



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:	Kivalliq-Baffin Connector Horizontal Directional Drilling (HDD) Feasibility Study		
Proponent:	Government of Nunavut – Department of Transportation and Infrastructure		
Location:	Kivalliq/Qikiqtani (North or South)		
Comments Due By:	October 28, 2025	NIRB #:	25YN061

Indicate your concerns about the project proposal below:

☐ no concerns	☐ traditional uses of land
☐ water quality	☐ Inuit harvesting activities
☐ terrain	☐ community involvement and consultation
☐ air quality	☐ local development in the area
☐ wildlife and their habitat	☐ tourism in the area
☐ marine mammals and their habitat	☐ human health issues
☐ birds and their habitat	☐ other: _____ Regulatory Approval _____
☐ fish and their habitat	_____
☐ heritage resources in area	_____

Please describe the concerns indicated above:

Transport 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

Transport Canada notes that some of the work needed for the feasibility study will take place in several harbours in Nunavut. All of these harbours are extensions of the Arctic Ocean. The Arctic Ocean is a scheduled navigable waterway listed in the *Canadian Navigable Waters Act* (CNWA).

In its Project Overview, the proponent states that (at p 11):

“Compliance for TC will be met through the Minor Works Order. All pertinent navigation legislation will be followed under the Canadian Navigable Water Act ...:

If the work does not meet all the requirements of the Minor Works Order, then, as the work is taking place in a scheduled navigable waterway, it will require an approval(s) 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 to by vessels transiting in the Canadian Arctic.
- The *Marine Liability Act* sets out a regime that requires vessels operating in 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).

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.

Additional project-specific Marine Safety and Security Guidance (e.g., for iced water activities and ROV use)

- Vessels hired for the operations must comply with the requirements of the Polar Code, as applicable. In particular, vessels must hold a valid Polar Ship Certificate that reflects the type of ice conditions in which they intend to operate, including compliance with relevant manning requirements.
 - It should be noted that in the Polar Code, the Canadian Arctic is generally classified as "other waters".
- Additionally, any Remotely Operated Vehicles (ROVs) and marine-mounted drill rigs deployed during the operations must meet all relevant regulatory and safety requirements.



- It is recommended the Proponent engage early with Transport Canada to review and confirm the applicable marine safety and regulatory requirements for the proposed project.
(TC.PNRCMACSecretariat-SecretariatCCMCRPN.TC@tc.gc.ca and Jaideep Johar: Jaideep.johar@tc.gc.ca)

Do you have any suggestions or recommendations for this application?

Canadian Navigable Waters Act

The proponent should review the Minor Works Order, and in particular sections 1-11, 17-18, and 19-23 and 39 (<https://laws-lois.justice.gc.ca/eng/regulations/sor-2021-170/index.html>). Any required notice of a minor work can be submitted through Transport Canada's Navigation Protection Program external submission site: <https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login-connexion?ret=/&GoCTemplateCulture=en-CA>.

If all of the relevant requirements of the Minor Work Order cannot or will not be met, then the proponent can submit their application for approval also through Transport Canada's Navigation Protection Program external submission site. Transport Canada will review the application and details of the work and its potential impacts to navigation and if acceptable, issue a CNWA approval with any needed terms and conditions.

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.
- Advising marine traffic of the work being undertaken.

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

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

Name of person commenting: Scott Kidd **of** Winnipeg, MB

Position: Regional Env. Advisor **Organization:** Transport Canada

Signature: Scott Kidd (by email) **Date:** October 27, 2025