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: **Water Resource Assessment for Coral Harbour**
Proponent: **Dalhousie University**
Location: **Kivalliq**
Comments Due By: **June 13, 2022** **NIRB #:** **22YN028**

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 does not have concerns about the proposed project. For the Board's information, please find below details on how the *Canadian Navigable Waters Act* (CNWA) may apply to the Project.

Transport Canada reviewed project documents filed to date with the Board that detail Dalhousie University's proposed project to conduct water sampling to identify sources of saltwater entering the Hamlet of Coral Harbour's water supply, including:

- NIRB Application form for the project (NIRB Doc. # 339655)
- Project Description (NIRB Doc. # 339654)
- Notice of Screening and Comment Request (NIRB Doc. # 339951)

During this review, Transport Canada noted the Proponent proposes to place "loggers" in the Post River as part of its sampling program. As the Post River is over 20 m wide in some locations and used for fishing, it is most likely a navigable water. Activities ("works") in navigable waters are regulated under the CNWA. Transport Canada asked the Proponent for more information about the loggers, such as where they will be placed in the Post River and for how long. The Proponent promptly provided the requested information.

As is explained below, although regulated under the CNWA, the installation of the loggers may or 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, which can include scientific equipment, do not require an approval from Transport Canada. It is the Proponent's responsibility to conduct a self-assessment and determine whether its project activity, being the installation of the loggers, meets the applicable criteria as set out in the Minor Works Order. The Proponent has advised Transport Canada that based on their initial review, the placement and use of the loggers will be a CNWA minor work.

If the Proponent later determines the criteria of the Minor Works Order will not be met, then the Proponent has two options under the CNWA. The Proponent can either: 1) apply to the Minister of Transport for approval of the works; or 2) through the public resolution process set out in the CNWA, seek authority for the project without an approval. The public resolution process requires a proponent to deposit information on Transport Canada's Navigation Protection Program online registry through a Notification of Work and publish a notice inviting public comments. The notice gives the public 30 days to comment on the proposed work and if no concerns are raised a proponent can proceed with the work. 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 but where the resolution process is unsuccessful, or with a voluntary application for approval from the proponent, Transport Canada will review the work for approval.

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 if one is required.

Name of person commenting: Scott Kidd **of** Winnipeg, Manitoba
Position: Regional Env. Advisor **Organization:** Transport Canada
Signature: Scott Kidd **Date:** June 9, 2022