COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board (NIRB) has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. To assess the environmental and socio-economic impacts of the project proposal, NIRB would like to hear your concerns, comments and suggestions about the following project proposal application:

Project Proposal Title: Hamlet of Baker Lake Sealift Infrastructure Project
Proponent: Hamlet of Baker Lake
Location: Baker Lake, Kivalliq Region
Comments Due By: August 21, 2025 **NIRB #:** 25XN036

Indicate your concerns about the project proposal below:

- ☐ no concerns
- ☐ water quality
- ☐ terrain
- ☐ air quality
- ☐ wildlife and their habitat
- ☐ marine mammals and their habitat
- ☐ birds and their habitat
- ☐ fish and their habitat
- ☐ heritage resources in area
- ☐ traditional uses of land
- ☐ Inuit harvesting activities
- ☐ community involvement and consultation
- ☐ local development in the area
- ☐ tourism in the area
- ☐ human health issues
- X other: Potential regulatory requirements/oversight

Please describe the concerns indicated above:

Transport Canada, through the Oceans Protection Plan, entered into a Financial Assistance Agreement with the Government of Nunavut to contribute funding for this project. Per the agreement, funding will be provided once requirements under the applicable federal environmental or impact assessment legislation are met and continue to be met.

Canada does not have concerns about the proposed project but does note the project is subject to acts and regulations administered by Transport Canada. Details for the most relevant acts and regulations are provided below for the information of the Board and the proponent.

Canadian Navigable Waters Act
Baker Lake is a scheduled navigable waterway listed in the *Canadian Navigable Waters Act* (CNWA). Given this, any proposed in-water works require an approval under the CNWA from Transport Canada.

The proponent has not yet discussed the project with Transport Canada's Navigation Protection Program.

Marine Safety and Security
Any vessel activity needed to support the project must comply with Canada's maritime laws. In the Arctic, the *Canada Shipping Act, 2001*, the *Marine Liability Act*, the *Arctic Waters Pollution Prevention Act*, Arctic Shipping Safety and Pollution Prevention Regulations, and the *Marine Transportation Security Act* combine to provide Canada's operational regulatory regime governing marine safety, security and environmental protection matters.

- The *Canada Shipping Act, 2001* (CSA) provides an overall regime to protect the safety and the environment for vessels operating in waters under Canadian jurisdiction. Its regulations include requirements for a vessel's construction, management of ballast water, pollution control, arrangements for emergency response, and crew qualifications. Pollution response and prevention measures apply in respect of vessels in Canadian waters or waters in the exclusive economic zone of Canada.
- The *Arctic Waters Pollution Prevention Act* (AWPPA) provides enhanced environmental protection with respect to vessels operating in waters under Canadian jurisdiction north of 60° North latitude. Canada has developed new regulations, the Arctic Shipping Safety and Pollution Prevention Regulations (ASSPPR) that incorporate the Polar Code, with the addition of specific Canadian modifications designed to provide clarity on discharge requirements for the prevention of pollution by oil, by sewage, and by garbage from vessels, as well as the control of pollution by noxious liquid substances in bulk. Note that the AWPPA places a complete prohibition (zero discharge) of pollution from ships/vessels in "arctic waters", as defined in the AWPPA, except where regulations authorize otherwise.
- The Arctic Shipping Safety and Pollution Prevention Regulations (ASSPPR) should be adhered by vessels transiting in the Canadian Arctic.
- The *Marine Liability Act* sets out a regime that requires vessels operating waters under Canadian jurisdiction to carry insurance to pay for damages from oil spills.
- The *Marine Transportation Security Act* sets out a regime to protect and preserve the efficiency of Canada's marine transportation system against unlawful interference. The Department helps the industry achieve compliance with marine security legislation and regulations through awareness, certification, inspection, and enforcement, and helps ports, marine facilities and vessels implement the International Ship and Port Facility Security (ISPS) Code through the Marine Transportation Security Regulations (MTSRs).
    - Note: As the facility is not yet operational, it does not currently fall under MTSA regulations. Once operational, Transport Canada will assess any security issues and assist the operator to become compliant.

<u>Transportation of Dangerous Goods</u>

The requirements for the domestic marine transportation of dangerous goods are set out in Part 11 of the Transportation of Dangerous Goods Regulations. Please note that Transportation of Dangerous Goods Regulations training is required for the domestic shipment of dangerous goods. Training under the International Marine Dangerous Goods Code is not required for domestic marine transportation of dangerous goods.

Transport Canada administers these acts and regulations and is responsible for monitoring compliance and enforcing their requirements. Proponents and vessels in the Canadian Arctic are required to comply with the above acts and regulations, as applicable.

Do you have any suggestions or recommendations for this application?

<u>Canadian Navigable Waters Act</u>

Works, in navigable waterways are subject to the *Canadian Navigable Waters Act* (CNWA). To determine the applicability of the CNWA to the project, the proponent is should complete a self-

assessment using Transport Canada Navigation Protection Program's (NPP) "Project Review Tool" at the following link: https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet.

For any work in a navigable waterway that is a minor work, the proponent will need to file a "notification of a minor work" on the Navigation Protection Program's External Submission Site (https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login-connexion?ret=/&GoCTemplateCulture=en-CA).

If the proponent will not or cannot undertake the work as a minor work, they have two options under the CNWA:

- Voluntarily apply to the Minister of Transport for approval of the works. (Please note there are fees for the review of applications.); or
- Seek authorization for the works using the public resolution process set out in the CNWA.
    - The public resolution process requires proponents to post on the Navigation Protection Program External Submission Site a "notification of work on a non-scheduled waterway and publish a notice inviting public comments. The notice gives the public 30 days to comment on the project.
        i. If no concerns are raised, the proponent can proceed with the work.
        ii. If there are concerns, the proponent and the commenter have 45 days to resolve any navigation-related concerns.

If concerns are resolved within that timeframe, the proponent may proceed with the work. If the concerns aren't resolved after 45 days, the commenter has 15 days to request a decision from the NPP. In this case, after reviewing your proposal and any public input, the NPP will confirm whether the proponent will need to apply for an approval.

Marine Safety and Security

The proponent should consult the Canadian Coast Guard and Canadian Hydrographic Services (CHS) to ensure the following:

- Impacts on navigational aids, if any, are identified.
- The new facility is included on the appropriate charts, as applicable.
- Advising marine traffic of the work being undertaken.

Do you support the project proposal? Yes ☐ No ☐ Any additional comments?

Transport Canada has no comments on whether NIRB should approve this project.

Name of person commenting: Jackie Barker **of** Winnipeg
Position: Regional Env. Advisor **Organization:** Transport Canada
Signature: **Date:** August 12, 2025