity to provide input as the Impact Statement Guidelines are developed.

Sincerely,



Dean Arey

Chair, Inuvialuit Game Council



Duane Ningaqsiq Smith

Chair and CEO

Inuvialuit Regional Corporation

cc. David Livingstone, Chair – Environmental Impact Screening Committee
Catherine Cockney, Chair – Environmental Impact Review Board
Herb Nakimayak, Chair – Fisheries Joint Management Committee
Larry Carpenter, Chair – Wildlife Management Advisory Council (NWT)
Jennifer Smith, Chair – Wildlife Management Advisory Council (NS)
Jim Elias, Chair – Western Arctic Marine Protected Areas Steering Committee
Ray Ruben Sr., Chair - Anguniaqvia Niqiqyuam Marine Protected Area Work Group