



## 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:

<b>Project Proposal Title:</b> Far North Fiber Marine Route Survey	
<b>Proponent:</b> Far North Digital	
<b>Location:</b> Kitikmeot and Qikiqtani	
<b>Comments Due By:</b> November 9, 2022	<b>NIRB #:</b> 22YN034

  

**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	X other: _____
fish and their habitat	_____
heritage resources in area	<u>marine shipping</u>

**Please describe the concerns indicated above:**

The project will arouse significant public concern. The project proponent may undertake route planning and lay cables in areas that conflict with resupply vessel anchorage and mooring sites in certain communities. Cable may get accidentally damaged by the vessels using their regular routes and anchorages. There are very real concerns that these cables may eventually conflict with community resupply systems.

Significant consultations should occur prior to route planning to avoid conflict with community resupply operational requirements with relevant stakeholders:

- Communities;
- Land claim organizations;
- Shipping industry and departments responsible for Marine Conservation Areas (MCAs) and Marine Protected Areas (MPAs) in the Canadian Arctic;
- Relevant Government of Canada departments, in particular Global Affairs Canada (GAC), Fisheries and Oceans Canada (DFO), Canadian Coast Guard (CCG)/Canadian Hydrographic Service (CHS), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada (ECCC), Parks Canada (PC), Department of National Defence (DND), and Natural Resources Canada (NRCan);
- Impact Assessment Agency of Canada (IAAC) for possible implication under the Espoo Convention (transboundary impacts with Greenland); and
- Transport Canada, prior to undertaking survey by the vessels.



## 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.**



In addition, vessel should refer to section 7A of the Annual Notice to Mariners which provides information related to voyage planning in Canadian Northern waters - <https://www.notmar.gc.ca/publications/annual/annual-notices-to-mariners-eng.pdf> - and contact Coasting Trade branch of Transport Canada and comply with Collision regulations at all times: <https://laws-lois.justice.gc.ca/eng/regulations/c.r.c., c. 1416/>

Transport Canada also notes that any vessel utilized with the project should adhere to the Polar code and the Arctic Shipping Safety and Pollution Prevention Regulations, including considering commercial icebreaker escorts as warranted.

Transport Canada understands that vessel will result in generating Grey water up to 5,650 litres/day and notes survey vessel's voluntary compliance with standards of IMO MARPOL Annex IV as with blackwater. Attention is drawn to the SSB 18/2022, noting that Transport Canada has put in new Environmental Discharge Measures to restore marine habitats and to further protect Canadian water - <https://tc.canada.ca/en/marine-transportation/marine-safety/ship-safety-bulletins/new-environmental-measures-cruise-ships-waters-under-canadian-jurisdiction-2022-season-ssb-no-10-2022-modified-august-18-2022>.

## **2) Recommendation - Canadian Coast Guard (CCG)/Canadian Hydrographic Service (CHS) consultation**

CCG/CHS should be consulted to ensure the following:

- Impacts to Navigational aids are addressed;
- Proposed operations/route are included in the appropriate chart, as applicable;
- Parties are advised of marine traffic of the work being undertaken; and
- Possible exchange of bathymetric data with CHS is explored.

## **3) Recommendation - Canadian Navigable Waters Act (CNWA)**

The Arctic Ocean is a Scheduled waterway under the CNWA and therefore this project may require approval under the CNWA in order to proceed. Based on the information provided by the proponent, the project may meet the Minor works order under the CNWA:

Minor works order Subsection 17(f):

*Designation — submarine cables*

*17. A submarine cable that meets the following criteria is designated as a minor work:*

- (a) the submarine cable is used exclusively for power or telecommunication purposes;*
- (b) the submarine cable lies on or is buried under the bed of the navigable water;*
- (c) the submarine cable does not extend vertically above the bed of the navigable water more than*
  - (i) if the navigable water is less than 15 m in depth, 5% of the depth of the water, or*
  - (ii) in any other case, 1 m;*
- (d) the submarine cable is not situated at or under the entrance to any port, including a marina;*



(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

**Name of person commenting:** Holly Poklitar **of** N/A  
**Position:** Regional Environmental Officer **Organization:** Transport Canada  
**Signature:** Holly Poklitar **Date:** November 9, 2022