



**Transport Canada**  
**General Comments on the Draft Environmental Assessment Report (DEAR) and**  
**draft Potential EA Conditions**  
**Boat Harbour Remediation Project**  
**(CIAR [80164](#))**

Thank you for the opportunity to review the Draft Environmental Assessment Report (DEAR) and draft Potential EA Conditions.

***Overall DEAR comments:***

- Potential impacts to navigation should be considered in the DEAR. TC understands that in addition to effects under federal jurisdiction, as defined in the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), “a change, [...] caused to the environment and that is directly linked or necessarily incidental to a federal authority’s exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of the physical activity, the designated project or the project”. Additionally, questions regarding navigation were raised during a Virtual Question & Answer Session with Pictou Landing First Nation (PLFN) on January 7, 2021, regarding navigation impacts related to Indigenous interest.
- As previously noted throughout the environmental assessment review process for this project, approval(s) under the *Canadian Navigable Waters Act* (CNWA) are likely for removal of existing and newly proposed infrastructure (e.g. removal of dam, replacement bridge) associated with this project.
- TC also notes that approval under the CNWA may be required if armouring the estuary is pursued as a mitigation measure (i.e. Page 33, first paragraph).
- The DEAR correctly identifies the requirement for CNWA approval(s) in *Section 7.3 Issues to be Addressed During the Regulatory Approval Phase* (Page 96), and forms part of the considerations within the EA review. This aligns with the comments below on permitting efficiency.

***Overall Draft Potential EA Conditions comments:***

- Transport Canada is not defined in Section 1 of the Conditions.
- Given there are conditions elsewhere that suggest compliance with other Acts such as the *Fisheries Act*, TC suggests a general condition that the Proponent must comply with all other Federal legislation, where applicable, including the *Canadian Navigable Waters Act*.

***General Comments and questions:***

- As TC, along with other federal entities are subject to the requirements set out in the Cabinet Directive on Regulatory and Permitting efficiency (i.e. the Directive), we see this project as an opportunity to pursue the objective of the Directive to better integrate regulatory permitting processes in the impact assessment process.
- Additional information on the proposed approach to a Detailed Permitting Plan, could be included in the DEAR to support the decision-making phase, as well as the future regulatory phase. Transport Canada is open to working in collaboration with IAAC, the proponent and other regulators to develop clear commitments to key milestones, reduce duplication, integrate consultations (public and Indigenous), and foster a coordinated approach to permitting to the extent possible.