



Beverly and Qamanirjuaq Caribou Management Board

12 September 2017

Elizabeth Copland,
Chairperson
Nunavut Impact Review Board
Cambridge Bay NU X0B 0C0

Via e-mail: info@nirb.ca

Dear Ms. Copland:

NIRB File No. 17XN011 - Grays Bay Road and Port Project Proposal

On behalf of the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), I am submitting screening comments on the joint proposal from the Kitikmeot Inuit Association (KitIA) and Government of Nunavut (GN) for the Grays Bay Road and Port (GBRP) project. This project proposal is significant to the BQCMB because the Board has been actively involved for many years in discussions and policy and planning exercises about industrial development on caribou calving and post-calving areas, and about roads on key caribou habitats. This includes recent long-term involvement in development of the Nunavut Land Use Plan. This project is also relevant to the BQCMB because harvest pressure is being shifted from the Bathurst herd to adjacent herds, including the Beverly and Qamanirjuaq herds. **More details on the connection of this specific proposal to the BQCMB are summarized in an attachment to this letter** (see Attachment A).

The project proponents have stated in their application that a review should be conducted. Although we agree that the proposed project has significant potential for adverse effects, uncertainty concerning the project's economic feasibility, including required identification of major funding sources before its development would be possible, make us question whether the project proposal should be considered by the NIRB at this time. **We urge the NIRB to carefully consider if the proposal is sufficiently developed to permit proper review**, and whether it is reasonable to expect all parties to expend the considerable resources required to participate in a lengthy review process for such an uncertain project. We suggest that the NIRB's reflection on the project proposal include consideration

of the following questions and BQCMB recommendations, which we have explained further in an attachment to this letter (see Attachment B).

- ***How does the level of uncertainty compare to that of the Kiggavik project when it was rejected?*** The BQCMB recommends that the NIRB be careful not to repeat the scenario that unfolded for the Kiggavik review for the Grays Bay Road and Port project.
- ***What is the likelihood that funding required for an additional northern road project would be available soon?*** The BQCMB recommends that a review of the GBRP project not be started until funding required to implement the project is committed.
- ***What is the likelihood that funding required for this proposed project would be available soon?*** We understand that the federal Minister of Industry has said that this project is not ready for federal funding. We agree, as there is considerable work remaining to be done in at least two critical areas, namely assessment of the project's feasibility and identifying ways to ensure that potential adverse effects on Bathurst caribou are highly predictable and mitigable with known technology. This situation indicates to the BQCMB that starting a review of the GBRP project at this time would be premature.

BQCMB Concerns about the Project Proposal

As we have indicated in numerous submissions to the NIRB over the years, the BQCMB is not against mining or other forms of economic development. However, we are very concerned about this proposal, in large part because of the following aspects of the project.

- a) The proposed 230 km permanent, all-weather road that would be used year-round and would cross the calving and post-calving areas of the Bathurst caribou herd in Nunavut, affecting sensitive habitat and producing potential disturbance to caribou during the most vulnerable periods.
- b) The intended "basin-opening" nature of the project, where it is hoped that an all-weather road will enhance the feasibility of many mineral exploration and mining projects in the region, and lead to a network of roads and developments across that part of the Kitikmeot region and the Bathurst caribou post-calving and summer range.
- c) The additional traffic required to supply the project via the existing Tibbitt-Contwoyto winter road through Bathurst winter range in the NWT, which will increase road effects on the herd.
- d) The increased pressure that will occur to replace the Tibbitt-Contwoyto winter road with an all-season road through the NWT portion of the Bathurst range.
- e) The access to caribou range that will be provided to hunters from across the caribou range and beyond, particularly if year-round access is provided from Yellowknife north to the coast.

The Bathurst caribou herd has severely declined as a result of the cumulative negative effects from various factors acting upon it. The cumulative effects from existing and new infrastructure, including

all-weather and winter project road networks and “induced” development will add substantial adverse impacts to the herd over time. The BQCMB believes that additional stress inflicted on the herd from this project will contribute to continuing the decline to the extent that recovery of the herd may be no longer possible. This could have severe ramifications for the Beverly and Qamanirjuaq herds as well as the food security of people who have traditionally harvested these three barren-ground caribou herds, for reasons outlined below (see Attachment A).

An additional concern about this project relates to the apparent lack of serious attention given to investigating alternatives to the road project, including alternative means of transportation that might make an all-weather road unnecessary and greatly reduce the impacts of mining on caribou and other wildlife in the region.

BQCMB Recommendations

As stated above, the BQCMB believes it is premature to conduct screening of this project at this time. **Our primary recommendation is that the NIRB recommend to the Minister that the proposal should be returned to the proponent for further development because it is insufficiently developed,** for reasons that include those outlined above and in Attachment B.

However, should the NIRB consider this project proposal adequate to permit proper screening, the BQCMB recommends that you indicate to the Minister that the project requires a comprehensive, rigorous and transparent review of ecosystemic and socio-economic effects under Part 5 or 6 of the NLCA. We further recommend that the following issues and concerns be carefully considered in such a review:

- 1) The “basin-opening” nature of the project should be recognized and accommodated during all phases of the review.
- 2) The review should include assessment of the cumulative effects (CE) resulting from the project and from additional projects which become feasible because of the GBRP project.
- 3) CE assessment should include effects across the annual Bathurst caribou range, defined as the geographic area used by the herd in the 1990s prior to its decline, extending beyond Nunavut into the Northwest Territories (NWT) and Saskatchewan.
- 4) The review should take into account the effects of the proposed project on hunters who have traditionally harvested Bathurst caribou, and their families and communities. This should consider the economic value of sustainable hunting and harvest and the economic impact of reduced availability of caribou on food security for these communities.
- 5) The transboundary nature of the Bathurst caribou range, both in terms of caribou ecology and human use of caribou, should be recognized and accommodated by all aspects of the review. Impacts on caribou and communities will not be restricted to Nunavut. CE assessment should

be sufficiently broad to include impacts on adjacent caribou herds, including the Beverly and Qamanirjuaq herds. (See Attachment A for more details.)

- 6) The project proponents should be required to provide convincing evidence that their proposed activities produce no risk of creating additional serious long-term effects on Bathurst caribou or to communities that have traditionally harvested the herd. This should include a thorough review and assessment of the effectiveness of proposed road mitigation measures which have been attempted elsewhere to limit traffic and restrict access when caribou are in the area.
- 7) The review should be supported by a participant funding program that is sufficient to support meaningful participation by organizations representing caribou range communities and others in all stages of the review.

In conclusion, the BQCMB believes that, if the NIRB decides to proceed with consideration of this project proposal, a comprehensive review of the project is warranted because:

- *the project proposal will arouse significant public concern*, as indicated by the many submissions to the Nunavut Planning Commission from organizations that represent caribou harvesters from Nunavut, NWT, and Saskatchewan, concerning the need for protecting caribou calving and post-calving areas
- *the project proposal is likely to cause significant adverse eco-systemic and socioeconomic effects*, including effects to caribou, caribou habitat, and caribou harvesters
- *the project proposal is likely to cause significant adverse impacts on wildlife habitat* and on long-term harvesting activities of Inuit and other Indigenous peoples who have traditionally depended on caribou,
- *the project proposal is of a type where the potential adverse effects are NOT highly predictable OR mitigable with known technology*, based on experience from other projects in some cases, and otherwise in the absence of an equivalent scenario where current technology and proposed approaches have been tested and proven successful (see #6 above).

Thank-you for the opportunity to comment on this project proposal. If you have any questions about these comments, please contact BQCMB Executive Director Ross Thompson (rossthompson@mymts.net) or contract biologist Leslie Wakelyn (wakelyn@theedge.ca).

Sincerely,



Earl Evans
BQCMB Chairperson

Attachments (2)

Attachment A. Relevance of this Project Screening to the BQCMB.

The mandate of the BQCMB is to safeguard the Beverly and Qamanirjuaq caribou herds, primarily in the interests of Indigenous peoples from Nunavut, the NWT, Saskatchewan and Manitoba who have traditionally relied upon these herds, and to advise governments and caribou range communities on conservation and management of the herds and their ranges. The relevance of the GBRP project to the BQCMB results primarily from the following two factors.

- *Shifting harvest pressure* - Some of the previous harvest pressure on the Bathurst herd has shifted to the east of the Bathurst range onto the Beverly, Ahiak and Qamanirjuaq herds. This has resulted from both: a) the reduced availability of caribou for harvest by communities in the NWT and northern Saskatchewan, due to the reduction in the herd's numbers and size of its annual range, and b) the restrictions on harvest of Bathurst caribou, which were imposed by the Government of the Northwest Territories in response to the decline of the herd in an attempt to slow the decline and support herd recovery.

The BQCMB expects that a prolonged loss of availability of Bathurst caribou for harvest would result in ongoing and possibly accelerating harvest of the Beverly and Qamanirjuaq herds, which when added to other ongoing harvest may result in unsustainable levels. Due to the declining trend of both of these herds, any sustained increase in harvest could lead quickly to worsening trends for the Beverly and Qamanirjuaq herds. This could soon lead to even greater lack of availability of caribou and hardship for Indigenous peoples who have traditionally harvested one or more of these three herds.

- *Potentially setting a precedent allowing industrial development on caribou calving grounds* – If the GBRP project is allowed to develop an all-weather road across the Bathurst calving and post-calving areas, the most crucial habitats of this severely declining herd, this could set a precedent for all subsequent proposals for industrial development on habitat of barren-ground caribou, across Nunavut and possibly globally.

Over the 35 years since the board was established, the BQCMB has consistently called for long-term protection of caribou calving grounds and post-calving areas through prohibition of industrial land use activities such as mineral exploration and development in those areas. The Board's main recommendation in a 2004 position paper was for establishing legislated protected areas to provide permanent habitat protection. In the absence of any plans for application of federal or territorial protected area legislation to these areas in Nunavut, and with the land use planning process for Nunavut stalled, the environmental review process is currently the primary means by which the potential impacts of development on calving grounds and post-calving areas can be avoided.

More generally, the BQCMB has been actively involved for many years in discussions and policy and planning exercises concerning industrial development on caribou calving and post-calving areas, and about roads on key caribou habitats. This includes recent long-term involvement in development of the Nunavut Land Use Plan. The Board's perspective on these issues is described in the *Beverly and Qamanirjuaq Caribou Management Plan 2013-2022*¹. Following are some excerpts from the management plan which illustrate key points related to ongoing BQCMB concerns about roads and about development on calving and post-calving areas.

Roads (p. 39)

"Much of the Beverly and Qamanirjuaq caribou ranges are currently roadless areas. However, the increasing numbers of roads providing greater access to the historic caribou ranges has long been a concern for the BQCMB and other wildlife management boards and communities. Observations by BQCMB members and other people from caribou range communities have determined that roads that have been built over the past few decades have increased unregulated harvest of caribou, acted as barriers to caribou movement, resulted in frequent disturbance, and reduced habitat availability. There is a high potential for greater harvest levels resulting from increased access to caribou range that could be provided by various new roads and those that are currently proposed.

Roads of greatest concern are those that provide easier access to previously remote areas of caribou range for industry and hunters from southern Canada or those that provide easier access to caribou range for large numbers of local hunters. Permanent all-season roads generally have greater potential for negative impacts on caribou than temporary winter roads. The BQCMB recognizes that it is a serious challenge to manage harvest associated with increased access provided by roads into key habitats and migration routes. Restrictions on use of roads built to support exploration and development are very difficult to establish and enforce.

To indicate its ongoing high level of concern about potential impacts of new roads on Beverly and Qamanirjuaq caribou ranges, in November 2011 the BQCMB passed a resolution on roads that stated: 'The BQCMB believes that anticipated expansion of road networks associated with development and accessing the caribou ranges in Manitoba, Saskatchewan, Northwest Territories and Nunavut will lead to the demise of mainland migratory caribou herds as known today.' "

Land Use Activities on Calving and Post-calving Areas (p. 40)

"The potential impacts on caribou and habitat from commercial land use activities occurring on caribou calving and post-calving areas have been a major concern for the BQCMB. Exploration activities have continued to be permitted in these important habitats, despite clear opposition from the BQCMB and increasingly vocal opposition from caribou range communities and wildlife management boards. Although Caribou Protection Measures are included as conditions in land use permits and licences issued by the federal government and

¹ BQCMB. 2014. Beverly and Qamanirjuaq Caribou Management Plan 2013-2022. Beverly and Qamanirjuaq Caribou Management Board, Stonewall MB. 102pp.

Kivalliq Inuit Association for mineral exploration on the Beverly and Qamanirjuaq calving grounds, the Board believes that the limited protection they provide is not adequate to protect the herds and their habitat from the effects of current and future land use activities.

The Board has therefore taken a position to recommend against exploration and development on Beverly and Qamanirjuaq calving grounds, post-calving areas and key migration routes. This position was described in detail in a BQCMB paper² distributed widely to governments, regional organizations and caribou range communities in 2004, as well as through recommendations submitted directly to federal and territorial governments and regulatory and land use planning agencies over the following decade. This position has been supported by community and regional organizations from across the caribou ranges during their reviews of proposed projects and draft land use plans.”

² BQCMB 2004. Protecting Calving Grounds, Post-Calving Areas and Other Important Habitats for Beverly and Qamanirjuaq Caribou. A Position Paper by the Beverly and Qamanirjuaq Caribou Management Board. 31 pp.

Attachment B. Suggested Questions for the NIRB to Consider Concerning the GBRP Project Proposal.***How does the level of uncertainty compare to that of the Kiggavik project when it was rejected?***

As you know, uncertainty about project timeline and feasibility due to unfavourable market conditions was a key factor in the rejection of the AREVA Kiggavik project, which occurred following a lengthy and intensive review process. The BQCMB has direct experience with that review, having worked with several community and regional organizations representing caribou harvesters in Nunavut and Saskatchewan to assist the NIRB with their review of caribou-related issues. The BQCMB and many other parties spent considerable time, effort and funding providing input on these issues. But in the final analysis, economic factors tipped the balance, and primarily on that basis the NIRB recommended against approval of the project.

The BQCMB recommends that the NIRB be careful not to repeat the scenario that unfolded for the Kiggavik review for the Grays Bay Road and Port project. Uncertainty resulting from a lack of funding for project implementation and absence of an industry proponent are currently known characteristics of the GBRP proposal. Parties may not be willing or able to participate in the NIRB's review process for this project proposal if it is not clear that the results of their efforts will be used for decision-making.

What is the likelihood that funding required for an additional northern road project would be available soon?

In early September 2017 our Prime Minister announced significant federal government funding for Yukon roads, involving a contribution of \$274 million, or two-thirds of the estimated cost of increasing road access in two areas in that territory. In 2011, the previous federal government approved a \$300 million, 75-mile long highway between Inuvik and Tuktoyaktuk in northern NWT, which has almost been completed. The GBRP project proponents apparently need at least \$375 million (75% of the \$500 million project cost estimate) in federal funding for this project to be economically feasible.

It appears improbable that significant federal government funding would be available for road projects elsewhere in the North for half a dozen years or more, and likely not in time to begin the GBRP project in 2020 as described in the project application. The BQCMB recommends that a review of the GBRP project not be started until funding required to implement the project is committed.

What is the likelihood that funding required for this proposed project would be available soon?

Even if federal funding for additional major northern road projects is available in the next few years, the GBRP project is not the first or only road project in line for this funding. The all-weather Manitoba-Nunavut road was proposed many years ago, with engineering feasibility studies conducted, community consultations done, and funding proposals submitted to all three relevant governments. The BQCMB has direct experience with that project, as the proposed road routing would bisect the range of the Qamanirjuaq caribou herd, from the south end of its winter range in Manitoba to the north through the post-calving and summer range in Nunavut. Therefore project

proponents and their consultants attended several BQCMB meetings to provide updates on the project over many years. Our understanding is that the GBRP project is not nearly this far advanced and has not held this level of consultations with communities and caribou harvesters.

We understand that the federal Minister of Industry has said that this project is not ready for federal funding. We agree, as there is considerable work remaining to be done in at least two critical areas, namely assessment of the project's feasibility and identifying ways to ensure that potential adverse effects on Bathurst caribou are highly predictable and mitigable with known technology. This situation indicates to the BQCMB that starting a review of the GBRP project in 2017-18 would be premature.