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NPC File No: 150863
NIRB File No: 25YN061

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13 November 2025

Re: Transport Canada Drilling Engineering Support Program Nunavut Impact Review Board Public Comment Period (25YN061)

Dear Scott and Amir,

1 Project Overview

Dynamic Ocean Consulting Ltd. (Dynamic Ocean) has been retained by the Government of Nunavut – Department of Transportation and Infrastructure Nunavut (GN-TIN) as the regulatory specialist to support the permitting for the Kivalliq-Baffin Connector (KBC) Fibre Optic Cable Project (the KBC Fibre Project). The KBC Fibre Project is has four landings as below (depicted in Appendix A (Figure A-1)):

- Three landings on Baffin Island's southern coast (Iqaluit, Kimmirut, Kinngait | Qikiqtani Region).

¹ This IR is addressed to Scott Kidd as the signatory of the TC IR; however, it is acknowledged that Jaideep Johar (Jaideep.johar@tc.gc.ca) and the Regional Director (TC.PNRCMACSecretariat-SecretariatCCMCRPN.TC@tc.gc.ca) were referenced as contacts. Jaideep Johar, the Regional Director, and Dallas Babuik (dallas.babuik@tc.gc.ca) have been included in cc.

- One Landing on Southampton Island (Coral Harbour [Salliq]) Kivalliq Region).

The KBC Fibre Project will connect to a Branching Unit (BU) in Nunavik waters, northwest of Salluit (Nunavik), which was completed as a component of Phase 2 of the Kativik Regional Government (KRG) Eastern Arctic Underwater Fibre Optic Network (EAUFON) Project (EAUFON Project).

Prior to finalization of the detailed design phase of the KBC Fibre Project, a Horizontal Directional Drilling (HDD) Engineering Support Program (the KBC HDD Engineering Support Program) is required at each of the marine landings. The KBC HDD Engineering Support Program will be carried out by Worley Canada Services Ltd (Worley Consulting).

The KBC Fibre Project is considered transboundary as it has components in both the Nunavut Settlement Area (NSA) and the Nunavik Marine Region (NMR). However, the requirement for HDD is exclusive to the NSA and will occur in all communities with a marine landing; Coral Harbour (Salliq), Iqaluit, Kimmirut and Kinngait.

The intention of the KBC HDD Engineering Support Program is to assess seabed and subsurface (soil, rock, groundwater and permafrost) conditions to support the detailed design phase of the KBC Fibre Project. The KBC HDD Engineering Support Program will be composed of four program categories as summarized below:

- Geotechnical Program.
- Geophysical Program.
- Topographical Program.
- Biological Program.

For a detailed description of the surveys involved in each program, see Section 3.1 (Table 3-1) in the NIRB Application Letter (Dynamic Ocean, 2025).

2 Information Request Response

2.1 Background

The KBC HDD Engineering Support Program Nunavut Impact Review Board (NIRB) application was submitted on 08 August 2025 (Dynamic Ocean, 2025). The application was accepted as complete on 07 October 2025 (NIRB, 2025a), and the screening assessment pursuant to Section 87 of the *Nunavut Planning and Project Assessment Act* was initiated. The Public Comment Period occurred over a 21-day Public Comment Period from 07 October 2025 to 28 October 2025. Subsequently, several Authorities Having Jurisdiction (AHJs, see below) submitted an Information Request (IR) which were referred to the GN-TIN on 30 October 2025 (NIRB, 2025b):

- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), 28 October 2025 (CIRNAC, 2025).
- Environment and Climate Change Canada (ECCC), 29 October 2025 (ECCC, 2025).
- Transport Canada (TC), 28 October 2025 (TC, 2025).

2.2 Letter Intention

This letter supports the GN-TIN's response to TC. The TC IR is provided in Appendix B.

The KBC HDD Engineering Support Program acknowledges that TC is the AHJ for pertinent legislation as below:

- *Canadian Navigable Waters Act, 1985.*
- *Canada Shipping Act, 2001.*
- *Marine Liability Act, 2001.*
- Arctic Shipping Safety and Pollution Prevention Regulations.
- *Arctic Waters Pollution Prevent Act, 1985.*
- *Marine Transportation Security Act, 1994.*
- Marine Transportation Security Regulations.
- Collision Regulations.

There are no activities pertinent to the KBC HDD Engineering Support Program relevant to marine navigation, that will not be met through compliance with the legislation as summarized above. Activities pertinent to navigation are restricted to those occurring in the open-water season and are thus on small vessels, that will be exclusively working in the areas surrounding the HDD Punch Out.

2.3 Response

We appreciate TC taking the time to support the NIRB during the Public Comment Period and acknowledge the recommendations made. Dynamic Ocean and GN-TIN have been in touch with TC (see Table 2-1) to discuss the broader KBC Fibre Project and it was agreed that compliance can be met through the Minor Works Order. Our Project Team will continue to work with TC as we prepare for the permitting of the KBC Fibre Project, which is outside of the scope of the KBC HDD Engineering Support Program.

Table 2-1: Meetings and Communication with Transport Canada

Date	Communication Format	Personnel Involved
16-May-25	Virtual meeting	• Victoria Budett-Coutts (GN-TIN). • Dallas Babuik (TC). • Andrew Reid (TC).

3 Summary and Closing

We appreciate TC taking the time to participate in the NIRB's Public Comment Period and are available for further discussions if needed. If you require any clarification on our response, or have further questions, please do not hesitate to contact Victoria Burdett-Coutts (Vburdett-coutts@gov.nu.ca; 778-839-2372).

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A/Manager, Facility Planner

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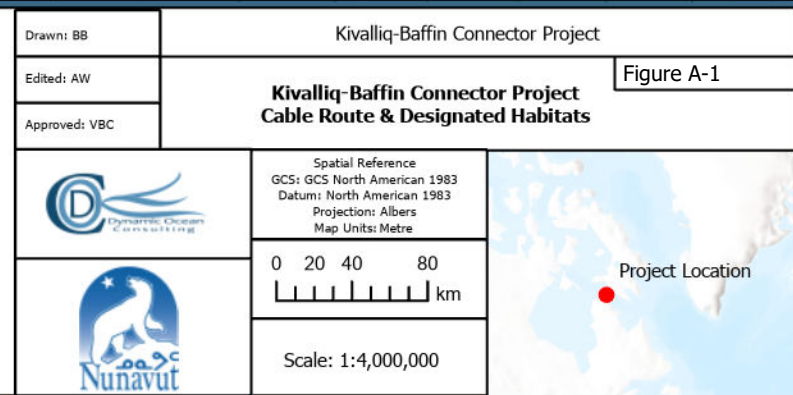
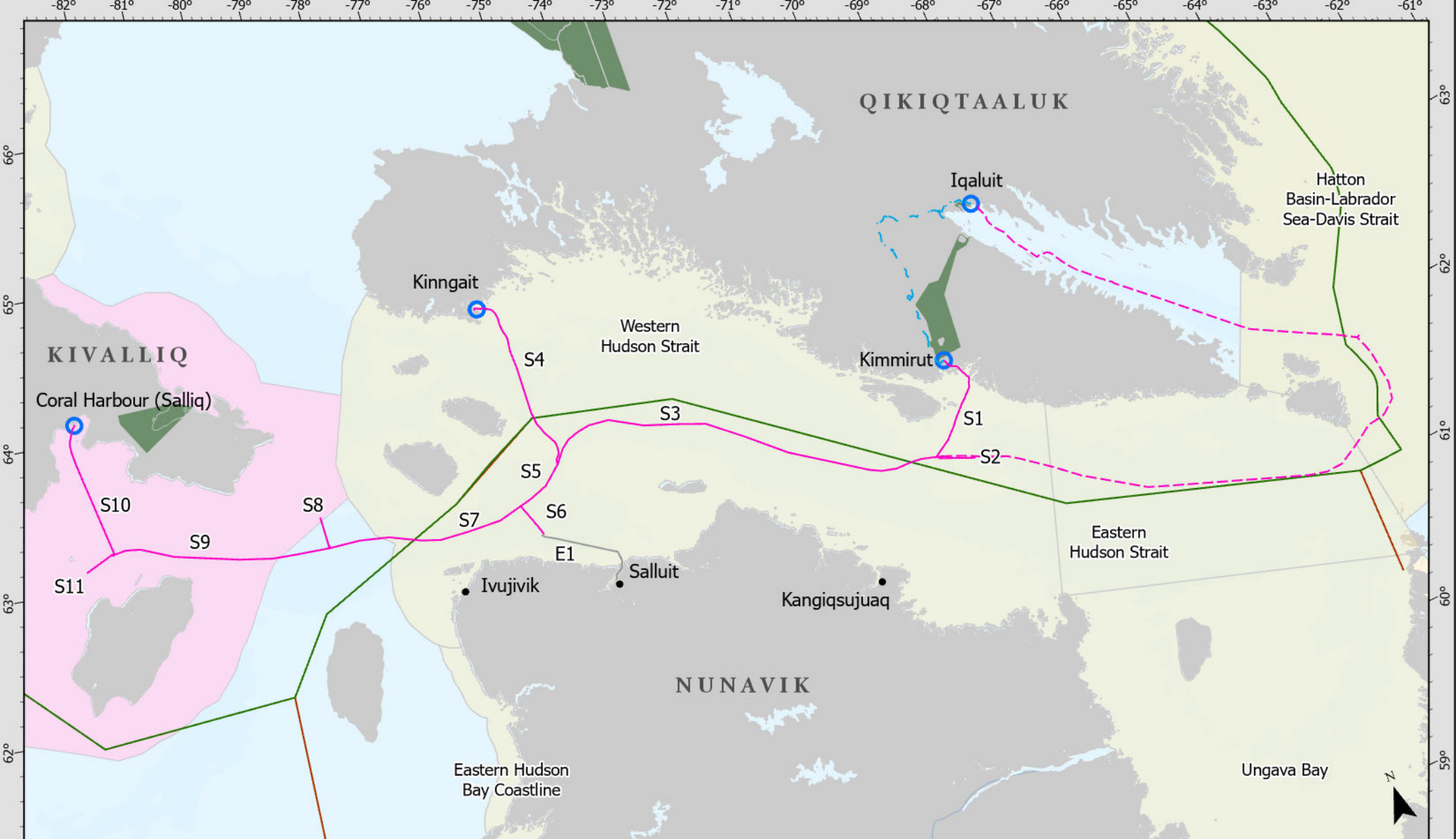
Cc:

- Jaideep Johar, Jaideep.johar@tc.gc.ca.
- The Regional Director, TC.PNRCMACSecretariat-SecretariatCCMCRPN.TC@tc.gc.ca.
- Dallas Babuik, dallas.babuik@tc.gc.ca.

4 References

- Arctic Waters Pollution Prevention Act*. R.S.C. 1985, c. A-12. Last Amended: August 7, 2019, Available at: <https://laws-lois.justice.gc.ca/PDF/A-12.pdf>. Accessed: May 2025.
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- Marine Liability Act*. SC 2001, c 6. Available at: <https://canlii.ca/t/562sv>. Accessed May 2025.
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- NIRB. (2025a). Re: NIRB 126222 / 25YN061: New Project Accepted for Government of Nunavut's "The Kivalliq-Baffin Connector Horizontal Directional Drilling Engineering Support Program". Email correspondence from NIRB to GN-TIN on 07 October 2025.
- NIRB. (2025b). Re: NIRB 126222/25YN061: Comments Received for GN's "The Kivalliq-Baffin Connector Horizontal Directional Drilling Engineering Support Program" Project Proposal. Email correspondence from NIRB to GN-TIN on 30 October 2025.
- Nunavut Planning and Project Assessment Act*. SC 2013, c. 14, s. 2. Last amended: May 27, 2022. Available at: <https://laws-lois.justice.gc.ca/eng/acts/N-28.75/>. Accessed: August 2025.
- TC. (2025). Re: Kivalliq-Baffin Connector Horizontal Directional Drilling (HDD) Feasibility Study (NIRB# 25YN061). Comments to NIRB. 28 October 2025.

Appendix A: Supporting Figures



Appendix B: Information Requests



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

- 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).

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