



Via Email

April 20, 2021

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**Re: Technical Review – Fifteen Mile Stream Gold Project Environmental Impact Statement**

Hi Kathy,

As requested in your March 16, 2021 email, Transport Canada has reviewed the Environmental Impact Statement (EIS) for the proposed Fifteen Mile Stream Gold Project, NS, for sufficiency and technical merit. In particular, Transport Canada reviewed the EIS for those aspects related to its mandate, specifically navigation.

Overall, the EIS provides sufficient information for Transport Canada's purposes and role in the Environmental Assessment. We understand that further technical information will be submitted in the form of an application for *Canadian Navigable Waters Act* (CNWA) authorization, where required in the future. To this end, we reiterate the comments and advice provided previously to you for the Proponent in Annex 3 enclosed.

If you have any questions, please feel free to contact me at [jason.flanagan@tc.gc.ca](mailto:jason.flanagan@tc.gc.ca) or 506.227.8257.

Regards,

<Original signed by>

**J. Jason Flanagan, M.Sc.**  
Regional Senior Environmental Supervisor  
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**ANNEX 3: Advice to the proponent**

**Table 3: Additional advice to the proponent, such as guidance or standard advice related to your departmental mandate**

ID	Reference to EIS	Context and Rationale	Advice to the Proponent
TC-01	EIS 1.3.1.5	<p>The Proponent has determined in consultation with Transport Canada’s Navigation Protection Program (NPP) that there are no existing permits/approvals (e.g. <i>Navigable Waters Protection Act</i> (NWPA) or <i>Navigation Protection Act</i> (NPA)) for works in the project area, and while the Proponent acknowledges <i>Canadian Navigable Waters Act</i> (CNWA) approvals may be required for the proposed stream diversion and other new infrastructure or upgrades (e.g. bridges), there is no mention of the Tailings Management Facility or water control structures and any related CNWA authorizations that may be required. As the Proponent has indicated, this will only be ascertained when an application is submitted for review to NPP.</p>	<p>TC reiterates its earlier responses in November 2019 and 2020 and those of conformity with the EIS Guidelines in March 2021.</p> <p>The EIS mentions the use of a Tailing Management Facility and other water control structures involving tailings disposal/storage. Infilling or dewatering of <u>any navigable waterway</u> remains prohibited under the CNWA and requires an Exemption by Order of the Governor in Council pursuant to Section 24 of the CNWA. This requirement can only be ascertained once the proponent submits an application detailing the work, its effects, and the nature of the water bodies that may be involved/affected. It is also understood that elements of the project may involve the diversion of watercourses. Under the Major Works Order made pursuant to the CNWA, proposed water control structures located on ANY navigable waterway that divert water, or change the water levels of watercourses require a CNWA approval (on scheduled OR non-scheduled waterways).</p> <p>Finally, with respect to any new or existing works located on non-scheduled waterways (culverts/ bridges etc.) that may require construction, placement, alteration, repair or replacement as part of the overall project –</p>

			<p>under the CNWA, owners of works – (other than a minor work or a major work) - that are located on navigable waterways not listed in the schedule, which may interfere with navigation, have the option to:</p> <ol style="list-style-type: none"> <li>1. either apply to the Minister of Transport for approval (approval review process and advertising and 30 day registry public review);or</li> <li>2. seek authorization through the public resolution process, and deposit specific information regarding their work on the new Common Project Search (online registry) inviting any interested party to comment.</li> </ol> <p>(advertising and 30 day registry public review)</p> <p>With the coming into force of the CNWA, the Navigation Protection Program has transitioned to the use of the external submission site (ESS) linked below. This is the central point to submit an application for an approval or to publish a notification for a work:</p> <p><a href="https://wwwapps.tc.gc.ca/Prog/3/NWAR-RLEN-E/en/Account/Login">https://wwwapps.tc.gc.ca/Prog/3/NWAR-RLEN-E/en/Account/Login</a></p> <p>The proponent will need to create an account first.</p> <p>Once an application is submitted on the ESS, it will be pushed to the Common Project Search Registry: <a href="https://common-projectsearch.canada.ca/">https://common-projectsearch.canada.ca/</a> for public review. Additional guidance information and links for the NPP regulatory process can be found here:</p>
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			<p><i>Canadian Navigable Waters Act</i></p> <p><a href="https://www.tc.gc.ca/eng/programs-632.html">https://www.tc.gc.ca/eng/programs-632.html</a>  <a href="https://www.tc.gc.ca/eng/canadian-navigable-waters-act.html">https://www.tc.gc.ca/eng/canadian-navigable-waters-act.html</a></p> <p>Navigation Protection Program, Transport Canada  <a href="http://www.tc.gc.ca/eng/programs-621.html">http://www.tc.gc.ca/eng/programs-621.html</a></p>
TC-02	EIS 2.2.1.11 Tailings Management Facility	The Proponent has indicated in this section that the TMF “... <i>is situated in a position that limits interactions with wetlands and streams frequented by fish to the maximum practical extent.</i> ”, however there is no mention if these waters are considered navigable and may require approval under the CNWA.	<p>Further clarification and confirmation whether the Proponent will seek approval under the CNWA for the TMF is requested.</p> <p>As previously advised, if infilling or dewatering of a navigable waterbody is required, an application for approval (GiC approval) must be submitted to NPP (as above).</p>