

From: Luc Fortin [Luc.Fortin@otc-cta.gc.ca]
Sent: September-29-09 12:50 PM
To: rbarry@nirb.ca
Subject: CTA Comments on the BaffinLand Mary River Project draft Guidelines Document

Hello Barry,

The Canadian Transportation Agency has reviewed the Draft Guidelines for the Preparation of an Environmental Impact Statement for BaffinLand Iron Mines Corporation's Mary River Project (Sept. 4, 2009). The following comments focus principally on the proposed rail components of the project and their potential impacts on the natural and human environments.

As an overall observation, the potential impacts of the proposed rail installations have been well identified. The additions we propose to the Guidelines will provide details and specifications regarding the assessment of the rail installations.

1. Although the environmental assessment is being carried out under the Nunavut Impact Review Board regulation and procedures, we suggest that federal departments, such as the Canadian Transportation Agency, which have a regulatory responsibility and will have to issue permits for the implementation of the project be listed along with the legislative/regulatory authorities they would exercise. This information, often contained in a brief section, is pertinent to readers of the environmental assessment report.

2. Subsection 6.5.6.1. Railway Corridor - The following bullet should be included: " The distance between the railway line and other rail facilities, such as a railway yard at Steenby Inlet or at the Mary River mine site, to communities or individual residences along the rail line;"

3. Subsection 6.5.6.1. Railway and Train Operations - The following bullets should be included:

a. "The estimated number of trains per week;"

b. "The volume of fuel, lubricants and hazardous substances that will be transported by rail for the operation of the mine, power generation, air strip, maintenance facilities, work camp, processing of iron ore, and other components of the project;"

c. " Description of how the rail operations will be managed so as to ensure its operation by experienced staff, whether this be done through the contracting of rail operations with a railway consultant firm or the staffing of a railway crew within the BaffinLand Corporation itself;" (This bullet might alternatively be included in subsection 9.4.14 Railway Management Plan.)

d. " Potential railway noise and vibration impacts to humans residing in proximity to railway installations;"

e. " Method to be used to keep rail locomotives ready for operation in cold

weather, whether this be continual idling in cold weather or

4. Subsection 7.11 - Significance Determination - Federal departments that will make a determination regarding the project will have to do so in keeping with the Canadian Environmental Assessment Act. Under the CEAAct, these federal departments will need to determine whether the project, taking into account appropriate mitigation measures, will have "significant adverse environmental effects". Therefore, we suggest that the following addition to this subsection: " The environmental assessment must be documented in a manner that readily enables conclusions on the significance of the environmental impacts. As responsible authorities for the project, federal departments must be able to arrive at a conclusion as to whether the project, taking into account the appropriate mitigation measures, is likely to cause significant adverse environmental impacts."

5. 8.1.2.2. Impact Assessment (Air Quality) - Idling trains during a day or more in cold weather can a source of air pollution (and noise and vibrations!) for residents in the immediate vicinity of a railway yard. We therefore suggest adding idling trains as a source of potential air pollution.

6. 8.1.3.2. Impact Assessment (Noise and Vibration) - At the top of page 45, we suggest specifying "the impact of rail noise and vibrations, both at railway yards and along the rail corridors, on humans:"

7. 8.1.6.2. Impact Assessment (Groundwater /Surface water) - " Impacts of fuel spills and hazardous materials for potential train derailments;" should be specified.

8. 9.4.1. Risk Management and Emergency Response Plan - "Rail installations" should be included in the second bullet on potential accidents and malfunctions.

9. Should issues of logistics and time frames be emphasized in the Risk Management and Emergence Plan (9.4.1) as well as the Spill Contingency Plan (9.4.3) since distances to an accident or emergency site and the weather may at times create considerable delays or obstacles ? We raise the issue; Baffin Island residents and environmental professionals can best judge the pertinence of emphasizing this issue.

10. Appendix A - The Canada Transportation Act should be referenced among the pertinent federal legislation.

If you wish to discuss the comments or you need clarification regarding any aspects of the comments, do not hesitate to contact me.

Regards,

Luc Fortin
Senior Environmental Officer
Canadian Transportation Agency
819-953-2238

luc.fortin@otc-cta.gc.ca