

**Regional Assessment in the Ring of Fire Area****March 10, 2025****Federal Authority Advice Record****Response due to [regionalrof-cdfregionale@iaac-aeic.gc.ca](mailto:regionalrof-cdfregionale@iaac-aeic.gc.ca) by March 28, 2023**

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 intended to ensure that Canadians have access to a transportation system that is safe, secure, environmentally responsible, 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 and expertise 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 nature of the physical works and activities under consideration (e.g. whether 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 management
- 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.

Depending on the works and activities associated with a project subject to assessment, Transport Canada may provide information or knowledge in the following areas:

Area of Expertise	Description
Navigation	<p>The Navigation Protection Program (NPP) of Transport Canada administers the <i>Canadian Navigable Waters Act (CNWA)</i>, the <i>Private Buoys Regulations (PBR)</i> under the <i>Canada Shipping Act, 2001</i>, and the <i>Wrecked, Abandoned or Hazardous Vessels Act (WAHVA)</i>. The <i>Canadian Navigable Waters Act</i> improves Transport Canada's ability to protect the public right to navigation, from physical impediments on bodies of water in Canada, through the approval and review of works that may interfere with navigation, which can be considered major projects. CNWA approvals or applicable processes must be completed prior to any in water works.</p> <p>The NPP approves and sets terms and conditions for "works" in navigable waters. In authorizing works, the NPP evaluates impacts to navigation and minimizes risks to navigation through decisions and compliance activities. Transport Canada may perform a number of activities relevant to major projects, including:</p> <ul style="list-style-type: none"> <li>• approving works built in, on, over, under, through or across navigable waters in Canada prior to the construction of work(s);</li> <li>• verifying implementation of appropriate safety measures for navigation during the construction and operation phases of a regulated work; and,</li> <li>• imposing appropriate terms and conditions required for safe navigation during and/or on completion of the construction of work(s).</li> </ul>
Rail Safety	<p>TC's Rail Safety Program, under the authority of the <i>Railway Safety Act</i>, is responsible for developing, implementing and promoting rail safety policy, regulations, standards and research necessary for the safety of railway operations in a manner consistent with North American and International safety standards/levels.</p> <p>The Program fosters safety within the rail transportation system and provides oversight of the rail industry through regulation, outreach and oversight, where this mission leads to a vision of a national transportation system that Canadians recognize as safe and</p>

	<p>efficient. It also promotes public safety at crossings, identifies the risks of trespassing, and provides funds to improve safety at grade crossings.</p>
<p>Transportation of Dangerous Goods</p>	<p>The Transportation of Dangerous Goods Program, under the authority of the <i>Transportation of Dangerous Goods Act, 1992</i>, develops, administers and oversees the policies, regulations and standards necessary for the safe transportation of dangerous goods by all modes of transportation in Canada, in a manner harmonized with international standards, and provides expertise in emergency response in the event of release of dangerous goods.</p> <p>This Program also works to prepare for and coordinate the response to safety and security threats and incidents that may impact the national transportation system or the Department regarding chemical, radiological, biological, nuclear or explosive substances. The Program fosters safety in the transport of dangerous goods; provides oversight of the transportation industry; enforces international conventions signed by Canada; and responds to emergency situations that affect the safety of Canadians.</p> <p>TC's Transportation of Dangerous Goods Directorate activities consist of:</p> <ul style="list-style-type: none"> <li>• Developing and enforcing safety standards for the safe transportation of dangerous goods;</li> <li>• Conducting compliance monitoring of modal (air, rail, marine, road) shippers and importers, assessing emergency response assistance plans, means of containment standards and facilities; and,</li> <li>• Operating the Canadian Transport Emergency Centre to provide advice on emergency response operations for incidents involving dangerous goods.</li> </ul>
<p>Marine Safety and Security</p>	<p>Transport Canada's marine safety and security system is designed to protect life, property and the marine environment. The marine safety and security system is under the legislative and regulatory oversight of Transport Canada, but it is implemented by many partners including other government departments, Pilotage Authorities and Canada Port Authorities, advisory councils and enforcement agencies.</p> <p>In general, Transport Canada has the authority to regulate all domestic vessels operating in Canadian and foreign waters. This includes how a vessel is constructed, navigation requirements, requirements for environmental protection, and certification of seafarers.</p> <p>The primary legislation is the <i>Canada Shipping Act, 2001</i> which protects the health and well-being of individuals who participate in marine transportation and commerce, as well as the marine environment from damage due to navigation and shipping activities. Other important pieces of legislation and regulations relevant to major projects with marine shipping components could include the following:</p>

	<ul style="list-style-type: none"> <li>• <i>Pilotage Act</i></li> <li>• <i>Canada Marine Act</i></li> <li>• <i>Marine Liability Act</i></li> <li>• <i>Marine Transportation Security Act</i></li> </ul> <p>In 2021, Transport Canada decided to discontinue the voluntary TERMPOL review process for proposed marine terminals and transshipment sites. The review concluded that integrating TERMPOL within the impact assessment process could provide for a more timely, efficient and effective review of navigation safety. Now, as a federal authority, TC would provide expertise and knowledge on navigation safety assessments to support its integration as part of the Impact Assessment.</p> <p>Transport Canada in its capacity as a Federal Authority, will support the Impact Assessment Agency of Canada in determining if navigation safety assessment requirements should be assessed within the environmental/impact assessment process.</p>
Civil Aviation and Aviation Safety	<p>For major projects, an airport operator is chiefly responsible for raising any safety-related concerns that might impact aeronautics (e.g. predictions of fog and reduced visibility from a project and their potential effects on air navigation). Proponents of aerodrome works, other than work necessary to comply with new requirements imposed by the Aeronautics Act, are also responsible for conducting consultation with affected stakeholders. The purpose of the consultation is to identify and mitigate concerns in advance of construction. Transport Canada is responsible for reviewing the reports emerging from the consultation process before making a decision in regard to the proposal.</p> <p>Major projects with physical changes and or operational (upward) changes at new or existing aerodromes, might be subject to the impact process under the Impact Assessment Act. Transport Canada develops standards and recommended Practices, including the Aerodrome Standards and Recommended Practices (TP 312 5th Edition). The TP 312 5th Edition aligns aerodrome certification standards to the actual (or planned) operations at site and is the basis to define operational changes for major projects.</p> <p>Transport Canada is also responsible for oversight activities at airports and aerodromes and any enforcement action the Minister deems appropriate in the circumstances. Additionally, for aviation obstacles of certain height (construction cranes for example) near an airport or aerodrome location, a proponent is required under the Aeronautics Act to notify Transport Canada of these potential obstructions to enable the department to undertake an assessment for potential obstacles to aviation. If an object is determined to be an obstruction, it must be lighted and marked in accordance with the standards and regulations under the Act. The regulations support a compliance-based regime and there is no Ministerial decision in the vast majority of cases from the department.</p> <p>Transport Canada, through the Civil Aviation group, can therefore provide subject expertise and advice on all aviation-safety related</p>

	matters concerning major projects.
Environmental Policy	<p>Transport Canada's Environmental Policy Directorate is mandated to support the delivery of the government's environmental agenda to reduce the harmful impact of all transportation modes on Canada's natural environment, and to consider the impact of environmental changes on the national transportation system. Transport Canada's Environmental Policy Directorate is divided into three groups: Clean Water Policy; Clean Air Policy and Analysis; and Climate Change Adaptation and Planning.</p> <p>The Clean Water Policy group has expertise in the development of policy measures and options, as well as regulatory requirements, relating to various marine topics including: vessel end-of-life management (vessel abandonment), ship-source marine aquatic invasive species (hull biofouling), management of ship waste (plastics) and support for the protection and recovery of endangered species by managing adverse vessel impacts, including underwater noise and vessel strikes.</p> <p>The Clean Air Policy and Analysis group advances the Government of Canada's domestic and international agenda to reduce air emissions including greenhouse gas emissions from the transportation sector. It has expertise relating to various topics including: regulations, policies and programs to reduce emissions across the transportation sector domestically and internationally; efforts underway across the federal government to increase domestic and global adoption of emerging technologies, such as alternative fuels, in the transportation sector; and the next generation of voluntary action plans to reduce GHG emissions by improving the efficiency of domestic rail and domestic aviation sectors.</p> <p>The Climate Change Adaptation and Planning group supports the Government of Canada's efforts to advance adaptation action in Canada, focusing on the Canadian transportation system, including in the North. The team has expertise related to: climate change impacts to transportation modes across the country; climate change risk and vulnerability assessment approaches; research and development on climate risks and adaptation solutions for northern transportation systems; other departments, jurisdictions, academics and organizations in Canada that are active in this area; and technical, engineering, policy or planning approaches that support decision-making and that may be effective at mitigating the risks posed to transportation infrastructure and operations by the changing climate.</p>

#### 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.

Transport Canada has two funding programs that may have relevance to undertakings in the Ring of Fire, although eligibility will depend on specific circumstances:

##### **Indigenous Participant Funding Program (IPFP)**

<https://tc.canada.ca/en/programs/indigenous-participant-funding-program>

The Indigenous Participant Funding Program (IPFP) funds projects and initiatives designed to support the capacity of Indigenous communities and organizations to participate in *Canadian Navigable Waters Act* (CNWA).

Grant funding for consultation and engagement is available to Indigenous communities and organizations across Canada.

Project-Based Component:

- Support consultation related to decisions contemplated under the CNWA and the potential adverse impacts of those decisions on Aboriginal or Treaty rights

##### **Community Participation Funding Program (CPFP)**

<https://tc.canada.ca/en/programs/community-participation-funding-program>

The Community Participation Funding Program (CPFP) helps eligible local and Indigenous communities and organizations to take part in developing and improving Canada's marine and rail transportation system.

The CPFP provides funding support to recipients for activities including knowledge sharing towards tailoring marine and rail transportation systems to local conditions and the environment. Recipients are also encouraged to support the development and implementation of federal marine transportation and rail safety strategies and policies that may impact their daily activities and communities.

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