



NIRB File No.: 24XN038
NIRB Public Registry link:
www.nirb.ca/project/125987

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Sent via email: glaw@westkit.ca

Re: NIRB Responses to Information Requests Directed to the Board for the Grays Bay Road and Port Project Proposal

Dear West Kitikmeot Resources Corp. and Parties:

Please find attached to this correspondence 4 (four) Appendices providing the Nunavut Impact Review Board's (NIRB or Board) responses to Information Requests (IRs) directed to the Board and received as part of the NIRB's on-going Review of the Grays Bay Road and Port Project Proposal, NIRB File: 24XN038 (the Proposal). The NIRB's responses address the following IRs: NYKDFN IR #36, GNWT IR No. 19(b) and (c), and GTC IR #1. The responses are attached as Appendices A to D respectively.

The Proponent, West Kitikmeot Resources Corp., remains responsible to respond to all project-specific IRs. Questions regarding the NIRB's responses to IRs or the NIRB's on-going Review of the Proposal may be directed to Amir Pourmahabadian, Senior Impact Assessment Officer, at apourmahabadian@nirb.ca.

Sincerely,

Viren Nasit
Acting Manager, Impact Assessment
Nunavut Impact Review Board

Attachments:

- Appendix A – NIRB Staff Response to YKDFN IR #36
- Appendix B – NIRB Response to GNWT IR No. 19(b)
- Appendix C – NIRB Response to GNWT IR No. 19(c)
- Appendix D – NIRB Staff Response to GTC IR #1

cc: Grays Bay Project Distribution List

Appendix A

NIRB Staff Response to YKDFN IR #36

Subject: Cumulative Impacts of the Project on Caribou

West Kitikmeot Resources Corp. (WKR or the Proponent) is primarily responsible for responding to YKDFN's IR# 36 request to provide information providing the basis for the Proponent's conclusion in the Impact Statement that with respect to cumulative effects on caribou "*interactions between the residual effects of the AESC [Arctic Economic and Security Corridor] and the residual effects of the Project are not expected*". The Nunavut Impact Review Board's (NIRB or Board) response to the IR only addresses the NIRB's requirements and expectations in terms of the information required by the Proponent to assess cumulative effects. The requirements and expectations of the Mackenzie Valley Environmental Impact Review Board (MVEIRB) on this topic remain to be provided by MVEIRB directly.

With respect to the NIRB's expectations and information requirements associated with the Proponent's cumulative effects assessment, the Board highlights that under Sections 6.4, 7.4.3 and 8.1.11.2 of the Final Impact Statement Guidelines, the Proponent's cumulative effects assessment is required to consider reasonably foreseeable and induced development, including regional transportation effects on caribou.

Reflecting these requirements, it is expected that the Proponent will provide:

1. The corridor configuration, geographic extent, development timing and traffic assumptions.
2. The caribou populations, seasonal ranges, migration routes, important habitats and harvesting areas considered, with maps showing the Project, corridor and predicted zones of influence.
3. The methods and criteria used to assess spatial, temporal or functional interaction, and a comparison of residual effects, including habitat loss and fragmentation, disturbance, movement, access and harvesting, traffic, predator mobility and mortality risk.
4. The scientific information, Inuit Qaujimaningit, Indigenous Knowledge, Community Knowledge, modelling, monitoring results and assumptions relied upon.
5. The treatment of uncertainty, including credible scenarios or sensitivity analysis, and reconciliation of the "no interaction" conclusion with the corridor's characterization as reasonably foreseeable and potentially important for future access and human use.

The Board also notes that uncertainty regarding the corridor's design is not, by itself, a basis for excluding the corridor from the assessment, as it is expected that reasonable scenarios and appropriately conservative assumptions would be used to reduce uncertainty to a level where meaningful cumulative effects assessment can be conducted.

When the Proponent has provided the project-specific information requested in response to the IR, the NIRB will assess the information against sections 6.4, 7.4.3 and 8.1.11.2 of the Final Impact Statement Guidelines to determine whether sufficient information has been provided to advance to the technical review stage of the assessment.

Appendix B

NIRB Response to GNWT IR No. 19(b)

Subject: Consideration of Transboundary Scoping Guidance

The GNWT's IR to the NIRB requested information regarding how comments from the Mackenzie Valley Environmental Impact Review Board's Supplemental Transboundary Scoping Report (MVEIRB's STSR) and submissions from the Environmental Impact Screening Committee (EISC) and Environmental Impact Review Board (EIRB) for the Inuvialuit Settlement Region were considered by the NIRB in concluding that the Proponent's Revised Impact Statement (IS) was "*sufficient to assess transboundary and transregional impacts.*"

As a preliminary matter, the NIRB considered the (MVEIRB's STSR) and submissions from the EISC and EIRB to develop the NIRB's Final Scope for the assessment and the NIRB's Final Impact Statement Guidelines. These inputs are reflected in the NIRB's Final IS Guidelines in the areas of transboundary and cumulative effects, regional boundaries, shared and migratory resources, Indigenous rights and harvesting, engagement outside the Nunavut Settlement Area, and a dedicated transboundary effects section. Specifically, Section 7.4.4, the Final Scope and Appendix B of the Guidelines address these matters.

To reiterate, the NIRB's conformity assessment process, designed to evaluate whether the Proponent's Revised Impact Statement conformed to the NIRB's Final IS Guidelines in all respects is largely an exercise to identify presence or absence of information and does not assess the adequacy of information that is provided in the Impact Statement. Accordingly, the NIRB's conformity assessment of the Revised Impact Statement did not analyze whether the information provided was sufficient to meet the needs of all parties, nor was it an indication that the NIRB had accepted the Proponent's conclusions contained in the Revised Impact Statement.

As indicated in the NIRB's July 20 correspondence, during the current IR stage, parties, including the NIRB and MVEIRB move beyond the presence/absence discussion to consider whether any additional information is required from the Proponent (or other parties) in order for parties to conduct a meaningful technical review of the Impact Statement. In this regard the IRs pertaining to assessing the potential for transboundary impacts forwarded to the Proponent for response have identified that additional information is required to identify credible cross-boundary pathways, shared resources, regional baseline information and boundaries, direct, indirect, induced and cumulative effects, engagement, mitigation, monitoring, and residual effects, to address uncertainty, and to provide traceable cross-references. Once the Proponent's responses to IRs have been received and reviewed by the NIRB, the NIRB will then consider whether the information provided in response to these IRs is adequate to advance to the detailed technical review stage of the assessment. If the Board determines that the information is insufficient to provide the basis for meaningful technical review, the NIRB may request additional information to address deficiencies.

In the interim, the NIRB agrees with the recommendation provided by GNWT in IR #19(a) that in the Proponent's response to the IRs associated with transboundary issues the Proponent should identify how the recommendations contained in the submissions by the MVEIRB in the STSR and by EISC and EIRB in their comment submissions associated with the finalization of the NIRB's Final Scoping Document and the Final Impact Statement Guidelines have been considered and incorporated. To facilitate this, the NIRB recommends that the Proponent provide a

concordance table showing how the Impact Statement and specific IR responses have addressed the comment submissions of MVEIRB, EISC and EIRB.

Appendix C

NIRB Response to GNWT IR No. 19(c)

Subject: Expectations for the Transboundary-Effects Assessment

The GNWT's IR to the NIRB requested that the Board "*clarify expectations for transboundary effects assessment, including requirements to incorporate NWT context, relevant baseline information, and input from NWT Indigenous groups, and any necessary references to other assessment bodies' processes*".

The following responses to the specific items in the IR are based on high level summaries of the applicable detailed requirements set out in the NIRB's Final Impact Statement Guidelines (Sections, 6.4, 7.4.4, 8.1.11.2). The summaries below are provided for convenience only. If there is any inconsistency, omission, or discrepancy between these summaries and the detailed wording in the Final Impact Statement Guidelines, parties are advised that the Board will assess the sufficiency of responses provided against the detailed requirements of the Final Impact Statement Guidelines.

1. Context: Territorial boundaries must not limit effect pathways. Where effects may extend outside Nunavut, the Proponent must describe the relevant ecological and socio-economic conditions, Indigenous land and resource use and rights, harvesting and food security, community conditions, existing development, governance and cumulative pressures. Detail must be proportionate to the potential effect.
2. Baseline and uncertainty: For credible pathways, the Proponent must provide relevant baseline information on caribou and other shared resources, environmental pathways, land and marine use, culture, health, the economy, and existing or foreseeable activities. Sources, coverage, limitations and uncertainty must be identified. Missing information must not be treated as evidence of no effect; reasonable conservative assumptions and measures to address gaps are required.
3. Indigenous engagement: Engagement with potentially affected Northwest Territories Indigenous governments and organizations must be meaningful and early enough to inform the assessment. The record must show how Indigenous input and Indigenous Knowledge shared with the Proponent informed valued components, boundaries, baseline conditions, effect pathways, effects and significance, alternatives and design, mitigation and accommodation, cumulative scenarios, monitoring and adaptive management. Concerns, responses and reasons for not adopting recommendations must be documented while protecting sensitive information.
4. Other assessment processes: The Proponent must identify relevant recommendations, submissions, decisions and information from MVEIRB, the EISC and the EIRB; explain how they were considered; identify overlap, differences and uncertainty; update and cross-reference the NIRB record; and explain any item considered inapplicable. Other processes do not remove the obligation to provide a sufficient NIRB record, and NIRB's review does not predetermine or otherwise limit the processes or decisions of other assessment bodies that may have jurisdiction over the Proposal.

5. Presentation: The dedicated transboundary-effects section must clearly synthesize each pathway; affected jurisdictions, communities, Indigenous groups and valued components; baseline information; direct, indirect, induced and cumulative effects; mitigation and monitoring; residual effects and significance; uncertainty and confidence; the role of Indigenous Knowledge and engagement; and cross-references to detailed assessments.

After reviewing the additional information received in response to IRs, the NIRB will determine whether there is sufficient information to proceed to the detailed technical review stage. Where information gaps or deficiencies remain, the NIRB may require that additional information be provided before the assessment advances to technical review.

Appendix D

NIRB Staff Response to CGC IR #1

Subject: Project-Specific Inuit Knowledge Report

The IR requests the NIRB seek to review a confidential Inuit Knowledge Report referenced by the Proponent as guiding the development of the Proposal, specifically identified as the Kitikmeot Inuit Association's (KIA) Nunavut Traditional Knowledge Project (NTKP) database. The basis of CGC's request is that the NIRB's review of the report should evaluate how Inuit Knowledge was selected from the NTKP database, how the knowledge was applied to the assessment, and whether the knowledge has been incorporated into the evaluation of Project design, potential impacts, significance determinations, mitigation measures and conclusions.

At the outset, the NIRB notes that it is not party to the confidentiality and knowledge sharing arrangements between the Proponent and the KIA that governs the use and sharing of the NTKP database. Consequently, the NIRB cannot authorize access to the NTKP database. In addition, as the NIRB was not party to the collection and validation of the Inuit Knowledge collected in the NTKP database, the Board would be unable to conduct the kind of evaluation requested by CGC.

However, the NIRB shares the CGC's objective of ensuring that the Proponent's identification, use and application of the Inuit and Indigenous Knowledge shared with them is appropriate, valid and accurately reflects all relevant knowledge shared. Further, the NIRB notes that licensing, confidentiality or other restrictions affecting the KIA's Nunavut Traditional Knowledge Project (NTKP) database do not remove the Proponent's fundamental obligations under the NIRB's Final Impact Statement Guidelines to transparently demonstrate how Inuit and Indigenous Knowledge was selected, verified and used by the Proponent. The Guidelines also require involvement of the knowledge owner or knowledge holders to validate the Proponent's collection, use and application of Inuit and Indigenous Knowledge.

To ensure the Proponent demonstrates that it has met these obligations, the NIRB expects West Kitikmeot Resources Corp. to provide information about the following:

1. The methods and criteria used to search, select, exclude, categorize and interpret all Inuit and Indigenous Knowledge considered by the Proponent, including the KIA NTKP information, including with specific reference to geographic, temporal and subject-matter parameters.
2. A concordance table should be provided linking the KIA NTKP report to the Impact Statement sections, valued components, design decisions, mitigation and conclusions; generalized source references may be used where confidentiality or data sharing restrictions prevent the use of specific references.
3. Written confirmation should be provided by KIA, or its designated reviewer, that establish KIA had an opportunity to verify the selection, interpretation, relevance, representation and conclusions attributed to the knowledge provided in the KIA NTKP database.
4. An explanation should be provided of how the knowledge shared influenced design, baseline conditions and boundaries, effects and significance, mitigation, monitoring and adaptive management, together with limitations, regional knowledge gaps, material differences among knowledge sources and the steps taken to reconcile them.

5. Where public disclosure of specific details is not permitted, the Proponent should provide an appropriately generalized summary for the NIRB's public registry. Where sharing Inuit Knowledge directly from the Report is essential to the NIRB's assessment of the Proposal, the NIRB recommends that with the consent of the knowledge holders and custodians, the Proponent should bring an application under the NIRB's Rules of Procedure to file components of the Inuit Knowledge study in confidence. The NIRB also recognizes that certain types of Inuit and Indigenous Knowledge may be so culturally sensitive or confidential that disclosure to any third party, even on a confidential basis, may be inappropriate. Accordingly, if the Proponent and knowledge holders have identified this type of information, e.g., specific culturally sensitive information, confidential knowledge, and details such as precise harvesting locations that should not be disclosed, the Proponent should provide a listing of the particular categories of Inuit Knowledge that will not be provided, linked to an explanation as to why this information must not be disclosed.

Despite any limitations on public disclosure, the Proponent must still ensure sufficient information is available on the public record to clearly demonstrate the methodology used to gather and consider Inuit and Indigenous Knowledge, its relevance to the assessment, and the manner in which it informed the development of the Proposal and any associated mitigation measures.

Following its review of the information provided in response to IRs, the NIRB will determine whether the information provided by the Proponent will enable parties to conduct a detailed technical review of the Impact Statement. Where the information submitted does not support a meaningful technical review, the NIRB may require the Proponent to provide additional information or address identified deficiencies before the assessment can advance.