

## Regional Assessment in the Ring of Fire Area

January 22, 2021

### Federal Authority Advice Record

Response due to [IAAC.RegionalRoF-CdFRegionale.AEIC@Canada.ca](mailto:IAAC.RegionalRoF-CdFRegionale.AEIC@Canada.ca) by January 22, 2021

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**PART 1** – In providing your responses to the items below, please include any relevant information on associated Indigenous, public or other consultation or engagement activities and identify any partners or collaborations.

#### 1. MANDATE AND AREA(S) OF EXPERTISE

Clearly outline the mandate of your department or agency and detail your area(s) of responsibility or expertise that may be related to the regional assessment.

Transport Canada (TC) is responsible for federal transportation policies and programs. The department's mission is to serve the public interest through the promotion of a safe and secure, efficient and environmentally responsible transportation system in Canada.

Transport Canada regulates 4 modes of transportation: Marine, Rail, Air and Road. In addition to these 4 modes of transport, TC also regulates and has expertise in the transportation of dangerous goods and intermodal surface security.

#### 2. REGULATORY AUTHORITIES

List and summarize the nature of the regulatory authorities of your department or agency in relation to physical works or activities in the Ring of Fire area.

Transport Canada's regulatory authorities in relation to development in the Ring of Fire area will depend on the precise nature of the physical works and activities under consideration (e.g. whether or not marine shipping is contemplated). The following is a list of potential regulatory authorities that may apply and their key objectives:

##### ***Canadian Navigable Waters Act (CNWA)***

- approves and sets terms and conditions for works in navigable waters,
- manages obstructions in navigable waters,

- addresses irresponsible vessel management, and
- enforces rules against dewatering or depositing materials into navigable waters

In the context of development in the Ring of Fire area, the CNWA would typically apply to:

- new watercourse crossings (e.g. bridges for new roads or rail lines)
- the overprinting of water bodies by mines
- the use of water bodies for waste rock storage and tailings
- the rechanneling of watercourses

***Canada Shipping Act, 2001*** (may apply if marine shipping is contemplated as part of the regional assessment)

- the principal legislation governing safety of marine transportation and recreational boating, as well as protection of the marine environment

#### ***Railway Safety Act***

- The Act promotes and provides for the safety and security of the public and personnel, and the protection of property and the environment, in railway operations.
- TC is responsible for developing and implementing policies, guidelines, regulations and providing services, as well as approving operating rules that are developed by the railway industry.
- TC monitors for compliance with the regulatory requirements of the *Railway Safety Act* through activities such as audits, inspections and complaint handling.

#### ***Transportation of Dangerous Goods Act***

- Transport Canada, under the *Transportation of Dangerous Goods Act* (TDGA), is responsible for the safe transportation of dangerous goods. The TDGA requires dangerous goods to be properly classified and transported in the proper means of containment, manufactured to a TC-approved standard. Additional requirements include proper documentation, safety marks, reporting, and training. The TDGA is focused on preventing accidents while ensuring an appropriate response capability exists in the event of an incident. Compliance with rules, regulations and standards are verified through a risk based program.

#### ***Transportation of Dangerous Goods by Rail Security Regulations***

- These regulations require railway companies to conduct security inspections and security risk assessments, develop security plans and security plan training, implement security awareness training and report security incidents to TC.

#### ***Locomotive Emissions Regulations***

- developed by Transport Canada under the *Railway Safety Act* subsection 47.1(2)
- apply to railway companies and the locomotives that they operate
- align with existing Environmental Protection Agency regulations in the US
- limit emissions of criteria air contaminants (CACs), including: nitrogen oxides, particulate matter, hydrocarbons, and carbon monoxide, as well as smoke

The Regulations require railways companies to:

- meet emission standards for new locomotives;
- carry out emission testing;

- follow labelling and anti-idling requirements;
- keep records; and
- file reports with Transport Canada

### 3. EXPERT INFORMATION OR KNOWLEDGE

List and summarize the specialists or expert information or knowledge that your department or agency has that may be relevant to the regional assessment. Include all research, reports and data sets in this response inventory.

Transport Canada can provide expertise in matters related to:

- Marine safety
- Rail safety
- Aviation safety
- Navigation (including the review of works and activities that may result in interference with navigation)
- Transportation of dangerous goods (e.g. safety and containment standards; emergency response operations for incidents involving dangerous goods)
- Intermodal Surface Security Oversight (the secure conduct of surface and intermodal activities)

### 4. POLICIES, PROGRAMS OR INITIATIVES

List and summarize the past, current and planned policies, programs or initiatives of your department or agency that may be relevant to the regional assessment. Include an outline of related funding initiatives in this response and provide information on geographic locations, next steps and timing for the program/initiative.

**The Oceans Protection Plan (OPP)** is an inter-departmental five year plan (ending March 2022, but open to renewal) to protect Canada's oceans and waterways. This plan involves four pillars:

- Creating a world-leading marine safety system
- Preserving and restoring marine ecosystems
- Creating stronger Indigenous partnerships and engaging coastal communities
- Creating a stronger evidence base for decision making

In order to help the department build meaningful relationships with Indigenous and coastal communities, two funding programs have been established to help those communities participate in various OPP related activities:

- The *Indigenous and Local Communities Engagement Partnership Program (ILCEPP)* is intended for long term funding. The ILCEPP provides funding to support and encourage eligible recipients to:
  - Partner with local and regional groups to discuss marine safety and environmental protection
  - Hire experts to take on greater roles as we work to design and set up ways to improve the marine transportation system and protect the environment

- The *Community Participation Funding Program* (CPFP) is intended for short term funding. The program helps eligible Indigenous groups and local communities to take part in developing and improving Canada's marine transportation system. The CPFP gives recipients the opportunity to contribute their knowledge towards tailoring marine transportation systems to local conditions and the environment.

### **Airport Capital Assistance Program**

- The ACAP was established to assist regional/local airport owners with safety-related capital infrastructure and, in so doing, to ensure the continued safety of the Canadian travelling public.
- The Program currently has a \$38M annual funding envelope.

The Program provides funding assistance to three categories of projects:

- Priority 1 – Airside projects – e.g. runways, taxiways, aprons, airfield lighting systems, aircraft rescue and firefighting vehicles and equipment
- Priority 2 – Heavy mobile equipment – e.g. runway snow blowers, snow plows and mobile equipment shelters
- Priority 3 – Air Terminal Building improvements – e.g. sprinkler systems, removing asbestos, creating barrier-free access

A number of airports in the Ring of Fire and surrounding areas currently meet the eligibility requirements for the ACAP. Support from this program may be relevant if development in the RoF area affects activities at local airports in a way that necessitates capital upgrades. This is in no way an assurance that RoF development would result in financial support from the ACAP, but is being identified here only as a possible scenario.

5. Outline any additional responsibilities, information or knowledge and any partners or collaborations that have not been specified, above

Transport Canada is considering undertaking a regional navigational study in the Ring of Fire area and would be interested in meeting with the Impact Assessment Agency of Canada to discuss how this study and the Regional Assessment could be coordinated to gather information in the most efficient manner and provide data that will be beneficial to both initiatives.

**PART 2** – To contribute to the design of the regional assessment process and development of the terms of reference, please provide information or advice in relation to the items below.

1. potential outcomes of the regional assessment;
  - TC recommends that the regional assessment seeks to establish an understanding of the watercourses that are most important to local Indigenous communities and the public for navigation and other purposes.

2. relevant geographic and temporal boundaries;
  - If marine transportation is contemplated as a potential component of future development in the Ring of Fire area, the geographic boundary should extend eastward to include James Bay.
  - The geographic boundary should also include the full route of any proposed new rail lines or all-season roads.
  
3. factors to be considered in the regional assessment and the scope of those factors;
  - Current, historical and potential future use of affected waters by Indigenous communities and the public
  - A consideration of whether the transportation of dangerous goods will be required for future development
  
4. means of communication and engagement that would best facilitate participation of your department or agency in the regional assessment; and
  - Email is preferred for communications
  - Regular interdepartmental working group meetings via Teams
  
5. input or advice on any other aspect of the regional assessment
  - No additional input at this time.