

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:

Indicate your concerns about the project proposal below:

- Other: Regulatory approvals

Please describe the concerns indicated above:

Transport Canada does not have concerns about the proposed project but does note the project may be 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

The proposed work is on the Arctic Ocean. The Arctic Ocean is a scheduled navigable waterway listed in the Canadian Navigable Waters Act (CNWA). Given this, an application for approval under the CNWA may be required.

A slipway and boat-launching ramp "commercial is defined as any type of inclined path or structure, such as a marine railway, by which vessels can be launched into or retrieved from the water, for commercial or public use (see: Work types - Definitions "attached " line 34).

While sea-lift barges do not operate under their own power, they are still considered vessels, so if the proponent can meet the conditions, they may build the work under the authority of the minor works order. If the proponent meets the criteria of the minor works order they must install the work as per the general requirements for minor works (see: Minor works class "Slipways and boat launching ramps "attached).

Any temporary works required for the construction of the ramps (coffer dams, silt curtains, etc.) must also meet the criteria and requirements for temporary works under the minor works order (see: Minor works class "Temporary works "attached).

It is unclear in the application whether the laydown is in the intertidal zone (area between the low-low tide mark and the high-high tide mark). If so, then it is considered infill and would not qualify as a minor work.

#### Marine Safety and Security

Any vessel activity needed to support the project, e.g., use of a barge as a drilling platform, 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 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).

o Note: As the community re-supply is brought in by Canadian flagged vessels on a domestic voyage (between two points in Canada), this site does not currently fall under MTSA regulations. If that changes at some point, Transport Canada will assess any security issues and assist the operator to become compliant.

Transport Canada administers these acts and regulations and is responsible for monitoring compliance

and enforcing their requirements. 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?

Canadian Navigable Waters Act

If an approval under the Canadian Navigable Waters Act is required, the proponent can submit their application for approval through Transport Canada's Navigation Protection Program external submission

site: [https://npp-submissions-demandes-](https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login)

[ppn.tc.canada.ca/auth/login](https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login) connexion?ret=/&GoCTemplateCulture=en-CA. 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.

The proponent is advised to contact Transport Canada's Navigation Protection Program to discuss the

project:

Phone: 1-844-425-7787

Email: [NPPPNR-PPNRPN@tc.gc.ca](mailto:NPPPNR-PPNRPN@tc.gc.ca)

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.

Also, if they have not already done so, the proponent should consult with the shipping industry, particularly community resupply companies, about the project.

Any additional comments?

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

Do you support the project proposal?: Yes