

ANNEX 1**Regional Assessment in the Ring of Fire Area****October 24, 2023****Federal Authority Advice Record****Response due to regionalrof-cdfregionale@iaac-aeic.gc.ca by November 20, 2023**

Department/Agency	Transport Canada
Lead RA Contact(s)	David Zeit, Regional Senior Environmental Supervisor
Full Address	Transport Canada, Programs Branch 4900 Yonge Street Toronto, Ontario M2N 6A5
Email	david.zeit@tc.gc.ca
Telephone	416-428-8163
Alternate Departmental Contact	Sarah O'Keefe, A/Manager, Environmental Programs - Environmental Management sarah.okeefe@tc.gc.ca

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”; “the Department”) is responsible for transportation policies and programs for the Government of Canada so that Canadians have access to a transportation system that is safe and secure, green and innovative, and efficient. The Department develops and implements legislative and regulatory frameworks and oversees transportation policies and operations in the aviation, rail, marine and road sectors through surveillance, promotion and enforcement activities. While the Department is not directly responsible for all aspects of transportation, TC plays a leadership role in ensuring that all components of Canada’s transportation system work together in an efficient manner -- including alignment, where appropriate, with transportation standards and best practices in the international domain.

Within this framework, TC’s priorities include, but are not limited, to the following:

- Transportation Safety
- Transportation Security

- System Efficiency, Fairness and Service
- Economic Development and Resiliency
- Transportation of Dangerous Goods
- Transportation Sector Management
- Clean Growth and Climate Change (Achieving low-carbon and zero-emission targets in the transportation sector)
- Protection of Oceans and Marine Areas

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 or rail developments are 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 relevance of TC's policies, programs and initiatives will depend on the scope of the regional assessment. The following may be applicable, particularly if marine transport is considered within this scope:

The Oceans Protection Plan (OPP) is an inter-departmental initiative to protect Canada's coasts and waterways. This plan involves four pillars:

1. Safer marine traffic
 - Developing effective marine safety systems, introducing regulations and policies to prevent marine incidents and ship-source pollution.
2. Stronger incident prevention and response
 - Preparing for all types of marine incidents, improving our ability to work with Indigenous Peoples, coastal communities, the marine industry, and scientists, being ready to respond effectively.
3. Better protected coastal ecosystems
 - Protecting and restoring marine ecosystems for future generations, introducing measures to protect marine species.
4. Stronger partnerships with Indigenous and coastal communities
 - Partnering with Indigenous Peoples and Canadians to improve our marine safety system, facilitating participation in engagement sessions and emergency marine response programs.

Additionally, from time to time, Transport Canada administers various funding programs to deliver on its mandate. These have included the:

- National Trade Corridors Fund
- Airport Capital Assistance Program
- Community Participation Funding Program
- Indigenous and Local Communities Engagement Partnership Program

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

Transport Canada and Moose Cree First Nation have entered into a Memorandum of Understanding to collaborate on a Navigational Study of waterways and channels in the Moose River Basin. The purposes of the study are to:

- a. assess navigability and usage changes in the Study Area;

- b. identify sources, risks, and potential mitigation measures for the observed navigability and usage changes in the Study Area; and
- c. provide a basis for recommendations to the parties on proposed next steps to address impacts identified by the Navigational Study.

Phase 1 of the Navigational Study will consist of a background study that details the navigability and usage changes observed to date, documents supporting information, and identifies specific areas of concern within the Study Area.

Phase 2 of the Navigational Study will consist of a navigational analysis and detailed assessment of cumulative effects from developments impacting the Moose River Basin system over the last century, as well as further site-specific data collection and analysis based on the findings from Phase 1 of the study.

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 developments
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.