



Transport Canada

Nunavut Impact Review Board Final Hearings
Baffinland Iron Mines Corporation Mary River Project
Technical Presentation - Iqaluit - July 2012





OVERVIEW OF PRESENTATION

- Transport Canada (TC) participation in review process
- TC mandate
- Specific key issues pertaining to TC
 - Marine Transportation Safety
 - Marine Transportation Security
 - Rail Transportation Safety
 - Transportation of Dangerous Goods
 - Aviation Safety
- Summary of recommendations



PARTICIPATION IN NIRB REVIEW

- TC has outlined its responsibility for authorizing or ensuring the compliance of components of the Project in accordance with all applicable legislation and regulations.
- TC provided specialist information and expert advice to NIRB through written submissions and technical meetings.



TRANSPORT CANADA MANDATE

- Seeks to promote an integrated transportation system that is safe, secure, efficient, and environmentally responsible.
- Responsible for transportation regulations, policies and programs.
- Regulates associated transportation infrastructure, equipment and personnel in accordance with the legislation and regulations within TC's mandate.



MARINE TRANSPORTATION SAFETY

- TC identified the marine transportation regulatory programs relevant to the Project, and noted the Proponent's responsibilities to meet these regulatory requirements.
- These include programs related to vessel safety, security, pollution prevention, pollution response, marine liability and compensation, and navigable waters.



MARINE TRANSPORTATION SAFETY FEIS GUIDANCE (SHIPPING)

- All vessels transiting to/from Steensby Inlet will have to comply with the *Arctic Waters Pollution Prevention Act (AWPPA)*, the *Canada Shipping Act (CSA 2001)* and their associated regulations including for vessel construction and operation in ice conditions.
- The Proponent has identified its intention to comply with all applicable provisions under the *Arctic Shipping Pollution Prevention Regulations (ASPPR)* for year-round shipping and the responsibility for choice and assignment of an appropriate Polar Class standard for new and existing vessels.



MARINE TRANSPORTATION SAFETY FEIS GUIDANCE (SHIPPING)

- There are no established shipping lanes in the Canadian Arctic. It is the Ship Master's responsibility to navigate with caution and due regard to ensure the safety of crew, vessel and environment and adhere to the applicable regulations and use charts and publications that apply to the proposed routes.
- The Proponent is to undertake a review of the preliminary information and modeling, regulations, publications and demonstrate to TC that vessels selected for the Project can safely navigate the waters of Steensby Inlet, Foxe Basin, Fox Channel and Hudson Strait and are suitable for year-round shipping operations.



MARINE TRANSPORTATION SAFETY FEIS GUIDANCE (OVERWINTERING OF FUEL VESSEL)

- Vessels that overwinter remain subject to all requirements of the CSA 2001, and AWPPA and their associated regulations.
- TC has reviewed the Proponent's Project Overview and Risk Assessment for Overwintering of a Fuel Vessel in Steensby Inlet for the Winter of 2012-13 and has determined that the Proponent's preliminary plan with respect to overwintering has the *potential* to meet all regulatory requirements.



MARINE TRANSPORTATION SAFETY FEIS GUIDANCE (OVERWINTERING OF FUEL VESSEL)

- TC can make a final determination once the Proponent provides more specific details about the vessel it plans to use and how fuel storage and transfer operations will be carried out by that vessel. This will involve scrutinizing whether the vessel and its operations can meet regulatory requirement, and if necessary, considering an application for regulatory equivalencies under the CSA 2001 and ASPPR.
- In the event that the Project receives approval to proceed, TC would urge the Proponent to identify the vessel and commence this work as early as possible.



MARINE TRANSPORTATION SAFETY FEIS GUIDANCE (OIL SPILL PREVENTION)

- TC reviewed the Draft Oil Pollution Emergency Plans (OPEPs) for Milne Inlet and Steensby Inlet Oil Handling Facilities (OHFs).
- Operational factors have been identified that must be addressed by the proponent prior to commencement of the project including site specific oil spill response procedures that take into account various incident scenarios.



MARINE TRANSPORTATION SAFETY FEIS GUIDANCE (BALLAST WATER MANAGEMENT)

- TC will be changing its current regulations that require all ships entering Canada to exchange their ballast water at sea to implement international standards that are expected to come into force with the next two years.
- The new regulations will require all ships entering and leaving Canada to manage ballast water to international performance standards; this would require installation and certification of treatment systems onboard.
- The Proponent should continue to work closely with TC as it develops its plans to ensure selected vessels are compliant with the ballast water regulations.



MARINE TRANSPORTATION SECURITY

- TC is responsible for increasing the level of protection of Canada's marine transportation system against unlawful interference, terrorism attacks, security threats and to assist industry to achieve compliance with marine security legislation and regulations associated with certification and inspection of vessels, ports and marine facilities.
- The *Marine Transportation Security Act* applies to vessels and marine facilities in Canada, Canadian ships outside of Canada and maritime installations.



MARINE TRANSPORTATION SECURITY FEIS GUIDANCE

- During the construction and operational phases of the Project the *Marine Transportation Security Regulations* will apply to Milne and Steensby Ports in respect to Canadian and foreign flagged vessels, marine facilities, and marine installations and structures.
- Security Assessments for Milne and Steensby Ports will be required and security exercises shall be conducted at least once every calendar year with no more than 18 months between them.
- This will fully test the marine facility security plan and include active participation of security personnel from the facility, government authorities, and vessel personnel interfacing with the facility.



RAIL TRANSPORTATION SAFETY

- TC works to advance a safe and efficient national rail transportation system through regulation, outreach and oversight.
- TC is responsible for developing and implementing policies, regulations and services, as well as the overall administration of the *Railway Safety Act* (RSA). The Department monitors for compliance with the RSA and related regulations as well as operating rules and engineering standards that are developed and applied by the railway industry.



RAIL TRANSPORTATION SAFETY

- If the railway between the mine site and Steensby Port is issued a Certificate of Fitness by the Canadian Transportation Agency, it would constitute a federally-regulated railway and would be subject to the RSA and related rail safety regulatory framework.
- TC expects that all of the Proponent's railway-related activities would comply with applicable legislation, regulations, rules and engineering standards including, for example:
 - *Railway Safety Management System Regulations*
 - Filing/approval of appropriate rules and engineering standards



RAIL TRANSPORTATION SAFETY FEIS GUIDANCE (RAILWAY MANAGEMENT AND EMERGENCY RESPONSE PLANS)

- The Proponent has provided a draft Railway Management Plan and draft Railway Emergency Response Plan.
- TC has advised the Proponent that all railway-related activities must comply with applicable legislation, regulations, rules and standards.
- TC has provided comments and recommendations to assist the Proponent in finalizing the draft plans.



TRANSPORTATION OF DANGEROUS GOODS

- TC has the authority to promote public safety during the transportation of dangerous goods in all modes of transport.
- The *Transportation of Dangerous Goods Regulations* adopted by all territories, focus on preventing hazardous incidents when dangerous goods are imported, handled, or transported.
- *Section 7 of the Transportation of Dangerous Goods Act, 1992*, requires that before a person offers for transport or imports certain dangerous goods, the person must have an approved Emergency Response Assistance Plan (ERAP).



AVIATION SAFETY

- TC is responsible under the *Aeronautics Act*, for the regulation of aeronautics and the supervision of all matters connected with aeronautics, including:
 - Aerodrome standards and certification
 - Emergency response planning
 - Wildlife planning and management
- The Proponent is currently operating a registered aerodrome at Mary River, a non-registered aerodrome at Milne Inlet and proposes to construct an aerodrome at Steensby Inlet.

SUMMARY OF RECOMMENDATIONS

- **Shipping route and suitability of vessels for year-round shipping:**
 - The Proponent work closely with TC to proactively address the unique challenges of the proposed shipping operations and routes in the Arctic.
 - The Proponent indicate what measures will be taken to provide the bathymetric information to the vessels and how this bathymetric information can be shared with Canadian Hydrographic Services.
 - The Proponent demonstrate, to appropriate regulatory authorities, its capability to meet regulatory requirements prior to commencing shipping activities.



SUMMARY OF RECOMMENDATIONS

- **Oil spill prevention:**
 - The operator of the OHFs should be prepared to respond in accordance with the *Response Organizations and Oil Handling Facilities Regulations* and applicable standards.
 - The Proponent should continue to work closely with TC as it develops its plans to ensure their OPEPs and OHFs are compliant with the CSA 2001 and associated regulatory requirements and the AWPPA.



SUMMARY OF RECOMMENDATIONS

- **Overwintering accommodation vessels/barges:**
 - Due to the remote location and cold weather environment, the vessels/barge and all systems must be designed for the anticipated ice conditions and comply with the CSA 2001 and the ASPPR.



SUMMARY OF RECOMMENDATIONS

- **Aviation Safety:**
 - Aerodromes should be constructed to meet the requirements of the current edition of TP 312 *Aerodrome Standards and Recommended Practices*.
 - TC recommends the Proponent registers the aerodromes at Milne Inlet and Steensby Inlet.
 - TC has the authority to impose flight restrictions on aircraft operations. The guidance for pilots in respect to flights over birds and wildlife is provided in TC document, Aeronautical Information Manual RAC Sections 1.14 and 1.15 and voluntary compliance is recommended.

SUMMARY OF RECOMMENDATIONS

- **Railway:**
 - TC expects the Proponent to comply with applicable legislation (RSA, *Canadian Transportation Accident Investigation and Safety Board Act, etc.*) and regulations, to adopt and/or formulate appropriate rules and engineering standards and to consult Transport Canada's policies and guidelines.
- **Transportation of Dangerous Goods:**
 - TC expects that the Proponent's activities would comply with the *Transport of Dangerous Goods Act, 1992*, regulations, and standards for the transport of dangerous goods by all modes.



CONCLUSION

- TC will continue to work with NIRB, other Federal and Nunavut Government Agencies, stakeholders and the Proponent in the environmental review of the Mary River Project.
- Based upon review of the FEIS and supporting documentation provided by Baffinland Iron Mines Corporation, TC has not identified any concerns as defined by TC's mandate, that would prohibit the Project proceeding to the regulatory approval stage.