



Do you have any suggestions or recommendations for this application?

1) Recommendation - Marine safety and security legislation

In the Arctic, the Canada Shipping Act, 2001, the Arctic Waters Pollution Prevention Act, the Marine Liability Act, the Coasting Trade Act, 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 Arctic Waters Pollution Prevention Act (AWPPA) places a complete prohibition (zero discharge) of pollution from ships/vessels in "arctic waters", as defined in the AWPPA, except where regulations authorize.
 - The ASSPPR and its relevant safety and pollution relevant provisions should be adhered to when in the Canadian Arctic. <https://laws.justice.gc.ca/eng/regulations/SOR-2017-286/index.html>.
- 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).

These Acts and Regulations combine to provide Canada's operational regulatory regime governing marine safety and environmental protection matters. Transport Canada administers these Act and Regulations and is responsible for monitoring compliance and enforcing its requirement. **Vessels in the Canadian Arctic are required to comply with the above acts and regulations as applicable.**



(e) the submarine cable is not in an area where routine dredging occurs; and
 (f) the submarine cable is not in an area that is identified as an anchorage area on a nautical chart produced by the Canadian Hydrographic Service or the National Oceanic and Atmospheric Administration of the United States.

Minor works orders are provided for works that normally have a minor impact on navigation. Even though the Arctic Ocean is a Scheduled waterway under the CNWA, it is up to the proponent to determine if their works fit under its criteria using the Navigation Protection Program's Project Review Tool - <https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet>.

Transport Canada recommends the proponent refers to shipping companies within the region that may have use or concerns with anchoring or possible yearly resupply needs. This can also be addressed if the proponent applies for Pre-submission services with the Navigation Protection Program (use file#2022-607917).

4) Information - Indigenous consultation

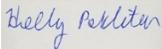
Transport Canada relies upon the Board's process and associated proceedings to assist in discharging the Crown's duty to consult with Indigenous peoples. The Minister of Transport relies on the Board's assessment of the potential positive and negative effects of a project including impacts to constitutionally-protected rights, to determine whether a project should proceed.

5) Information - proposed Tallurutiup Imanga National Marine Conservation Area (TINMCA)

Transport Canada notes that part of the routing runs through the proposed Tallurutiup Imanga National Marine Conservation Area (TINMCA) and advises this may impact development.

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

N/A

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Signature:  **Date:** November 9, 2022