

LYNN LAKE GOLD PROJECT: Transport Canada comments on the November 2022 Draft Environmental Assessment Report

Chapter /Section Title, Section #, Page #	Original text from the Agency	ECCC's input/comments	Rationale
Executive Summary p. ii-iii	“The Agency also considered ... effects related to changes to the environment that are directly linked or necessarily incidental to federal decisions that may be required for the Project, including: ... and permit(s) under the Canadian Navigable Waters Act by Transport Canada.”	Transport Canada recommends the sentence be changed to the following: “The Agency also considered ... effects related to changes to the environment that are directly linked or necessarily incidental to federal decisions that may be required for the Project, including: ... and permit(s) approval(s) under the <i>Canadian Navigable Waters Act</i> by Transport Canada.”	“Approval” is the preferred term as under section 7 of the <i>Canadian Navigable Waters Act</i> , the Minister of Transport issues an “approval” for a work, rather than a permit. Changing “permit(s)” to “approvals” would also bring the sentence into alignment with the “approvals” discussed on pp. 181-182 of the Draft Environmental Assessment Report.
9 Impacts to Aboriginal or Treaty Rights 9.3 Issues to be Addressed During the Regulatory Approval Phase pp. 181-182	“Should the Project proceed, federal authorities with a regulatory role will continue consultation with Indigenous nations after the environmental assessment decision is issued. Specifically, relevant federal authorities will consult with Indigenous nations prior to making decisions related to Fisheries Act authorizations and Canadian Navigable Waters Act approval(s), as appropriate.”	Transport Canada recommends the sentence be changed to the following: “Should the Project proceed, federal authorities with a regulatory role will may continue consultation with Indigenous nations after the environmental assessment decision is issued. Specifically, relevant federal authorities will consult with Indigenous nations prior to making decisions related to <i>Fisheries Act</i> authorizations and <i>Canadian Navigable</i>	All works in navigable waters are regulated under the <i>Canadian Navigable Waters Act</i> . However, not all such works require approval from Transport Canada. Transport Canada undertakes consultation when an approval is required. While the second sentence qualifies the first sentence, it is the view of Transport Canada it is more accurate to say that consultation “may” continue.

		<i>Waters Act</i> approval(s), as appropriate.”	
<p>Appendix D Proponent Proposed Mitigation Measures, Monitoring, and Follow- up Programs</p> <p>Indigenous Peoples – Current Use of Lands for Traditional Purposes, Physical and Cultural Heritage, and Sites of Significance (Chapter 7.4)</p> <p>p. 286</p>	<p>“The Proponent would submit the locations of water crossings and others works to Transport Canada for review to determine whether a permit under the <i>Canadian Navigable Water Act</i> would be required. Conditions specified in a permit and other directives would apply to any works requiring a permit.”</p>	<p>Transport Canada recommends the proposed mitigation measure be changed to the following:</p> <p>“The Proponent would submit the locations of water crossings and others works to Transport Canada for review to determine whether a permit under the <i>Canadian Navigable Water Act</i> would be required. Conditions specified in a permit and other directives would apply to any works requiring a permit. For “works”, as defined in the <i>Canadian Navigable Waters Act</i>, required for the project, the proponent will follow Transport Canada’s Navigation Protection Program guidance document, “A Guide to the Navigation Protection Program’s Notification, Application and Review Requirements” found at: https://tc.canada.ca/en/programs/navigation-protection-program/guide-navigation-protection-program-s-notification-application-review-requirements. Conditions specified in a permit an approval(s) and other directive(s) would apply to any works requiring a permit an approval(s). If the dewatering of, or</p>	<p>The proponent’s mitigation measure, while not contrary to the <i>Canadian Navigable Waters Act</i>, is not in keeping with Transport Canada guidance and may create unnecessary work for the proponent.</p> <p>“Approval” is the preferred term as under section 7 of the <i>Canadian Navigable Waters Act</i>, the Minister of Transport issues an “approval” for a work, rather than a permit.</p> <p>Changing “permit(s)” to “approvals” would also bring the sentence into alignment with the “approvals” discussed on pp. 181-182 of the Draft Environmental Assessment Report.</p>

Transport Canada
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		<p>deposit of materials in, any waterbodies is required for the project, the proponent will follow Transport Canada's Navigation Protection Program guidance document, "Applicant Guide to Governor in Council Exemptions under Section 24 of the Canadian Navigable Waters Act" found at: https://tc.canada.ca/sites/default/files/2021-01/applicant-guide-to-governor-in-council-exemptions.pdf</p>	
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