



Leila Cai  
Nunavut Impact Review Board  
P.O. Box 1360 (29 Mitik)  
Cambridge Bay, NU, X0B 0C0  
E-mail: [lcai@nirb.ca](mailto:lcai@nirb.ca)

**VIA EMAIL**

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Náhkale;

**Re: NIRB file 24XN038 Gray's Bay Road and Port Project**

Déljné Got'jné Government (“DGG”) has reviewed the Impact Statement (IS) for the Gray’s Bay Road and Port Project (the “Project”). DGG has identified a few areas where additional information from West Kitikmeot Resources Corporation (the “Proponent”) may resolve concerns and provide for a better assessment of the project.

The Déljné Got'jné Government is recognized through the Déljné Self Government Agreement, a section 35 constitutionally protected treaty negotiated subsequent to the Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA). The DGG is a self-governing Indigenous government, and the representative organization of the Déljné Got'jné in all fora and in all matters impacting DGG authorities and Déljné Got'jné rights. This includes the rights of Déljné Got'jné to continue to practice the Déljné Got'jné way of life in areas of the Treaty 11 territory where those rights have not been surrendered.

As such, the DGG will participate in this review process in its capacity in relation to the above authorities, and with respect to Sahtú participants who have retained Treaty 11 rights outside of the Sahtu Settlement Area under s.3.1.12 of the SDMCL.

**DGG Concerns/Comments:**

After reviewing the draft IS, DGG believes that a few areas require additional focus – in terms of information and analysis - to ensure the project is well understood, that the impacts will not be significant, and that our rights will not be compromised



### **Item 1: Project Financing and Reclamation**

**Reference:** Section 1.1.2 Project Funding

“Given that the Project is primarily composed of permanent infrastructure, WKR does not expect to post a bond or other form of financial security to meet requirements for reclamation and security. However, areas used temporarily during construction will be reclaimed in accordance with permit conditions. Permit conditions for these areas may include reclamation security requirements to be established with regulators as the detailed design of these areas is finalized. The financial security required for the reclamation of these areas, will be addressed concurrently with overall Project construction financing”

**Comment:**

The above statement from WKR raises significant issues of concern for DGG. Approval of the proponent’s position could create the precedent that any infrastructure deemed to be “permanent” by a private proponent would eliminates the requirement for posting remediation securities and the need for any post closure remediation work to occur. The proponent has previously stated that the expected operational life of the road is approximately 75 years, a duration which the DGG does not consider permanent. Suggesting that 75 years should be considered permanent will put people 4 or more generations from now, in the same problems many areas of the NWT currently face with innumerable scars and contaminated sites across the north from abandoned industrial infrastructure.

Furthermore, WKR appears to assume that required securities are only related to the cost of reclamation physical disturbances. DGG believes that this vastly oversimplifies the scope of environmental risks and liabilities associated with industrial activities, securities are intended to protect the people of north against, regardless of the permanency of any infrastructure. WKR has stated that their responsibility is limited to construction, operation and maintenance of the road and port, yet they have not demonstrated sunders or funds or funding exist for the construction let alone operation and maintenance of the port and road. Without funding or funding agreements in place, it is unclear to DGG who the owner of the project is and would be ultimately responsible for ensuring completion of construction, operation, maintenance and finally remediation of the infrastructure.

This project has the possibility of being the next Nanisivik Naval Facility, a federal project announced in 2007 and promised to be a pillar of Arctic Sovereignty. Despite nearly 20 years and more than 110 million dollars of federal funding, construction was never fully completed. In May 2026, the federal government announced the closure of this facility due to cost and limited utility of the facility.



1. If the Proponent is only responsible for construction of the Project, who is the owner of the project?
  - a. What assurances are there that funding is available to complete construction of both the Port and Road infrastructure, ensuring it does not meet the same fate as the Nanisivik facility?
  - b. What assurances are there that permanent funding will be available for operations and maintenance of the Port and Road infrastructure?
  
2. The DGG agrees with the Proponent that Securities should be posted for temporary disturbances. However, we would like to remind the proponent that reclamation securities cover significantly more than just remediation of physical disturbance. Proponent to provide a table of all infrastructure, facilities and equipment required for both construction and operational phases. The table should at minimum include the following information:
  - a. Description of the purpose of infrastructure/equipment
  - b. The operational life of infrastructure/equipment
  - c. Description of environmental risks associated with the infrastructure/equipment
  - d. Rational for exclusion from reclamation securities

## **Item 2: Wildlife and Caribou**

**Reference:** Section 11 (Management Plans)

### **Comments:**

The Project's road design overlaps critical habitat used during both calving and post-calving seasons by the Bathurst herd and bisects a significant portion of their summer range. The project predicts both direct and indirect effects on preferred seasonal habitat, including calving/post-calving habitat, but suggests that these impacts will be relatively small and can be further mitigated the implementation of the Caribou Trigger Action Response Plan (TARP) and other mitigation measures.

Leaving the most prominent question facing proponents in all recent environmental assessments, will temporary road closures and traffic management be sufficient to protect a declining herd during calving and post-calving periods. Particularly given that in addition to concerns from western science and Dene Knowledge, Inuit Knowledge cited in this report also identifies existing roads and industrial disturbance as concerns for caribou.

3. Proponent to discuss how effectiveness of mitigation will be measured, to ensure they are protective of caribou?
4. Given that this road will be used by the public and other industrial developers, the Proponent must discuss how this management plan will be implemented and enforced for all users of the road not employed by WKRC?



The Déljné Got'jné Government (DGG) has reviewed the information available on the public registry for this the development of Final IS Guidelines for the Grays Bay Road and Port Project (24XN038) and is of the opinion that the IS does not currently address all our concerns. DGG looks forward to upcoming technical sessions and the opportunity to further discuss our concerns with the Proponent.

Máhsi,



Danny Gaudet  
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