

Northern Economic Futures: Challenges and Opportunities

Research Article

Against Fast-Tracking: Critical Minerals and Indigenous Rights in Nunavut

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Abstract: Across Canada and internationally, there is growing pressure to expand the extraction of so-called “critical” minerals. While some northerners see this expansion as an opportunity to advance regional or national development, others have raised concerns with the social justice implications of critical minerals extraction on Indigenous territories. This article contributes to literature about critical minerals extraction in the North with case studies from Nunavut, Canada. Drawing on regulatory and media documents, it examines the three most advanced such projects in the territory: a proposed expansion to the Mary River iron mine; the proposed Kiggavik uranium project; and the proposed Grays Bay road and port project. The analysis focuses on understanding the potential implications of each project for the rights of Inuit and Dene. Because all three projects have the potential to negatively affect Inuit and Dene harvesting rights—and because the construction and/or expansion of each project faces significant local and/or regional opposition—it would be inappropriate to fast-track or streamline regulatory processes.

L'avenir économique du Nord: les défis et les opportunités

Article de recherche originale

Contre l'accélération des procédures : les minéraux critiques et les droits des Autochtones au Nunavut

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Résumé: Au Canada, comme ailleurs au monde, des pressions se font de plus en plus sentir pour élargir l'extraction des minéraux dits « critiques ». Tandis que certaines personnes nordiques perçoivent cette expansion comme une occasion de faire avancer le développement régional et national, d'autres s'inquiètent des implications sociales et de justice liées à l'extraction de ces minéraux sur les territoires autochtones. Cet article enrichit les travaux de recherche portant sur l'extraction des minéraux critiques dans le Nord, en présentant des études de cas du Nunavut, Canada. S'appuyant sur des documents réglementaires et médiatiques, il analyse les trois projets les plus avancés sur ce territoire : la proposition d'expansion de la mine Mary River, le projet d'uranium Kiggavik, et la proposition de la route et du port de Grays Bay. L'analyse porte sur les implications potentielles de chaque projet pour les droits des Inuit et des Dénés. Comme ces trois projets risquent d'affecter négativement les droits de récolte des communautés Inuit et Dénés, et que la construction et/ou l'expansion de chacun fait face à une opposition locale et régionale importante, il serait inapproprié d'accélérer ou de simplifier les processus réglementaires.

Globally, there is growing political pressure to rapidly expand the extraction of certain minerals that are considered “critical” to energy transitions. This has led to concerns with the ecological, social, economic, and political implications of rapidly expanding critical minerals extraction (Sonter et al., 2020), especially in the Global South (Hernandez & Newell, 2022; Escosteguy et al., 2022; Sovacool, 2021; Andreucci et al., 2023). In response to shifting geopolitical tensions—most notably with China and Russia—Western states are currently seeking to “onshore” critical minerals extraction (Riofrancos, 2022). Such onshoring is part of a broader attempt to exert control over supply chains for electronics and low-carbon technologies. Moreover, several Canadian politicians have responded to growing economic uncertainty—fuelled by the actions of the second Trump presidency in the United States—by reiterating support for critical minerals extraction in Canada, presenting it as a potential solution to an impending economic crisis. These new imperatives for extraction have led to concerns that critical minerals extraction could negatively affect Indigenous rights and interests in Canada (Scott, 2025; Rodon et al., 2024; Rodon & Bouchard, 2024; Pasternak & Dempsey, 2022; Scott, 2021).

The Government of Canada and most provinces and territories have issued policies and directed funding to support expanding the domestic production of certain critical minerals. The federal strategy includes a list of thirty-four critical minerals, but places priority on six: lithium, graphite, nickel, cobalt, copper, and rare earth elements (Government of Canada, 2022).

There is a fundamental tension underlying the federal critical minerals strategy. On the one hand, the strategy seeks to rapidly expand mineral extraction in Canada, including by streamlining regulatory requirements and fast-tracking permitting processes. On the other hand, the strategy commits to upholding Indigenous rights and consulting with Indigenous communities “with the aim of securing the free, prior, and informed consent of Indigenous peoples” (Government of Canada, 2022, p. 29). Whether the imperative for expanded extraction can be effectively balanced with the right of Indigenous Peoples to provide or withhold their consent remains to be seen.

Despite being home to economically significant deposits of several minerals included on the federal list—including nickel, copper, zinc, high-quality iron ore, uranium, and platinum group metals—Nunavut is one of the few jurisdictions in Canada without a critical minerals strategy of its own. However, politicians representing Nunavut have issued statements supporting the expansion of critical minerals extraction in the territory. In 2023, then-Senator Dennis Patterson wrote

an op-ed in the *Nunavut News*, hailing critical minerals as “the key to progress in this country.” According to Patterson, critical minerals extraction can help drive regional economic development in the Arctic, as well as energy transitions nationally and internationally. He identified three projects in Nunavut with the potential to “play a vital role in achieving our national ambitions with regard to critical minerals and a greener economy”: the Mary River iron mine, the Kiggavik uranium project, and the Grays Bay road and port project.

This article examines the three cases of prospective critical minerals extraction referred to in Patterson’s op-ed. These cases were selected because they are the most advanced critical minerals projects in Nunavut. The analysis focuses on ascertaining the potential implications of expanded critical minerals extraction for the rights of Inuit and other northern Indigenous Peoples. Drawing on an examination of regulatory and media documents, it demonstrates that the expansion of critical minerals extraction in Nunavut has the potential to negatively affect the harvesting rights of Inuit, Dene, and Métis communities in Nunavut, the Northwest Territories, Saskatchewan, and Manitoba. Moreover, all three projects face opposition from Inuit and/or Dene communities, raising serious concerns about the right to provide or withhold consent to extraction. As a result, it would be inappropriate to streamline or fast-track the assessment or permitting of these projects. Given the contentious history of the projects examined, a rapid expansion of critical minerals extraction in Nunavut is likely to intensify resource conflicts.

1. Critical Minerals Extraction and Resource Governance in Nunavut

Historically, Nunavut was home to several mining projects that produced minerals the Government of Canada now considers “critical,” including the North Rankin nickel mine (1957–1962), the Nanisivik zinc-lead mine (1976–2002), and the Polaris zinc-lead mine (1981–2002). At present, the Mary River iron mine is the only mining project producing critical minerals in Nunavut. However, several advanced exploration projects in the territory have identified economically significant deposits of uranium, zinc, nickel, copper, and platinum group metals. Some of these projects have led to failed proposals for mining, including the Kiggavik uranium mine and the Izok and High Lake zinc mines. In the case of Kiggavik, the project was rejected by the federal government after an environmental review. With regards to Izok and High Lake, the projects have stalled because the cost of necessary infrastructure currently makes them unviable.

Mineral exploration and mining in Nunavut are governed according to the terms of the 1993 Nunavut Land Claims Agreement (Nunavut Agreement), a modern treaty between Nunavut Inuit and Canada. The agreement extinguished Inuit title to their traditional territory. In return, Inuit received money (\$1.14

billion), rights to smaller tracts of land (roughly 20% of the territory), and specified rights (most notably for wildlife harvesting). The Nunavut Agreement also contained provisions for political development. Famously, it committed the federal government to establish the new territory of Nunavut, in which Inuit form a demographic majority. It also established several co-management boards that allow Inuit to participate in decisions about resources (Hicks & White, 2015).

1.1 Representation, Harvesting Rights, and Land Rights

Several organizations were established to represent Inuit rights and interests under the treaty. Nunavut Tunngavik Incorporated (NTI) is the organization that represents all Inuit in Nunavut. NTI and three Regional Inuit Associations (RIA)—the Kitikmeot Inuit Association (KitIA), Kivalliq Inuit Association (KivIA), and Qikiqtani Inuit Association (QIA)—represent the collective rights of Inuit under the Nunavut Agreement.

The Nunavut Agreement enshrines the right of Inuit to harvest wildlife throughout the territory, subject to limitations established by the Nunavut Wildlife Management Board. The treaty establishes Hunters and Trappers Organizations (HTOs, sometimes known as Hunters and Trappers Associations) in each community in Nunavut. HTOs manage Inuit hunting rights at the community level. They also frequently participate in decisions about extraction, including as intervenors in impact assessment processes for proposed mining projects.

The Nunavut Agreement establishes two categories of Inuit Owned Lands (IOL): lands where Inuit own subsurface (mineral) rights (2% of the territory), and lands where Inuit own surface rights only (18% of the territory). Subsurface rights are managed by Nunavut Tunngavik Incorporated, while surface rights are administered by the Regional Inuit Associations. In order to explore for or extract minerals from lands where Inuit own subsurface rights, mining proponents are required to negotiate exploration or production agreements with NTI. If a proponent wishes to extract minerals on lands where Inuit own surface rights only, it must first negotiate an Inuit Impact and Benefit Agreement (IIBA) with the Regional Inuit Association (McPherson, 2003).

1.2 Co-Management, Land Use Planning, and Impact Assessment

The Nunavut Agreement also establishes a co-management regime responsible for assessing and regulating mining and mineral exploration in the territory. The Nunavut Planning Commission (NPC) is responsible for developing and implementing land use plans in the territory, while the Nunavut Impact Review Board (NIRB) screens and reviews proposals for exploration activity and mineral

development. Both NPC and NIRB are “institutions of public governance” that make recommendations in the public interest. However, they are mandated to give special consideration to Inuit knowledge and oral traditions. The board members of NIRB and NPC are appointed by government, with half of these appointments based on nominations by Inuit organizations (White, 2020).

According to the Nunavut Agreement, a company wishing to explore for minerals or open a mine in Nunavut must first submit a proposal to the NPC, which determines whether or not the project conforms to existing land use plans. If the conformity determination is positive, the proposal is then forwarded to NIRB for screening, which recommends to government whether a full environmental review is required. If a proposal proceeds to environmental review, the project proponent must submit an environmental impact statement, which is then publicly scrutinized by various intervenors, usually including federal and territorial government agencies, Inuit organizations, municipal governments, and environmental NGOs. Following a public hearing, NIRB recommends to government whether or not the project should proceed. Throughout the NIRB screening and review process there are numerous opportunities for Indigenous organizations and members of the public to submit written and oral comments. The review board considers these in its recommendation to government (White, 2020).

At present, the federal Minister of Northern and Arctic Affairs has jurisdiction over resource extraction in Nunavut and is the final decision-making authority for NIRB screenings and reviews. However, the recently negotiated devolution agreement between the Government of Nunavut and Government of Canada will result in the Government of Nunavut assuming jurisdiction over extraction—and the NIRB process—in the future (Government of Nunavut et al., 2024).

1.3 Consultation and Consent

Independent of the provisions of the Nunavut Agreement, Inuit have a constitutional right to be consulted before government approves extraction that could affect their rights (Bankes, 2020). Based in Canadian common law, this duty to consult before extraction approvals in Nunavut also extends to some Dene and Métis groups in the Northwest Territories, Saskatchewan, and Manitoba. In addition to the potential for transboundary effects, there are Dene land claims that overlap with Nunavut.

Recent federal legislation has also enshrined a requirement to seek the consent of Inuit before approving extraction in Canada. The *United Nations Declaration on the Rights of Indigenous Peoples Act* (2021) established a framework

for the Government of Canada to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). Article 32 of UNDRIP requires states to “consult and cooperate in good faith” with Indigenous Peoples “in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources” (United Nations, 2007).

2. Methods

The three cases examined in this article were selected because they represent the most advanced critical minerals projects in Nunavut. The Mary River project is a currently operating iron ore mine that was originally approved in 2012. The proponent (Baffinland Iron Mines) is currently applying for permits to expand operations. The Kiggavik project is a proposed uranium mine that was assessed from 2008 to 2015 by the Nunavut Impact Review Board. Although the Kiggavik proposal was rejected at the conclusion of the NIRB process, the current proponent (Orano Canada) could revive the project and resubmit its proposal if the price of uranium continues to rise. The Grays Bay project is a proposed infrastructure project intended to “unlock” several prospective mining projects in western Nunavut, including (currently shelved) proposals for copper-zinc mines. The copper-zinc mines associated with Grays Bay were assessed by NIRB from 2012 to 2013 as part of MMG Resources’ proposed Izok Corridor mining project. However, MMG failed to submit an environmental impact statement and as a result the review of the Izok project has been stalled.

Written and oral submissions to NIRB form a key data set for this article. For each case, I examined written submissions from Inuit, First Nations, and Métis organizations, as well as transcripts of public hearings. I also reviewed regional media coverage of public debates over each project, focusing on *CBC News North*, *Nunatsiaq News*, and *Nunavut News*. My review of these public record documents is supplemented by secondary academic sources related to the three projects considered in this article.

When reviewing the regulatory and media documents, I focused on identifying the potential implications of each project for the harvesting rights of northern Indigenous communities, based on concerns brought forward by Inuit and Dene. As I explain in section 6, whether or not these potential effects can be adequately mitigated to the satisfaction of Inuit is a complex and difficult question. I also considered the extent to which these projects face Indigenous opposition, raising questions about free, prior, and informed consent to critical minerals extraction in Nunavut.

3. The Mary River Iron Mine

The Mary River Mine is an iron mining operation on northern Baffin Island, owned and operated by Baffinland Iron Mines Limited (“Baffinland”). A Canadian-based company with corporate offices in Oakville, Ontario, Baffinland is jointly owned by the Energy & Metals Group (a Houston-based private equity firm) and ArcelorMittal (a global steel manufacturer and mining company with head offices in Luxembourg). Since 2015, the Mary River Mine has produced iron ore for European markets.

In recent years, Baffinland has promoted the Mary River mine’s potential contributions to manufacturing low-carbon “green steel.” Green steel refers to steel produced using emerging technologies and production methods—relying on hydrogen rather than coal as an energy source—that minimize carbon emissions (Vogl et al., 2021). In 2023, Baffinland signed an agreement with Salzgitter Group (a German steel manufacturer) to explore the potential use of iron ore mined at Mary River in the production of green steel. In a joint media release, the companies indicated that ore mined at Mary River was of sufficient purity to be a candidate for green steel manufacturing (Baffinland & Salzgitter, 2023). One year later, the Government of Canada announced that it had added “high-purity iron ore” to its critical minerals list (*Nunatsiaq News*, 2024a).

The Mary River project includes open-pit mining operations, as well as a tote road to a port at Milne Inlet on the north shore of Baffin Island near the community of Pond Inlet. Between 4.5 and 6 million tonnes of ore are shipped through the Milne Inlet port during summer months each year. However, the company intends to construct a major expansion to the Mary River project, involving a railway and port on the southern shore of Baffin Island, at Steensby Inlet. Igloolik and Sanirajaq are the closest communities to the proposed Steensby port and railway.

Baffinland’s plans to expand the Mary River project are controversial. The Igloolik and Sanirajak hunters and trappers organizations have called for a reassessment of the planned port and railway, which overlap with areas Inuit hunters use to harvest caribou, marine mammals, and fish. Disturbance associated with operating the railway and marine shipping could disrupt harvesting efforts.

The Mary River mine has a complicated and convoluted regulatory history. Our examination of this history revealed significant and ongoing conflict over the existing operations of the Mary River mine, as well as Baffinland’s plans to construct the port and railway.

The original Mary River proposal, submitted to regulators in 2008, involved producing and shipping 18 million tonnes of ore per year through a railroad and southern marine shipping route that ran close to the communities of Igloolik

and Sanirajak. The proposal generated significant public concern, especially in the most affected communities. Prominent concerns included the implications of a railroad for caribou migration and the effects of marine shipping on marine mammals (Scobie & Rodgers, 2013). However, the project won the support of the Qikiqtani Inuit Association and was approved in 2012 (Gladstone & Kennedy Dalseg, 2022; Kennedy Dalseg & Abele, 2015).

Shortly after approvals were issued for the original Mary River proposal, Baffinland indicated that it lacked the capital to construct a railway and operate the southern shipping route. It submitted a revised proposal for Mary River—the so-called “early revenue phase”—that would ship much smaller amounts of ore (4.5 million tonnes per year) by truck to the Milne Inlet port, near the Inuit community of Pond Inlet. The early-revenue phase project was approved in 2014. The company subsequently applied for a production variance—allowing it to temporarily ship 6 million tonnes of ore each year through the northern shipping route—which was approved in 2018, with renewals issued in 2020, 2022, and 2023.

From 2016 until 2022, Baffinland also attempted to advance the so-called “Phase 2” expansion of the Mary River project, which would have involved constructing a railway to Milne Inlet and doubling the amount of ore transported through the northern shipping route to 12 million tonnes a year. However, the Phase 2 proposal was opposed by several municipalities and hunters and trappers organizations in the North Baffin region, most notably the Mittimatalik Hunters and Trappers Organization (MHTO) in Pond Inlet. The Qikiqtani Inuit Association signed an agreement with Baffinland in support of the Phase 2 expansion in 2020. However, it later withdrew from the agreement in response to pushback from North Baffin communities (including a blockade of the mine’s airstrip), and opposed the Phase 2 expansion at final hearings. NIRB ultimately recommended the expansion not be approved and the Government of Canada responded by rejecting Baffinland’s proposed mine expansion (Rodon & Bouchard, 2024; Bernauer et al., 2023).

The regulatory documents associated with the Phase 2 expansion reveal significant contention and disagreement regarding the effects of the existing mine on Inuit harvesting. While Baffinland’s (2018) submissions suggested that the existing operations were having no significant negative environmental impacts, hunters from Pond Inlet expressed frustration with the effects of existing operations and concern that the Phase 2 expansion would exacerbate negative effects on the environment and the Inuit hunting way of life (MHTO, 2022). According to the MHTO’s Final Closing Statement, the Phase 2 project would affect an area of significant importance to Inuit harvesting rights:

The proposed Project is located in an area that has been used by Inuit for generations and that is highly valued. The area contains numerous important sites that support harvesting of country foods, including marine mammals (including ringed seal and narwhal), terrestrial mammals (including caribou), and fish (including Arctic char), and Inuit cultural continuity. (MHTO, 2022, p. 14)

A critical concern—and point of contention—was the extent to which existing operations have affected narwhal. According to observations by Inuit hunters (*Nunatsiaq News*, 2021), as well as Baffinland’s own monitoring data¹ (Baffinland, 2024), narwhal numbers significantly declined in the Eclipse Sound area after Baffinland began operations. While Pond Inlet hunters identified marine shipping associated with the Mary River project as a likely cause of the decline, Baffinland asserted that killer whales and cruise ships were at fault (NAMMCO, 2022).

Following the rejection of the Phase 2 proposal, Baffinland announced that it was abandoning plans for further expansion through the Milne Inlet port. Instead, it would focus its efforts on securing financing to construct the port and railway to Steensby Inlet that was originally approved in 2012 (*CBC News North*, 2023). This decision takes some pressure off hunters from Pond Inlet but poses significant challenges for communities that use Steensby Inlet to exercise their harvesting rights, including Igloolik and Sanirajak. Baffinland intends to ship 18 million tonnes of ore through Steensby Inlet each year—roughly four times the amount it currently ships through Milne Inlet.

Although the port and rail were previously approved, Baffinland’s plans to expand its operations through Steensby Inlet are proving controversial. The Igloolik and Sanirajak hunters and trappers organizations wrote a joint letter to the Nunavut Impact Review Board, calling for a reassessment of Baffinland’s planned railway and port through Steensby Inlet. The letter argued that the assessment informing the 2012 approval was badly outdated because “baseline conditions have changed and mitigation measures need to be updated” (Igloolik HTO and Sanirajak HTA, 2024, p. 2). The letter expressed serious concerns with the implications of the proposed railway and marine shipping operations for Inuit harvesting practices:

The Igloolik and Hall Beach HTAs are deeply concerned with Baffinland’s intentions to begin construction on the port and rail at Steensby Inlet in the near future. Sanirajak and Igloolik are both located near the potential southern shipping corridor for the Mary River mine, including the Steensby port/rail components.

Inuit from both Sanirajak and Igloodik use Steensby Inlet and the surrounding area for many harvesting practices, including hunting (caribou, seals, walrus, whales, birds), fishing (char) and egg gathering. There is also a substantial commercial quota for Arctic char in the surrounding area. While this quota is not currently being used, our communities hope to benefit from this development opportunity someday in the future. The Sanirajak and Igloodik HTAs share many of the same concerns with Baffinland's plans to build a port and railway in Steensby Inlet, especially the potential impacts on caribou, whale, seal, bird, and walrus hunting, as well as char fishing. (Igloodik HTO and Sanirajak HTA, 2024, pp. 1–2)

In a follow-up letter to the Government of Canada, the Igloodik Hunters and Trappers Organization argued that considerable new research exists regarding the effects of mining and marine shipping on Arctic environments that must be considered before the port and rail are built and operated (*Nunatsiaq News*, 2024b).

At the time of writing, Baffinland was in the process of applying for permits and licences for its Steensby operations. Given the degree of concern with the proposed port and railway, as well as the significant uncertainty surrounding the environmental effects of existing operations, it would be unreasonable to fast-track the permitting and licensing processes. If the Government of Canada is serious about seeking the consent of Indigenous Peoples before permitting extraction on their territories, it would order the reassessment requested by Igloodik and Sanirajak.

4. The Kiggavik Uranium Project

The Kiggavik uranium project is an advanced uranium exploration project located 80 km west of the community of Baker Lake. Two proposals for a uranium mine have been submitted to regulators and undergone environmental reviews, once in the late 1980s and again from 2008 to 2015. The first proposal was withdrawn before the review concluded, while the second proposal was rejected by federal decision makers.

A key concern with the Kiggavik mine is its potential to induce additional uranium development in the hunting grounds of Baker Lake Inuit. While Kiggavik is the most advanced uranium exploration project in the area, it is surrounded by other uranium exploration activities. Depending on the pace and scale of additional extraction, such induced development could disrupt harvesting practices and therefore infringe on Inuit harvesting rights.

There is a long history of political contestation over uranium mining in Nunavut, much of it hinging on the Kiggavik project (Scottie et al., 2022; McPherson, 2003). In the 1970s, the municipality of Baker Lake, the Baker Lake Hunters and Trappers Organization, and Inuit Tapirisat of Canada (now Inuit Tapiriit Kanatami) attempted to use petitions and litigation to halt the expansion of uranium exploration in their hunting grounds. While the litigation was unsuccessful in halting the expansion of uranium exploration, the court did recognize that Inuit had unextinguished Aboriginal title to their territory. However, the judge determined that the rights flowing from such title were limited to wildlife harvesting, based on a mistaken (and arguably racist) assumption that, historically, Inuit ways of life were limited to bare survival (*Baker Lake v. Canada*, 1979). Moreover, Inuit legal and political activism related to uranium exploration helped persuade the federal government to implement stricter habitat protection measures for caribou (Scottie et al., 2022; McPherson, 2003).

In the late 1980s a West German mining company called Urangesellschaft submitted a proposal for the Kiggavik uranium mine. Political opposition to the project quickly coalesced. The Keewatin Inuit Association—the political organization that represented all Inuit in the Kivalliq (then called Keewatin) region of Nunavut—passed several resolutions and issued numerous statements opposing uranium mining. The Tunngavik Federation of Nunavut—the political organization negotiating a land claims agreement on behalf of all Inuit in what is now Nunavut (now Nunavut Tunngavik Incorporated)—also publicly opposed the Kiggavik mine. After a municipal plebiscite demonstrated widespread opposition to the Kiggavik mine in Baker Lake, Urangesellschaft withdrew its proposal and placed the project into care and maintenance (Scottie et al., 2022; McPherson, 2003).

In the early twenty-first century, the Kiggavik project was re-activated by new owner AREVA Resources Canada Inc. (a Canadian subsidiary of a French multinational nuclear firm), which submitted a renewed proposal for the Kiggavik uranium mine in 2008. The completion of negotiations for the Nunavut Agreement in 1993 changed the balance of forces surrounding uranium in Nunavut. Territorial and regional Inuit organizations (Nunavut Tunngavik Incorporated and the Kivalliq Inuit Association, respectively) changed their historical positions and issued policies and statements supporting uranium mining in Nunavut (Bowman, 2011; Gocke, 2013). However, opposition continued to be expressed through the Baker Lake Hunters and Trappers Organization and a new Nunavut-based anti-uranium group called Nunavummiut Makitagunarningit (“the people of Nunavut can stand up”) (Gladstone & Kennedy Dalseg, 2022; Scottie et al., 2022; Metzals & Hird, 2018; Scobie & Rodgers, 2013).

From 2008 to 2014, AREVA's proposal was screened and reviewed by the Nunavut Impact Review Board. Throughout the NIRB process, Indigenous organizations and activists expressed serious concerns with the proposed uranium mine. In the final stages of the review, AREVA removed project timelines from its proposal, indicating that the project was no longer financially viable due to high costs of production in the North and low prices for uranium in global markets.

A central concern for Inuit hunters was the potential for induced development. As the Baker Lake Hunters and Trappers Organization explained at the final public hearings, the community of Baker Lake is surrounded by uranium mineralization.

If AREVA is permitted to build a road, mill, or airstrip, the other companies will be able to use them. This will make it much cheaper for other uranium mines to open near Baker Lake. If Kiggavik is approved, there will be increased exploration for uranium near Baker Lake and more uranium mines will inevitably follow. (NIRB, 2015b, p. 1246)

As Nunavummiut Makitagunarningit (Makita) explained in written comments, at the time of public hearings there was no planning/policy framework in place to adequately control induced development in the territory.

Makita believes that the current planning/policy framework is insufficient to protect critical wildlife habitat and important Inuit cultural areas from induced development. There is currently no adequate protection for critical caribou habitat and areas of high cultural value in the Kivalliq region. (Makita, 2015)

Sprawling mining activity and road networks could have serious implications for the ability of Baker Lake Inuit to access caribou.

The Baker Lake Hunters and Trappers Organization argued that AREVA's proposed Kiggavik uranium mine should not be approved. According to the hunters and trappers, there were unacceptable levels of uncertainty in the proponent's impact predictions. Because the proponent had not committed to a start date for the project—and acknowledged that it could be more than a decade before construction commences—the hunters and trappers argued that the impact assessment would be outdated before construction and operations commence (NIRB, 2015b). The position of the Baker Lake hunters and trappers was supported by other hunters and trappers organizations in the region (Arviq Hunters and Trappers Organization, 2015; Aqigiq Hunters and Trappers Organization, 2015), as well as the Kivalliq Wildlife Board (2015).

Dene governments from Saskatchewan and the Northwest Territories also expressed serious concern with the potential for impacts to their members' harvesting rights. The Łutsel K'e Dene First Nation (2015) opposed the Kiggavik project. Its position was part of a broader attempt to prohibit uranium mining on or near its traditional territories, as well as concerns that the proposed mine could disrupt caribou migrations. The Athabasca Denesųliné (2015) argued that the project could negatively affect the caribou herds that Denesųliné communities rely upon to exercise their Aboriginal and Treaty rights to harvest wildlife. Notably, the Denesųliné were concerned with the potential implications of the company flying uranium concentrate over Denesųliné traditional territory.

AD is concerned over the risk of transporting yellowcake by aircraft over AD territory. If an incident was to occur, and the contents of the plane were to spill, there would be radio-active material on the caribou range and into their food and/or water. There is no confidence among the AD that AREVA would be able to successfully clean-up such a spill where there would be no exposure and impact to caribou and surrounding environment. (Athabasca Denesųliné, p. 5)

According to the Denesųliné, an accident involving air transport could be catastrophic for their way of life.

The NIRB (2015a) recommended AREVA's proposed project not be approved. According to NIRB, the lack of a start date for the Kiggavik project created unacceptable levels of uncertainty in the proponent's impact assessment. The proposal was subsequently rejected by the federal government.

The Kiggavik project is now owned by Orano Canada—a Canadian subsidiary of a French nuclear company that succeeded AREVA following the latter's insolvency in 2016—and remains in care and maintenance. However, Forum Energy Metals Corp (a Canadian exploration firm with head offices in Vancouver) is conducting active exploratory work adjacent to the Kiggavik site, in anticipation of the project being reactivated in the future (Forum, 2024). Another company called Atha Energy Corporation recently applied to do additional exploration work in the area (NIRB, 2025).

If the current drive to expand critical minerals expansion results in the revival of the Kiggavik project, historic conflicts and concerns are likely to reappear. Most notably, the potential for Kiggavik to spur further uranium development—including multiple mines and access roads in the hunting grounds of Baker Lake Inuit—remains high, evidenced by ongoing exploration work in the area. A revived Kiggavik project would also have to confront the fact that Athabasca

Denesūliné do not consent to the transportation of uranium concentrate by airplane from Kiggavik to refineries in northern Saskatchewan. Fast-tracking or otherwise streamlining the assessment and licensing processes for a future Kiggavik proposal could intensify these conflicts.

5. The Grays Bay Road and Port Project

The Grays Bay Road and Port Project is an infrastructure project in the Kitikmeot region (western Nunavut) designed to facilitate mining and attract capital investment in the region. The West Kitikmeot Resources Corp is currently advancing the project. The company's largest shareholder is a wholly owned subsidiary of the Kitikmeot Inuit Association, making the Grays Bay project partially Inuit-led. According to the proponent's website, the road and port would "unlock" several critical minerals deposits, including multiple copper and zinc mining projects that are currently stalled due to a lack of infrastructure in the region.

The Grays Bay road and port project is contentious. The road component intersects the calving and post-calving grounds of the Bathurst caribou herd, a herd that provides food to Inuit, Dene, and Métis communities in Nunavut and the Northwest Territories. The herd has declined significantly over the past several decades, raising questions about the herd's resilience in the face of increasing pressure for extraction. Marine shipping operations associated with the port may also affect caribou sea ice crossings for the Dolphin and Union caribou herd. Calving grounds and sea ice crossings are both considered critical habitat to the health of caribou herds (Government of the Northwest Territories, 2024).

Like the Mary River iron mine, the Grays Bay road and port project has a convoluted regulatory history. The project currently proposed by the West Kitikmeot Resources Corp is the third proposal NIRB has considered for a road and port to service mining projects in the Grays Bay area. The first iteration of the Grays Bay road and port was a component of the proposed Izok Corridor mining project, which was proposed by MMG Resources Inc—a subsidiary of a Chinese state-owned mining company. In addition to a road and port at Gray's Bay, the proposed project involved two zinc-copper mining projects near the core calving grounds of the Beverly herd: the Izok mine and the High Lake mine.

The Nunavut Impact Review Board's screening of the Izok Corridor proposal revealed significant Indigenous and public concern with the proposal. In addition to comments from numerous Indigenous rights holders and non-governmental organizations, NIRB received 410 individual comments from members of the public across Canada and internationally. Owing to its location within the calving grounds of the Bathurst caribou herd, several Dene groups from the Northwest

Territories and Saskatchewan indicated outright opposition to all or part of the project, including the Dene Nation (2012), Lutsel K'e Dene First Nation (2012), the Yellowknives Dene First Nation (2012), and the Athabasca Denesųliné (2012). Other Indigenous Nations from the Northwest Territories indicated serious concern but stopped short of outright opposition to the project, such as the Tlicho Government (2012) and North Slave Métis Alliance (2012).

Following NIRB screening, the Izok Corridor project was referred to NIRB for a full environmental review. However, the process soon stalled when the company indicated the project was not economically viable, and that it was exploring potential opportunities for infrastructure partnerships (MMG Resources Inc., 2016).

The concept of a road and port at Grays Bay to service the mining industry was soon revived by the Kitikmeot Inuit Association and Government of Nunavut. This second iteration of Grays Bay was screened by the Nunavut Impact Review Board, which again revealed significant concern and opposition from Dene and Métis communities in the Northwest Territories and Saskatchewan.

According to the Yellowknives Dene First Nation, the project was likely to have significant negative effects on the harvesting rights of First Nations in the Northwest Territories.

The YKDFN are very concerned about the proposed development by virtue of its location and potential impact on barren-ground caribou. Not only the direct impacts of the project in question, but also the long-term effects of facilitated access to previously remote portions of caribou habitat.

(...)

[T]his is all taking place against the backdrop of the recent decline in barren-ground caribou across the North. This decline has resulted in harvesting restrictions preventing the Yellowknives from accessing the Bathurst herd on which they rely so heavily. Further development in barren-ground calving areas can only serve to worsen the situation and prolong this restriction. (Yellowknives Dene First Nation, 2017, p. 3)

A submission from the North Slave Métis Alliance explained the potential implications of the Grays Bay project for Métis harvesting rights:

The Bathurst Caribou Herd has declined to less than 5% of its historic peak in the 1980s, and are severely threatened by the cumulative effects, including of development and habitat loss/fragmentation. The Northwest Territories has imposed a total

harvesting restriction on Bathurst caribou for three years, and Aboriginal rights holders have effectively stopped harvesting this herd as an emergency conservation measure. The proposed route for the GBRP Project goes directly through the Bathurst herd core calving areas, which are highly sensitive to disturbance and fragmentation. We are concerned with direct effects on caribou from road disturbance, and with potential cumulative effects of future mineral development and other land uses in the Slave Geologic Province. These effects on caribou will delay the herd's recovery and impact the Aboriginal rights of North Slave Métis Alliance members to harvest caribou. (North Slave Métis Alliance, 2017, p. 1)

Submissions from the Inuvialuit Game Council (2018) indicated that the shipping activities associated with the Grays Bay port have the potential to affect caribou sea-ice crossings, which are critical habitat to the Dolphin and Union caribou herd. The game council also raised concerns with the potential effects of increased shipping activities on marine mammal harvesting.

Following NIRB screening, the proposal was referred to a full environmental review. However, during the initial stages of the review the future of the proposal became uncertain. After an application for federal funding was rejected, the Government of Nunavut announced that it was withdrawing from the project, leaving the Kitikmeot Inuit Association as the sole proponent (Bell, 2018). On May 2, 2018, the Kitikmeot Inuit Association (2018) wrote to NIRB, requesting the review be suspended. One year later, the Kitikmeot Inuit Association announced its own withdrawal from the project (*Nunatsiaq News*, 2023a).

The Grays Bay project was then acquired by West Kitikmeot Resources Corp (*Nunatsiaq News*, 2023b). In the fall of 2024, NIRB screened the revived Grays Bay proposal. Comments submitted to a NIRB screening process indicated that the latest iteration of Grays Bay is just as contentious as the previous two proposals. Several submissions to the review board—from the Kugluktuk Angoniatit Association (Hunters and Trappers Organization) (2024), Caribou Guardians Coalition (2024), Athabasca Denesūliné (2024), and Inuvialuit Game Council (2024)—indicated that they did not support the proposed road and port project. Others, including the Tlicho Government (2024) and the Government of the Northwest Territories (2024), expressed serious concern with the potential effects on caribou, marine mammals, and Indigenous harvesting rights.

Notably, two Inuit HTOs have voiced explicit opposition to the proposed road and port. The Kugluktuk Angoniatit Association (Hunters and Trappers Organization) (2024)—representing hunters from the closest community to the proposed port and road—wrote to NIRB and specified that it did not support

the proposal. The submission from the hunters and trappers cited concerns with caribou, noting that several caribou herds in the vicinity were at critically low levels, and that the proposed road and port would affect “key habitat areas” including caribou calving grounds. It argued that the proposed road was a “road to nowhere” that “won’t directly benefit communities.” The submission suggested that the mining activity that the Grays Bay proposal sought to facilitate would not bring significant employment benefits to the region: “There are many mines and exploration sites in our region and there’s no capacity to fill jobs.” In an email to NIRB, the Burnside Hunters and Trappers Organization (representing hunters from Bathurst Inlet) indicated its “disapproval” of the proposed road and port and stated that it would “not be attending any meetings regarding this project” (Burnside HTO, 2025).

In December 2024 NIRB recommended to the federal government that the Grays Bay project should undergo a full environmental review. Given the potential for serious harm to Inuit, Dene, and Métis harvesting rights, as well as the significant political opposition to the proposal, the review should be fulsome and thorough. To do otherwise (for example, by fast-tracking the project) could put harvesting rights in jeopardy, risk violating the rights of Indigenous Peoples to provide or withhold their consent to extraction, and further intensify existing conflicts within and between Indigenous communities.

6. Discussion and Conclusions: Critical Minerals and Indigenous Rights

The projects examined in this article all relate to the extraction of certain minerals—including uranium, copper, zinc, and high-purity iron ore—that are considered “critical” to Canada’s transition away from fossil fuels and/or to Canadian economic security. There is growing political pressure to streamline the assessment and permitting processes for these and other similar projects. However, given the political contestation surrounding each project, as well as the potential implications for inherent Aboriginal and Treaty rights to harvest wildlife, fast-tracking or streamlining the assessment of critical minerals extraction in Nunavut is not recommended.

Some of Nunavut’s advanced critical minerals projects are situated in habitat that biologists consider “critical” for wildlife populations. For example, the Grays Bay road and port project is intended to facilitate extraction in or near caribou calving and post-calving grounds. Extraction in Nunavut’s caribou calving grounds is notably controversial. On the one hand, Inuit hunters and trappers organizations in Nunavut—along with First Nations and Métis communities in the Northwest Territories, Saskatchewan, and Manitoba—have sought to protect these critical habitat areas from extraction (thus far unsuccessfully) through land use planning. On the other hand, regional Inuit associations like the Kivalliq Inuit

Association and Kitikmeot Inuit Association have promoted mining in these sensitive areas (Scottie et al., 2022; White, 2020; Dyck, 2019). The caribou herds that would interact with the Grays Bay project have experienced steep declines in population levels in recent years, making them especially sensitive to disturbance (Boulanger et al., 2011). Baffinland's proposed port and railway to Steensby Inlet would similarly disrupt critical habitat for a caribou population at a critically low population level (Davin, 2024).

These wildlife species affected are, in turn, critical to the exercise of Aboriginal and Treaty rights. Wildlife harvesting is protected under the historic and modern treaties northern Indigenous peoples have signed with the Crown. The constitution also protects Indigenous practices that are "integral" to their distinctive cultures (*R. v. Van Der Peet*, 1996). Caribou hunting is integral to the distinctive cultures of Inuit, Dene, and Métis. Marine mammal harvesting is similarly integral to the Inuit way of life.

In two of the cases surveyed, Inuit organizations argued that the projects could negatively affect areas that are critical to Inuit harvesting practices. The Phase 2 expansion of the Mary River project would have doubled shipping volumes through Milne Inlet, an area of extreme cultural and economic importance to hunters from the community of Pond Inlet. While Phase 2 was rejected by government, Baffinland is still seeking to increase production at the Mary River project, including the construction of a new railway and port at Steensby Inlet, an important harvesting area for Inuit from Igloodik and Sanirajak. The Kiggavik project has the potential to induce additional uranium mining development in the hunting grounds of Inuit from Baker Lake, which could affect local access to caribou.

All of the projects surveyed therefore have the potential for significant negative effects on the Aboriginal and Treaty rights of Inuit, Dene, and/or Métis communities in Nunavut, Manitoba, Saskatchewan, and/or the Northwest Territories. Whether or not these effects can be adequately mitigated is a complex and difficult question. The question of mitigation could arguably be partially addressed through in-depth and thorough impact assessment processes.

Yet it is unclear whether Nunavut's existing co-management process for impact assessment is capable of protecting Inuit and Dene harvesting rights in the context of unprecedented political pressure to expand extraction in the North. On the one hand, Nunavut's co-management process has been identified as a positive example of Indigenous involvement in impact assessments from which other jurisdictions can learn (Peletz et al., 2020). On the other hand, impact assessment in Nunavut unfolds in the context of unequal relationships of power that tend to favour extractive industries over harvesting economies (Gladstone & Kennedy Dalseg, 2022; Scobie & Rodgers, 2019). Inuit and Dene have succeeded in using

the NIRB process to stop several unwanted projects, including the Kiggavik and Mary River Phase 2 projects examined in this article. There are, however, also examples of projects that were approved despite Inuit opposition and/or potential for adverse effects on wildlife (Cameron & Kennedy Dalseg, 2022; Medalye & Foster, 2012).

In some cases, it is not clear that NIRB assessment processes are the most appropriate mechanisms for making decisions about extraction. Dokis (2015) shows that co-managed impact assessment in the North can legitimize and facilitate the expansion of extractive economies. During debates about the Kiggavik uranium project, Nunavummiut Makitagunarningit (Makita) argued that a public inquiry, rather than a NIRB assessment, was the most appropriate way to decide whether or not uranium mining should be allowed in Nunavut (Scottie, 2022).

The limitations of impact assessment notwithstanding, fast-tracking specific projects and/or streamlining the NIRB impact assessment process would not positively affect Indigenous rights to harvest wildlife or participate in decisions about extraction. With regards to harvesting rights, streamlining and fast-tracking would likely result in less time to assess and debate the potential implications for wildlife harvesting. Opportunities for Indigenous and public participation could also be curtailed. This would provide fewer opportunities to ensure negative effects on harvesting rights are mitigated to the satisfaction of Inuit. Reduced scope and timelines could also make it more difficult for Inuit to use the NIRB process to stop proposals they do not support.

All three projects examined in this article also faced significant political opposition, raising serious questions about the extent to which Indigenous Peoples consent to the expansion of critical minerals extraction in Nunavut. Inuit HTOs from adjacent communities opposed each of the projects examined in this article. Dene communities from the Northwest Territories and Saskatchewan opposed the Kiggavik uranium mine and Grays Bay Road and Port. Inuit HTOs from multiple communities are resisting the expansion of the Mary River iron mine.

All three cases have also featured significant tensions between Regional Inuit Associations and community-level HTOs. As others have noted, such conflicts are rooted in the structures created by land claims agreements (Rodon, 2018). They raise important questions about which organization is the legitimate representative of Inuit rights and interests vis-à-vis extractive industries. While regional associations bear the collective rights of Inuit and negotiate impact and benefit agreements on their behalf, HTOs have asserted their right to be included in consultation processes (Scottie, 2022).

Infrastructure is a fundamental issue for the expansion of extraction in northern Canada, regardless of whether the materials being extracted are considered “critical” (Spice, 2022; Stanley, 2019). Writing in the context of debates over the “Ring of Fire” development in northern Ontario, Dayna Nadine Scott (2025) demonstrates that conflicts over critical minerals can take the form of conflicts over supporting infrastructure. Moreover, such conflicts can involve Indigenous communities or organizations serving as “shadow proponents” by advancing proposals for infrastructure that would facilitate expanded extraction. In the case of the Ring of Fire, Indigenous-led proposals for road projects have intensified conflicts between First Nations.

A similar dynamic has evolved in the case of the Grays Bay Road and Port Project. Originally brought forward by a mining company, the proposed infrastructure project was later revived by the Kitikmeot Inuit Association and the Government of Nunavut. After this second proposal for Grays Bay was withdrawn, an Inuit-owned company became the proponent. Throughout its regulatory history, the Grays Bay Road and Port Project has faced opposition from Dene and Métis communities in the Northwest Territories. In its most recent iteration, Grays Bay is also opposed by Inuit HTOs from Nunavut.

Some critical minerals strategies call for increased Indigenous leadership in critical minerals extraction. For example, the federal strategy commits to “move beyond legal obligations by strengthening Indigenous participation and leadership in the sector” (Government of Canada, 2022, p. 29). However, the debate over the Grays Bay road and port suggests that even Indigenous-led projects can threaten harvesting rights and fail to secure the consent of some Indigenous rights holders.

Fast-tracking any of these projects or streamlining the assessment, permitting, or licensing processes they undergo would run contrary to the Government of Canada’s commitment to ensure that Indigenous rights are protected in the context of expanding critical minerals extraction. Fast-tracking and streamlining would also run contrary to Canada’s commitments to adhere to the United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2007), especially its provisions related to free, prior, and informed consent. Moreover, it would run the risk of intensifying political conflict between Indigenous Peoples, extractive industries, and the state.

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Notes

1. There is ongoing disagreement over the interpretation of Baffinland's monitoring data for narwhal. While Baffinland (2024) claims that narwhal numbers have recovered, the Department of Fisheries and Oceans Canada (2024) and the Qikiqtani Inuit Association (2024) argue that Baffinland is using incorrect baseline data and that narwhal numbers have yet to recover.

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