IR Source: Gwich'in Tribal Council (GTC)	**Government of Canada Response to GTC-01**
IR Number: GTC-01	
GTC-01 Issue/Concern It is understood that NIRB's jurisdiction is limited to controlling project components that occur within Nunavut. Descriptions of the regulatory regime in the Impact Statement provide no reference to authorities and jurisdiction outside of Nunavut. Who will have responsibility for ensuring that mitigation measures and equivalent Project Certificate conditions set by NIRB will be applied and enforced outside of the Nunavut Territory? GTC requires more clarity on this topic given its main concern with the Project relates to cumulative effects of induced development, including risks to marine environments, coastlines, and caribou. More understanding is needed on the regulatory environment and the mechanisms and efforts that will be taken to ensure transboundary issues are dealt with appropriately and to a similar standard as impacts identified in Nunavut. The Project's potential risk cannot be understood absent an understanding of the regulatory measures and capacity to meaningfully address unanticipated and future impacts that occur outside of Nunavut. This requires an understanding of both the regulatory tools and actual capacity to respond and adapt to observed impacts.	As a preamble, the Government of Canada wishes to provide the following clarification. Per s.5(1) of the *Nunavut Planning and Project Assessment Act* (NuPPAA), the Act applies to the designated area, which is defined in s.2(1) as the Nunavut Settlement Area and the Outer Land Fast Ice Zone. Per s.5(2), NuPPAA also applies beyond the designated area to the extent necessary to give effect to certain provisions in the Act. The transboundary provisions under NuPPAA set out that the Nunavut Impact Review Board (the "Board" or "NIRB") has the authority to consider the transboundary impacts of a project (s.113) and to assess transboundary works and activities that are within the project's scope (s.158[2]). Further, s.158(4) and 158(5) of NuPPAA set out that, once the Board issues its final report, the responsible Ministers and the Board will exercise their duties and functions: • "in relation to the parts of the Board's report that are applicable to or affect the designated area" and • "in relation to terms and conditions that are applicable to or affect the designated area". In the Government of Canada's view, the expression "that are applicable to or affect the designated area" means that the Board and the responsible Ministers have broad authority to assess and

GTC notes that this question applies equally to marine traffic and vessels travelling throughout the Northwest Passage and to ports in Montreal that WKR has identified for mobilization and logistics/resupply efforts.	regulate activities carried out beyond the designated area that have a connection with the designated area, for instance if they have the potential to cause impacts to the designated area as well. NIRB may recommend project terms and conditions intended to avoid, mitigate, or monitor identified impacts. Once project terms and conditions are accepted and incorporated into a project certificate and any subsequent permits, licences, or authorizations, the responsible regulatory authorities are responsible for ensuring compliance and enforcement within their respective jurisdictions. The Government of Canada also wishes to clarify the relationship between NIRB's Project Certificate and the *Building Canada Act* (BCA) Conditions Document. If the Project were listed as a Project of National Interest under Schedule 1of the BCA, and if the Project were approved to proceed following NIRB's review, NIRB would issue the Project Certificate and the Minister of One Canadian Economy would issue a Conditions Document for all federal statutes listed under Schedule 2 of that Act. The Conditions Document outlines conditions that would apply to listed federal permits for the Project; these conditions would be designed to complement NIRB's Project Certificate terms and conditions, including those related to transboundary impacts. The Government of Canada is currently consulting with Indigenous groups, the Government of Nunavut, and relevant federal departments to consider listing the Project under Schedule 1 of the BCA, and will invite public comments through the Canada Gazette if it advances as a proposed listed project.
GTC-01 Information Request 1. What legal authorities, monitoring programs, compliance tools, and enforcement mechanisms are available within your jurisdiction to provide safeguards for transboundary impacts directly or indirectly associated with the Project, including impacts arising from induced development? Please explain how these measures compare to those available through the Nunavut Impact Review Board process. 2. Describe the monitoring, compliance, and enforcement capacity available within your jurisdiction (including staffing, funding, inspection programs, monitoring networks, and coordination mechanisms) to identify and address transboundary impacts directly or indirectly associated with the Project, including impacts arising from induced development. 3. What mechanisms are available within your jurisdiction to identify, assess, and respond to unanticipated adverse effects associated with the Project, including the authority to require additional mitigation measures, monitoring, or corrective actions if existing measures prove ineffective?	

4. To what extent, if any, are there differences, limitations, or gaps in the legal authorities, monitoring programs, compliance tools, enforcement mechanisms, or institutional capacity available within your jurisdiction relative to those available through the Nunavut Impact Review Board process? Please describe any areas where equivalent safeguards may not be available.	1. See preamble above. Transboundary impacts may also be mitigated through relevant federal regulatory authorizations, as applicable. These may include, but are not limited to: *Fisheries Act* authorizations (FAAs), *Canadian Navigable Waters Act (CNWA)* approvals, *Species at Risk Act* (SARA) permits, and *Migratory Birds Convention Act (MBCA)* compliance mechanisms. It would be premature to speculate at this time about specific monitoring, compliance, and enforcement mechanisms associated with such authorizations. However, these federal statutes apply outside Nunavut as well and provide safeguards for transboundary impacts, as applicable. The Government of Canada also notes that developments which may be induced by the Grays Bay Road and Port would be subject to established assessment and regulatory authorization requirements at the time of their development. Relevant details would be development-specific depending on the scope. Furthermore, if the Project is listed under Schedule 1 of the BCA and is also approved to proceed following NIRB's review, the issuance of the Conditions Document would be informed by consultation with relevant federal departments and potentially affected Indigenous groups, including those affected by transboundary impacts. 2. The Government of Canada ensures that it possesses appropriate capacity with respect to monitoring, compliance, and enforcement, as relevant, relating to its areas of jurisdiction. Some examples follow.

	The Enforcement Branch at Environment and Climate Change Canada (ECCC) enforces federal environmental and wildlife acts and related regulations in a fair, predictable, and consistent manner. Enforcement officers enforce federal legislation that aims to reduce risks to the environment and biodiversity and protects Canada's plant and animal species, including migratory birds and their nests. For further information, refer to Environmental and wildlife enforcement - Canada.ca Project-related monitoring is completed routinely by Fisheries and Oceans Canada (DFO) by assessors within the Fish and Fish Habitat Protection Program (FFHPP). FFHPP monitoring is completed primarily through review of proponent reporting, including annual reporting to DFO, NIRB, and the relevant land and water boards. This monitoring is supplemented by on-site inspections completed by FFHPP assessors, often done annually. The results of these monitoring activities are assessed in accordance with the provisions of the *Fisheries Act* and any authorizations issued to the proponent by DFO. If any unauthorized impacts or non-compliance issues are identified by assessors, files are directed to DFO's Conservation and Protection (C&P) to investigate and, if required, enforce. FFHPP's Arctic region comprises both Nunavut, the Northwest Territories, and the North Slope of the Yukon. Therefore, transboundary impacts across the Arctic are assessed by a team overseeing the entire region. Any induced developments are also required to undergo a review by FFHPP under the *Fisheries Act* and the *Species at Risk Act*. *Fisheries Act* Authorizations (FAAs) are issued where necessary, and project-related monitoring occurs as described above.

	Canada's marine safety system is world-leading and is built on more than 100 regulations, 30 laws and international agreements. Given the strength of Canada's marine safety system, Transport Canada does not anticipate vessel traffic using the proposed Grays Bay Port will have significant transboundary impacts on other vessel traffic. The annual Notice to Mariners (NOTMAR https://www.notmar.gc.ca/publications/annual/annual-notices-to-mariners-eng.pdf) contains a full listing of the rules and recommended measures that vessels are to follow when travelling in Canadian waters, including for when travelling near marine mammals, through marine protected areas, and northern waters. Examples of relevant sections of the Notice to Mariners include PART A2 Marine Mammal Guidelines and Marine Protected Areas and PART A3 Ice Navigation, including subparts: ○ 6 Ice Navigation, Routing and Requests for Icebreaker Assistance ○ 7 Information about Navigation in Ice ○ 7A Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters ○ 7C Vessels Intending to Navigate in Kitikmeot Region in Canada's Northern Waters The *Canada Shipping Act, 2001* (CSA) provides an overall set of rules to protect safety and the environment for vessels operating in Canadian waters. This includes rules for vessel construction, management of ballast water, pollution control, arrangements for emergency response, and crew qualifications. The *Arctic Waters Pollution Prevention Act* (AWPPA) provides further protection for waters in Canada's North. Regulations under this Act deal with the

	prevention of pollution of Arctic waters by oil, by sewage, and by garbage from vessels as well as the control of pollution by harmful liquid substances being carried in bulk. When vessels are in transit, Transport Canada is the lead federal regulatory agency responsible for Canada's pollution prevention rules. Transport Canada ensures that vessel operators are following marine regulations and legislation prior to vessel transit. To help do this, Transport Canada employs Marine Duty Officers who are available 24/7 and are tasked with monitoring Canadian Arctic shipping daily. These Duty Officers monitor vessels along with the Canadian Coast Guard and will take appropriate actions based on the results of this monitoring, including enforcement action when necessary. Transport Canada inspects marine and shipping related parts of projects to verify that operations are safe and comply with Canadian laws. Transport Canada monitors operators for compliance with the *Canada Shipping Act, 2001* (CSA), the *Arctic Waters Pollution Prevention Act* (AWPPA), and other legislation through several main programs that include Flag State Control and Port State Control. Transport Canada's Flag State Control is responsible for ensuring that Canadian-flag vessels (vessels registered in Canada) are inspected in accordance with both Canadian regulations and, for vessels on international voyages, the appropriate international rules Canada has agreed to. Furthermore, Flag State Control is responsible for taking all other steps necessary to give these regulations and rules full and complete effect to ensure that, from

	a point of view of safety of life and environmental protection, a Canadian ship is fit for the service intended. Port State Control is an international ship inspection program. Foreign vessels entering a country's waters are boarded and inspected to ensure compliance with various major international maritime conventions. Transport Canada's Port State Control inspects foreign vessels when they enter Canadian waters. The program's goal is to find and inspect sub-standard vessels and help eliminate the threat that they pose to life, property and the marine environment. During ice conditions, Transport Canada can stop a vessel from entering Canadian waters if the vessel's construction does not meet specific requirements for the ice conditions. 3. The Government of Canada expects that mechanisms for responding to unanticipated adverse effects (e.g., adaptive management) will be reflected, as appropriate, in relevant regulatory authorizations (e.g., a project certificate), as applicable. Monitoring and reporting requirements established pursuant to such regulatory authorizations, as well as regular inspections (including those conducted by Government of Canada inspectors), support prompt detection of unanticipated effects. See previous response for additional context. Of note, if the Project is approved to proceed, responsible Ministers could later direct the Board to reconsider the Project Certificate terms and conditions if they were of the opinion that one of the circumstances set out under s.112(1) of NuPPAA applied (e.g., if terms and conditions were not achieving their

	intended purpose or were having effects significantly different from those anticipated). Federal regulatory authorizations, as applicable, may also include mechanisms to respond to unanticipated adverse effects, or may be modified under relevant circumstances (see following examples). Further, if the Project is listed under Schedule 1 of the BCA, and also approved to proceed following NIRB's review and, should amendments to the Conditions Document be required, the Government of Canada would consult with Indigenous groups on proposed amendments. DFO FFHPP issues FAAs, which include conditions to avoid, mitigate, and offset the death of fish and harmful alteration, disruption, and destruction of fish habitat. FAA conditions are developed based on the work proposed by a proponent in their FAA application. An FAA acts as an extension of the *Fisheries Act*; therefore, non-conformity with the conditions of an FAA equates to non-compliance with the *Fisheries Act*. DFO's Conservation and Protection (C&P) program may enforce such non-compliances through educational letters, warning letters, corrective measures orders, fines, and incarceration. FAAs can be amended at a proponent's request. FAA applications and any subsequent amendment applications would be subject to DFO's Duty to Consult obligations. For any approvals issued under the CNWA, s.11(3) provides:

	(3) The Minister may otherwise amend the approval, including by adding terms and conditions, if he or she considers that (a) the work that is the subject of the approval interferes more with navigation at the time in question than it did when the approval was issued; (b) the work causes or is likely to cause a serious and imminent danger to navigation; (c) the amendment of the approval is in the public interest; or (d) the owner consents to the amendment. 4. The Government of Canada is of the view that relevant jurisdictional authorities and mandates are appropriately and collaboratively exercised in the context of co-management. Federal regulatory authorization regimes differ from NIRB's process in structure and statutory basis, but they provide complementary safeguards through: • monitoring and enforcing permit conditions • federal inspection and enforcement powers • marine safety and pollution prevention regimes • species and habitat protection legislation • adaptive management and authorization amendment mechanisms Should the Project be approved to proceed following NIRB's review and also listed under Schedule 1of the BCA, a Conditions Document would further clarify federal expectations and conditions for all statutes listed under Schedule 2 of the Act, including those related to transboundary impacts.

IR Source: Gwich'in Tribal Council (GTC)	**Government of Canada Response to GTC-02**
IR Number: GTC-02	
GTC-02 Issue/Concern It is unclear how induced development considerations will be assessed for marine and coastal environments outside of Nunavut, and what this means for Indigenous rights and interests. There is potential for significant adverse impacts to occur to valued marine and coastal values due to transboundary effects and induced development. GTC is concerned, for example, with potential marine vessel/traffic interactions along the coastline and in the Beaufort Delta during the construction phase of the project as well as through anticipated increases in vessel activity due to induced development, and corresponding increases in risk to valued components. The current Impact Statement (IS) lacks adequate information on induced development scenarios to answer this concern, and the scoping document does not provide clear standards on how induced development should be assessed or considered. The IS currently emphasizes a project footprint in Nunavut with little observed content regarding future marine traffic scenarios. The cumulative effects assessment appears to focus on potential expansion of Project infrastructure/facilities but not on understanding the impacts associated with increased development or shipping.	1. The Government of Canada does not accept the assertion that induced development would be "uncontrolled." Potential future developments associated with (or resulting from) the Grays Bay Road and Port would continue to be governed by existing assessment frameworks and regulatory authorization requirements, ensuring appropriate oversight and review. The potential impacts of induced development are being considered through the Board's review, as part of the Project's cumulative effects assessment. Additional future developments, whether terrestrial or marine, would be subject to their own regulatory processes, which may include federal authorizations under statutes such as the *Fisheries Act*, SARA, and the MBCA. The Government of Canada ensures its duty to consult and, where appropriate, accommodate is appropriately met whenever contemplating Crown conduct that may impact asserted or established Treaty or Aboriginal rights (s.35 rights). Through consultation, federal officials work with potentially impacted rights-holders to understand and assess potential impacts on s.35 rights by the contemplated conduct. Anticipated cumulative impacts from past, existing, and future activities will often be part of this assessment. To the extent possible, the Government of Canada relies on established co-management processes (e.g., NIRB reviews) to assist in discharging its duty to consult obligations. These processes allow potentially affected Indigenous Peoples an opportunity to understand the contemplated Crown conduct and

Gwich'in have and continue to conduct traditional land marine and resource use (TLMRU) along coastal and marine areas and rely on species that spend critical life stages in waters and coastal environments that could be affected by marine shipping or accidents at sea. The current process does not provide assurances that Indigenous rights along the coast will be addressed and, if needed, accommodated outside of Nunavut. Governments must be able to demonstrate the means and commitment to uphold Indigenous rights and interests prior to approving/supporting projects that pose a risk to those rights and interests. GTC notes that this question also applies to Indigenous groups whose TLMRU activities occur throughout the Northwest Passage and to coastlines/shorelines through to Montreal, which WKR has identified as a main port area for mobilization and logistics/resupply efforts.	its potential impacts, and to express their views, including any concerns regarding potential impacts to their asserted or established s.35 rights. Decision-making occurs only once the Government of Canada is satisfied that its duty to consult obligations with respect to contemplated Crown conduct have been met. CIRNAC also provides funding, as applicable, through the Northern Participant Funding Program to assist Indigenous Peoples to engage meaningfully in these processes. The Government of Canada wishes to clarify that the project under consideration for listing under Schedule 1 of the BCA aligns with the Project undergoing assessment by NIRB. A BCA listing of the Grays Bay Road and Port would not apply to any mining interests, nor would it predetermine or authorize any future mining projects. A detailed project description will be included in the Canadian Gazette for public comment. Any mining developments that are potentially enabled by the Project would remain subject to separate regulatory and consultation processes. Additionally, if a decision is made to list the Project under Schedule 1 of the BCA, a Conditions Document inclusive of all necessary authorizations or permits for statutes listed under Schedule 2 of the BCA would be developed. The Conditions Document would be issued following, and informed by the outcomes of NIRB's assessment, should the Project be approved to proceed. Consultation with potentially impacted communities will also be required to inform the content of the Conditions Document. The *Canada Shipping Act, 2001* and *Oceans Act*, which are key federal statutes governing marine safety, vessel operations, and marine environmental protection, are not listed in Schedule 2 of the BCA. Should authorizations be required for
GTC-02 Information Request 1. How will the identified Governments fulfill their Duty to Consult and Accommodate obligations to ensure Indigenous rights (constitutional, treaty and inherent) and interests are not jeopardized by an accelerated and uncontrolled increase in induced developments enabled by the Project? 2. What tools and commitments will the identified Governments take to ensure that marine traffic and	

vessel activities are kept to a sustainable level that preserves the health of valued species and continuance of Indigenous rights and interests in areas affected by induced development outside of Nunavut?	these statutes, or other legislation or regulations not listed under Schedule 2 of the BCA, separate regulatory approval processes will be followed. 2. As noted above, future developments which may be induced by the Grays Bay Road and Port would be subject to established assessment and regulatory authorization requirements. Sustainability can be considered through various lenses as part of associated regulatory processes, most notably including the assessment of cumulative effects. Marine traffic and vessel activities outside Nunavut are governed by federal legislation and programs, including: • *Canada Shipping Act, 2001* – vessel safety, pollution prevention, navigation • *Arctic Waters Pollution Prevention Act* – enhanced protections for Arctic waters • *Oceans Act* – marine protected areas, integrated management • NORDREG – mandatory vessel reporting in Arctic waters • Canadian Coast Guard – icebreaking, marine communications, incident response • Transport Canada – marine safety inspections, compliance, enforcement These tools apply throughout the Northwest Passage, the Beaufort Delta, and along shipping routes extending to southern Canadian ports. FAAs issued by DFO include conditions to avoid, mitigate, and, where necessary, offset project impacts on fish and fish habitat.

	DFO administers compliance with Marine Protected Area (MPA) regulations under the *Oceans Act* by reviewing activity plans submitted by proponents proposing to travel through an MPA. MPA regulations are specific to each MPA's conservation goals, but can include restrictions on seabed disturbance, vessel anchoring, etc. Based on the proposed shipping route along the Northwest Passage, relevant MPAs may include: • Anguniaqvia Niqiqyuam • Tarium Niryutait • Savarjuaq DFO will also oversee compliance with the SARA for at-risk aquatic species. SARA restricts impacts upon SARA-listed species and their residences or critical habitats. Proposed project activities and their impacts must consider the recovery or management plans of SARA-listed species, where applicable. The relevant Schedule 1 *SARA*-listed species for Nunavut waters include: • Bowhead Whale (Bering-Chukchi-Beaufort population) – Special Concern • Northern Wolffish - Threatened • Spotted Wolffish – Threatened • Atlantic Wolffish – Special Concern • Dolly Varden – Special Concern Finally, compliance with the *Fisheries Act* also prevents unauthorized death of fish or harmful alteration, disruption, and destruction of fish habitat, including marine and anadromous fishes. DFO also oversees proponents' adherence to the *Marine Mammal Regulations* - a component of the *Fisheries Act* - to

	ensure disturbance to marine mammals will be avoided and mitigated. Enforcement actions will be considered where necessary if adherence to these regulations and legislation is not ensured throughout all shipping activities. Additionally, the Government of Canada is developing a coordinated national approach to managing underwater noise in Canada's marine waters through the Canada Noise Strategy. The strategy would provide a policy framework to guide future regulation, management, and decision-making on the impacts of underwater noise. The draft strategy was released in 2024 for public review and consultation. A final strategy and action plan are expected in the near future. Transport Canada Marine Safety and Security (TCMSS) will continue to exercise its statutory mandate to ensure that vessels operating in Canadian waters, including vessels associated with resource development projects in and around Nunavut, comply with all applicable federal marine safety, pollution prevention, navigation, personnel, and environmental protection requirements. All vessels are required to comply with the applicable legislation and regulatory framework, including the *Canada Shipping Act, 2001*; the *Arctic Waters Pollution Prevention Act* and its associated regulations; the *Arctic Shipping Safety and Pollution Prevention Regulations*; and other applicable marine safety and pollution prevention requirements. These requirements establish standards for vessel construction, equipment, safe navigation, voyage planning, ice navigation, crew competency, pollution prevention, reporting and operational practices. TCMSS will use

	its existing inspection, compliance, monitoring and enforcement authorities, as appropriate, to verify compliance with these requirements. In addition to the federal regulatory framework, project-specific impact assessment processes provide an important mechanism for managing the potential effects of increased marine traffic associated with resource development. Assessment processes may establish project-specific terms and conditions or measures to mitigate potential impacts from project-related shipping and marine activities. Such terms and conditions may address matters such as the timing, routing, frequency or conduct of project-related vessel traffic, where appropriate, to protect valued environmental components and Indigenous rights and interests. Where terms and conditions or measures apply to a project, the proponent is responsible for complying with those requirements. These project-specific measures operate alongside, and do not replace, the applicable federal marine safety and pollution prevention requirements administered by Transport Canada. TCMSS will also consider any applicable terms and conditions or measures that specifically identify Transport Canada as a responsible or supporting authority. Where such conditions fall within Transport Canada's legislative mandate, TCMSS will take appropriate measures to support their implementation and compliance, consistent with its statutory authorities and responsibilities. Through this combination of mandatory federal marine regulatory requirements, project-specific impact assessment conditions,

	vessel monitoring and compliance activities, and collaboration with territorial, federal and Indigenous partners, TCMSS will continue to support safe and environmentally responsible marine transportation while helping to ensure that development-related vessel activity is managed in a manner that considers the protection of valued species and the continuance of Indigenous rights and interests. Depending on the nature of the activities, Environment and Climate Change Canada (ECCC) administers the following legislation and regulations that provide environmental protection by setting out prohibitions or restrictions on the release of polluting substances to the environment, obligations for persons responsible for the pollution to notify, report and take all reasonable corrective measures when incidents occur or risk occurring, and authorities that enable government to ensure corrective measures are taken if those persons fail to do so. • *Fisheries Act* pollution prevention provisions, including s.36(3), which prohibits the deposit of all deleterious substances into water frequented by fish, or to any place under any conditions, where it may enter water frequented by fish. In the event of an emergency spill, s.38 of the *Fisheries Act* requires the polluter to notify the appropriate authorities. In addition, ECCC emergency and enforcement officers have the authority to take, or direct the taking of, any reasonable measures to counteract, mitigate or remedy any adverse effects. For more information, refer to: 'Frequently asked questions: Fisheries Act pollution prevention provisions - Canada.ca'

	• *Canadian Environmental Protection Act, 1999*, notably Part 8 concerning the prevention of, preparedness for, response to, and recovery from environmental emergencies caused by uncontrolled, unplanned or accidental releases. For more information, refer to Understanding the Canadian Environmental Protection Act - Canada.ca and Canadian Environmental Protection Act Registry - Canada.ca • *Environmental Emergency Regulations, 2019*, which are designed to reduce the frequency and impacts of environmental emergencies involving accidental releases of hazardous substances from fixed, land-based facilities in Canada. For more information, refer to CEPA Registry - Canada.ca The *Migratory Birds Convention Act, 1994* (MBCA) and SARA are two pieces of ECCC-administered legislation that are intended to protect species and enable ECCC to issue permit conditions to project proponents. *Migratory Birds Convention Act, 1994* The MBCA: - protects migratory birds, their nests and eggs anywhere they are found in Canada, including ocean waters - prohibits the dumping of substances harmful to birds in waters or areas frequented by them The MBCA is implemented through two regulations: - *Migratory Birds Regulations, 2022*; and - *Migratory Bird Sanctuary Regulations*

	Prohibitions are listed under s.5, 5.1, 5.2. and 5.3 of the MBCA, s.5-10 of the *Migratory Birds Regulations, 2022*, and s.3-8 and 10 of the *Migratory Bird Sanctuary Regulations*. Migratory bird permitting information, applications and registries can be found here: Migratory bird permits and registries - Canada.ca **Source:** Legal protection of migratory birds: overview - Canada.ca Migratory Bird Sanctuaries (MBS) are listed under the Schedule (s.3) in the *Migratory Bird Sanctuary Regulations* of the MBCA. These Regulations prescribe rules and prohibitions regarding migratory birds, their eggs, nests and/or habitat in the sanctuaries, noting that (s.10(1)): “No person shall, in a migratory bird sanctuary, carry on any activity that is harmful to migratory birds or the eggs, nests or habitat of migratory birds, except under authority of a permit”. ECCC is responsible, in partnership with local communities, for managing and permitting in these protected areas. A marine incident from shipping activities could lead to potential impacts to migratory birds. The MBS in the Northwest Territories with coastal areas that may be affected by the Project-related marine shipping are: • Anderson River Delta MBS • Banks Island No. 1 MBS • Cape Parry MBS • Kendall Island MBS

	The purpose of SARA is to prevent wildlife species in Canada from disappearing, provide for the recovery of wildlife species that are extirpated (when recommended), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. Under s.73 of SARA, the competent minister may enter into an agreement or issue a permit authorizing a person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or its residences. The competent minister must include an explanation of why this was entered into or issued in the Public Registry. Permits may be required by those persons conducting activities that may affect species listed on Schedule 1 of SARA, as extirpated, endangered, or threatened and which contravene the Act's general or critical habitat prohibitions. Agreements or permits may be entered into or issued if the following pre-conditions are met: • All reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution, with the conservation of the species in mind, has been adopted; • All feasible measures will be taken to minimize the unavoidable impacts of the activity on the species, its critical habitat or the residences of its individuals; and • The residual impacts of the activity, after avoidance and mitigation are applied, must not jeopardize the survival or recovery of the species.

	SARA s.73 permits may be issued for the following purposes: • The activity is scientific research relating to the conservation of the species and conducted by qualified persons; • The activity benefits the species or is required to enhance its chance of survival in the wild; or • Affecting the species is incidental to the carrying out of the activity. **Source:** Species at Risk Act permits and agreements - Canada.ca Peary Caribou is listed as *Threatened* under Schedule 1 of the SARA. Accordingly, its Critical Habitat (CH) is protected under SARA as described in Canada Gazette statements on the SARA Public Registry. Activities of projects, including marine shipping, that may affect individual listed species and/or their CH may need a SARA permit. S.7.1 of the *Recovery Strategy* identifies sea ice CH for the species, including mapping coordinates, locations and descriptions of the biophysical attributes of the habitat that are important to the species' recovery: "*Sea Ice is an essential component of Peary Caribou habitat as corridors for annual movements between islands. This habitat is seasonal and exists from when it starts forming in the fall until ice breakup in the following spring or summer. To account for this temporal feature and to protect the formation of ice from shipping and ice-breaking, all the sea ice habitat identified on Figures 3-7 is to be considered as critical habitat. Pack ice that forms in the summer is not considered critical habitat.*" S.7.3 describes the activities likely to destroy critical habitat for Peary Caribou, and Marine Traffic that

	breaks sea ice or prevents sea ice from forming is identified as an activity that is likely to negatively impact sea ice critical habitat. **Sources:** Description of Peary Caribou critical habitat in the Nanuit Itillinga National Wildlife Area and Banks Island Bird Sanctuary No. 2 - Document search - Species at risk registry Description of critical habitat of Peary Caribou in Aulavik National Park of Canada, Qausuittuq National Park of Canada and Quttinirpaaq National Park of Canada - Document search - Species at risk registry Peary Caribou (Rangifer tarandus pearyi): recovery strategy 2022 - Canada.ca The information provided by ECCC in this response is not a substitute for these acts and regulations; if there are any discrepancies between this information and the acts and regulations, the acts and regulations prevail. It is the responsibility of proponents to be aware of and comply with all applicable acts and regulations.

IR Source: Gwich'in Tribal Council (GTC) **IR Number: GTC-05** **GTC-05 Issue/Concern** GTC is concerned that compliance and enforcement time for Project requirements will be complicated by an administrative structure where the bulk of Project activities are not carried out by the Proponent, WKR.	**Government of Canada Response to GTC-05** 1. The Government of Canada's capacity with respect to monitoring, follow-up, and enforcement associated with project certificates and relevant regulatory authorizations remains the same, regardless of whether activities are being carried out by a proponent or its contractors. The Government of Canada acknowledges that, as appropriate, extensive use of contractors may require an increase in inspections and enhanced engagement with relevant parties.

Regulatory Authorities need to provide clarity on what measures and precautions they utilize in such situations to ensure that project activities are carried out in a manner that respects the expectations and intentions of the regulatory process. This should clearly articulate if Regulatory Authorities have the capacity to follow-up with third party contractors and what challenges and lessons learnt can be applied to this Project.	The Government of Canada notes that proponents are ultimately responsible for ensuring compliance with regulatory requirements, including any activities carried out by their contractors. The Government of Canada also notes that most major projects involve extensive use of contractors. 2. The Government of Canada is not providing a specific example of a contractor-related occurrence of non-compliance from past major projects or public-private ventures, to avoid singling out one proponent or contractor. However, a more general example regarding compliance and enforcement is provided by DFO below. As noted above, proponents are ultimately responsible for ensuring compliance with regulatory requirements. Where contractors are hired to carry out project works, the proponent is responsible for managing contractors and ensuring their adherence to relevant terms and conditions. DFO monitors project conformity with terms and conditions by reviewing annual NIRB reports. DFO cross-references annual reports with project terms and conditions (particularly those naming DFO as a responsible party) and notes any terms and conditions the proponent does not meet. DFO communicates this to the proponent and NIRB through comment submissions. At DFO's discretion, DFO refers continued non-conformity with project terms and conditions to Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) for enforcement action. For any occurrences that involve unauthorized death of fish or harmful alteration, disruption, or destruction of habitat, these occurrences represent non-compliance with the *Fisheries Act* and are therefore subject to enforcement action from DFO C&P.
GTC-05 Information Request 1. How is your Agency's ability to monitor, follow-up, and enforce on Project related concerns or compliance issues affected when it is a third party completing the activities/works and not the Proponent? 2. What lessons learnt from past major projects or public-private ventures can your Agency offer where contractors have failed to live up to terms and conditions of an environmental assessment? What came of the occurrences, and what lessons can be learned from these and applied to the current project? 3. What current capacity constraints would limit your Agency's ability to adequately monitor and enforce proposed Project related activities, including for transboundary activities and impacts and those related to induced development and cumulative effects?	

	Regarding lessons learned, DFO has noted continued success in implementing community-based monitoring in project certificates through local Indigenous monitoring programs. These programs help ensure thorough monitoring and rapid response to unexpected, adverse environmental issues. Additionally, the programs are bolstered by intergenerational traditional knowledge, which helps to understand the long-term impacts of projects. 3. The Government of Canada ensures that it possesses appropriate capacity with respect to monitoring, follow-up, and enforcement associated with project certificates and relevant regulatory authorizations. Collaboration, coordination, and information sharing between relevant parties support these activities. The Government of Canada notes that developments which may be induced by the Grays Bay Road and Port would be subject to established assessment and regulatory authorization requirements, as well as – where applicable – additional Crown consultation requirements.

IR Source: Gwich'in Tribal Council (GTC)	**Government of Canada Response to GTC-14/15**
IR Number: GTC-14/15	
GTC-14/15 Issue/Concern The Project is receiving financial and regulatory support from numerous governments and was originally advanced for development by KIA, with support from Canada and GN.	The Government of Canada notes that GTC-14 and GTC-15 are duplicates. 1. The Government of Canada has announced and/or provided funding to the Proponent from the Support to Northern Infrastructure Development Fund (Canadian Northern Economic

It is a reasonable assumption that the various government agencies responsible for pursuing and supporting the Project have done their own due diligence assessments regarding potential economic and socio-economic benefits associated with a permanent road and port. In other words, that some level of studies or analysis have occurred by these governments to justify their support of the Project. Information related to economic and induced development scenarios identified by these governments is important to understand what reasonably foreseeable induced development scenarios Governments anticipate should the Project be built and come into operation. The various and respective government agencies are therefore requested to provide relevant studies and assessments related to economic analysis and socio-economic costs and benefits of an operational road and port at Grays Bay. A summary of anticipated induced development scenarios used to inform the studies, and induced development scenarios considered likely to occur because of the Project being built are requested. This information is necessary to inform parties and WKR on future scenarios and induced development associated with the project and may reduce existing knowledge gaps related to a future with the Project. This is also in keeping with NIRB's use of the precautionary principle in considering how the	Development Agency (CanNor)), First and Last Mile Fund (FLMF, Natural Resources Canada) and the National Trade Corridors Fund (NTCF, Transport Canada). These funding programs enable the Proponent to undertake analysis and studies to inform their project development, engineering, feasibility, and socio-economic analysis. The Proponent has submitted all studies and analyses funded through these programs to the public registry, and they can be found in: • Impact Statement Volume 2 – Project Description and Alternatives • Impact Statement Volume 9 – Human Environment & Socio-Economic Assessment • Impact Statement Volume 10 – Cumulative Effects Assessment • Impact Statement Volume 11 – Management Plans The Major Projects Office (MPO) has recently initiated consultations on the potential listing of the Project as a Project of National Interest under Schedule 1 of the BCA. In determining whether to list a project as being in the national interest under the BCA, the Government of Canada may consider, among other things, the extent to which the project can: • Advance the interests of Indigenous Peoples; • Strengthen Canada's autonomy, resilience, and security; • Provide economic or other benefits to Canada; • Have a high likelihood of successful execution; and, • Contribute to clean growth and to meeting Canada's objectives with respect to climate change.

Project may interact with valued components. Clarity on this topic was not evident in the initial impact statement review.	MPO's assessment of the Project to provide advice to the Government of Canada in relation to whether the Project aligns with the five factors from the BCA is ongoing and will be informed by consultation with Indigenous groups, the Government of Nunavut, and relevant federal departments. The public will have an opportunity to comment on a potential listing through a notice posted in the Canada Gazette. If the Government of Canada proceeds with listing the Project under the BCA, reasons for this decision, including a rationale related to the factors, would accompany an Order in Council and be posted publicly online, which the Board could take into account in its assessment of socio-economic costs and benefits. CanNor's Support to Northern Infrastructure Development (SNID) program aims to help northern infrastructure projects move through regulatory and consultation processes more efficiently and strengthen early project planning. SNID is designed to improve project readiness, increase proponent and project management capacity, and strengthen community readiness for northern and Indigenous governments and organizations to meaningfully participate in and contribute to these initiatives. The SNID program was designed to complement the funding available through the Arctic Infrastructure Fund, a $1B investment to strengthen infrastructure, sovereignty, connectivity and economic resilience in the North, delivered by Transport Canada. The Grays Bay Road and Port Project was determined to align with the intent of SNID, and funding was provided to support completion of development-phase activities required to advance the Project through regulatory review.
GTC-14/15 Information Request 1. Submit related studies and summaries of analysis to the NIRB Public Registry of government-led or funded analyses, studies, or other forms of assessment related to economic and socio economic costs, benefits, and potential of an operational road and port at Grays Bay like that proposed by WKR. 2. Provide a summary of anticipated induced development scenarios, including a minimum anticipated scenario, and an anticipated likely scenario, of projects, activities, and potential over the lifetime of the project (e.g., in perpetuity). 2.1. Identify underlying assumptions related to the development scenarios. 2.2. Provide the timeline of construction and operation of projects or activities identified. 2.3. Identify marine traffic or vessel components related to the construction or operation of the Project or for those supporting terrestrial-based projects, as well as expected increases in marine traffic and vessels anticipated with the development of a major port at Grays Bay, and the likely source of travel of these vessels within and beyond Nunavut.	

	Additional information is available on CanNor's Support to Northern Infrastructure Development program website. As outlined in Transport Canada's National Trade Corridors Fund (NTCF) Applicant's Guide, projects are evaluated based on their ability to advance program objectives, including improving the efficiency, reliability, capacity, safety, and resilience of Canada's transportation system; supporting economic development and trade; addressing transportation challenges and bottlenecks; improving climate resilience; and demonstrating project readiness, feasibility, and value for money. For northern funding calls, additional consideration is given to addressing the transportation needs of northern communities, strengthening connectivity, and supporting sustainable economic development in the North. The Grays Bay Road and Port Project was determined to align with these objectives and evaluation criteria and was therefore selected for funding through a competitive, merit-based assessment process. Further information on NTCF eligibility and evaluation criteria is available in the National Trade Corridors Fund Applicant's Guide. The First and Last Mile Fund (formerly the Critical Minerals Infrastructure Fund) assesses all submitted projects on their potential to support program objectives, which include: • enabling the production and expansion of priority critical minerals resources in Canada, and drive economic growth by addressing gaps in clean energy and transportation infrastructure

	advancing reconciliation with Indigenous Peoples by supporting Indigenous partnerships, participation, and benefits from infrastructure projects that enable critical minerals development All projects are assessed on their potential to increase future critical mineral production, as well as their alignment with assessment criteria related to economic, Indigenous reconciliation, and environmental considerations. Assessments consider contextual factors including the stage of a mine's or region's development, as well as whether the infrastructure project is at the planning or deployment stage. Program support for a project at the planning stage often supports progression through regulatory processes and related community and Indigenous engagement, and does not presuppose or require a commitment to future deployment. Further information can be found in the Applicant Guide for the call for proposals under which the Grays Bay Road and Port Project was submitted. 2. The Government of Canada is aware that the Impact Statement includes Proponent analysis of the Project's cumulative effects, including a Reasonably Foreseeable Induced Development Scenario. At this time, the Government of Canada does not intend to undertake its own induced development scenario analysis. The Government of Canada will continue to review information provided by the Proponent as it becomes available, noting that commercially sensitive information and Cabinet confidences may not be disclosable.

	2.1. The Government of Canada relies on the Proponent's Reasonably Foreseeable Induced Development Scenario as submitted in the Impact Statement. Key assumptions used by the Proponent include: • The Grays Bay Road and Port would provide all-season access to mineral deposits in the West Kitikmeot Region. • Existing mineral prospects could become economically viable with reduced transportation costs. • Increased certainty of marine resupply and export capacity could support exploration and development decisions. • Development timelines would depend on market conditions, private investment decisions, and regulatory approvals. 2.2 The Government of Canada has not developed independent timelines for induced development. As noted in the Impact Statement, timelines for potentially induced mining projects depend on private sector decisions, commodity markets, and regulatory processes. The Government of Canada will continue to review timelines submitted by the Proponent as part of NIRB's impact assessment and ongoing BCA consultations. 2.3. The Government of Canada has not conducted independent marine traffic modelling for induced development. The Government of Canada relies on marine traffic projections submitted by the Proponent in the Impact Statement, which include: • Construction-phase vessel traffic associated with delivery of materials and equipment • Operational-phase vessel traffic associated with resupply

	• Potential increases in marine traffic associated with future mining projects in the West Kitikmeot Region • Vessel routes primarily originating from southern Canadian ports, international shipping lanes, and Arctic resupply hubs These projections are Proponent-derived. Any future Government of Canada analysis related to marine traffic would be disclosed publicly if relevant to a BCA listing decision, noting that commercially sensitive information and Cabinet confidences may not be disclosable.

IR Source: Oceans North (ON)	**GC Response to ON-12**
IR Number: ON-12	
ON-12 Issue/Concern Public records indicate that the Government of Nunavut withdrew from its prior role in the Grays Bay Road and Port Project after identifying concerns regarding the financing commitment required of the GN, implications for the GN's ability to pursue other needed infrastructure, debt-cap implications, and advice that mining companies benefitting from the Project could finance road construction themselves without negatively affecting mine profitability. The current Impact Statement presents the Project as public-benefit, multi-user infrastructure and relies on public-benefit claims, induced-development assumptions and user-pay access. However, the Impact Statement does not appear to reconcile the prior public-sector financing concerns with the	(c) The Government of Canada understands that the Proponent has been requested to provide "any current business case, feasibility study, cost-benefit analysis, financing plan, public-funding analysis, private financing analysis or net-benefit analysis prepared for, by or on behalf of [the Proponent]" (as requested by Oceans North, Information Request No. ON-02[e]). To date, the Government of Canada's funding to the Proponent has been for project development activities, including preparing submissions for this process. As of September 11, 2026, the Government of Canada has made no commitments for public loans, guarantees, or concessional financing for construction. Analysis of public-risk allocation, user-pay revenues, induced mineral development, and private-user financing is ongoing to inform the Government of Canada's future investment decision on the Project.

Project's current public-benefit rationale, public-funding assumptions or risk-allocation model.	NTCF funding of $21.5 million was approved for the Grays Bay Road and Port under the 2nd Northern Call for Proposals in 2019. The Kitikmeot Inuit Association (KIA) was the original recipient. The Minister of Transport approved the funding following established procedures, including evaluating the recipient's capacity and readiness, scope definition, project delivery plan, and financial plan, among others, based on the submission. A study called Grays Bay Road and Port Extended Benefits Survey, prepared by PROLOG Canada Inc., was also included in the recipient's submission. Subsequently, West Kitikmeot Resources Corporation contacted Transport Canada regarding its interest in assuming the role of Proponent and submitted a proposal for consideration. Transport Canada carefully analyzed the information provided and determined that the proposal demonstrated readiness, with a work plan that included a detailed budget and broad financial timelines. In late 2023, Transport Canada, KIA, and West Kitikmeot Resources Corporation completed a Novation and Assignment Agreement, transferring Proponent responsibilities under the Contribution Agreement. The current NTCF funding of $21.5 million is limited to early-stage scope, including environmental assessment, geological investigations, engineering design and permitting, which does not imply any commitment for the implementation stage or further capital funding for preconstruction and construction activities. Separate from the NTCF funding, the Canadian Northern Economic Development Agency is providing $4.45 million through the Support to Northern Infrastructure Development program for development-phase activities, including environmental studies,
ON-12 Information Request (c) Please identify and summarize any analysis prepared, received or relied upon in relation to the current Project that addresses public funding, public loans, guarantees, concessional financing, public risk allocation, user-pay revenues, induced mineral development, private-user financing, public/security uses, or the allocation of costs, benefits and risks among public, Inuit and private interests. (d) Please identify and summarize any analysis that addresses or revisits the Government of Nunavut's 2018 withdrawal from its prior proponent role or the public-sector financing concerns identified in the public record. (e) Please explain whether the authority has considered whether public funding, public loans, guarantees or concessional financing would subsidize private mineral development, create a precedent for public funding of future mine-access infrastructure in Nunavut, or could be replaced in whole or in part by financing from mining companies, exploration companies, prospective road or port users, or other industrial users benefitting from the Project. If WKR or a responsible public authority has not prepared, received, reviewed or relied upon information	

responsive to one or more of these requests, please state so expressly.	early design work, procurement preparation, and community and stakeholder engagement. Canada Infrastructure Bank is providing accelerator funding of up to $3 million for this stage; other sources of funding include contributions from mining users, and Government of Nunavut and Proponent equity up to $7 million. Natural Resources Canada's First and Last Mile Fund, previously the Critical Minerals Infrastructure Fund, has also announced support of up to $50 million to advance planning and pre-construction work for the Project. As with other funding commitments, this support will help advance planning and includes activities such as engagement, geophysical and technical work, engineering, and permitting. (d) The Government of Canada does not have any analysis regarding concerns that may have contributed to the Government of Nunavut's 2018 withdrawal as co-proponent. KIA, in its 2019 NTCF funding application, stated the GN's concerns about its own fiscal situation as a consequence of changes in government and its priorities. (e) The Government of Canada, in collaboration with federal Crown corporations including the Canada Infrastructure Bank, is considering a range of financial tools to support the road and port infrastructure associated with the Project, as appropriate. Any federal investment provided will be awarded following a thorough and comprehensive assessment of the business case prepared by the Proponent, including the potential to collect fees from private and public sector users.