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: **Coral Harbour Municipal Water Licence Renewal**
Proponent: **Government of Nunavut**
Location: **Kivalliq**
Comments Due By: **November 8, 2021** **NIRB #:** **21WN039**

Indicate your concerns about the project proposal below:

X 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
☐ other:_____

Please describe the concerns indicated above:

Transport Canada has reviewed project documents filed to date with the Nunavut Impact Review Board and the Nunavut Water Board which detail the proposed construction and operation of a water intake in the Post River, including:

- Operation & Maintenance Plan for Coral Harbour Municipal Water Licence: Water Supply Facilities 2021 (NIRB Doc. # 3369670); and
- Notification of Modification to Water Supply Intake (May 10, 2016 to NWB).

While Transport Canada does not have concerns about the proposed project specific to NIRB's review, the Department notes the Post River is likely a navigable waterway. Given this, the proponent should be aware that works in navigable waterways, such as the proposed new water intake in the Post River, are regulated under the *Canadian Navigable Waters Act* (CNWA). However, as explained below, although regulated under the CNWA, the new water intake may not need an approval from Transport Canada.

Works that meet all the applicable criteria set out in the Minor Works Order (https://gazette.gc.ca/rp-pr/p2/2021/2021-07-21/html/sor-dors170-eng.html) only slightly interfere with navigation. Minor works do not require an approval from Transport Canada. It is the proponent's responsibility to conduct a self-assessment and determine whether its project activities, such as the placement of the new water intake in the Post River, meet the criteria of a minor work(s) as set out in the Minor Works Order.

If the proponent determines the criteria of the Minor Works Order will not be met, then under the CNWA they have two options for this project:

1. The proponent can submit an application to Transport Canada for a CNWA approval for the work(s). Transport Canada will review the work(s) and its potential impacts to navigation and if acceptable, issue an approval with any needed terms and conditions.

2. Rather than seek an approval from Transport Canada, the proponent can enter into a public resolution process. This process places responsibility on the proponent to resolve any navigation-related concerns associated with the work directly with a complainant. If, at the completion of the public resolution process, the proponent has successfully resolved navigation-related concerns they may proceed with the proposed work(s). An approval from Transport Canada would not be issued.

If, during the public resolution process the proponent cannot successfully address navigation-related concerns associated with the work(s) within the allotted timeframe under the CNWA, a complainant could request that Transport Canada intervene. In that case, the Minister may exercise their discretion to require an application for approval of the work(s).

Do you have any suggestions or recommendations for this application?

None.

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

Transport Canada has no comments on whether NIRB should approve this project. However, Transport Canada is confident any impacts to navigation caused by the project will be mitigated by the proponent's adherence to the provisions of the CNWA and its associated Orders and/or approval issued by the Department.

Name of person commenting:	Scott Kidd	**of**	Winnipeg, Manitoba
Position:	Regional Environmental Advisor	**Organization:**	Transport Canada – Prairie and Northern Region
Signature:	Scott Kidd	**Date:**	November 8, 2021