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Your file / Votre référence
08MN053

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7075-70-1-73

June 13, 2014

Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board (NIRB)
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0

RE: Comment Request for Baffinland Iron Mines Corporation's Mary River Project 2013 Annual Monitoring Report

Dear Ms. Hanson,

Transport Canada (TC) received the Nunavut Impact Review Board (NIRB) letter dated April 10th 2014, requesting parties to review Baffinland Iron Mines Corporation's (Baffinland) – *Mary River Project 2013 Annual Monitoring Report* and provide comments with respect to jurisdictional authority and/or area of expertise. Transport Canada has reviewed this report and offers the following comments:

Mary River Project 2013 Annual Monitoring Report
Section 5.2 Applicable Regulatory Instruments, page 35
Approvals under the *Navigable Waters Protection Act* (NWPA)

Transport Canada received eight work applications from Baffinland regarding construction and installation of new structures at existing watercourse crossing locations along the Milne Inlet Tote Road and NWPA approvals for these works were issued on February 20, 2014. From May 13 - 15, 2014 TC met with Baffinland representatives at the Mary River Mine Site to review the water course crossings upgrade construction along the Tote Road, as well as evaluate the current and proposed facilities at Milne Inlet.

Legislative amendments to the *Navigable Waters Protection Act* came into force on April 1, 2014 including a name change to the *Navigation Protection Act* (NPA). The NPA includes a schedule of waters that will be regulated and works on these waterways will require an application and Approval from TC.

Navigation Protection Act (<http://laws-lois.justice.gc.ca/eng/acts/N-22/>)

Transport Canada notes that an application under the NPA may be required for proposed structures in Milne Inlet, as well as for any other structures proposed to be built in, on, over,

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under, through or across any scheduled waterways. Transport Canada also recommends that the proponent review the Order Amending the Minor Works and Waters Order and self-assess to determine if the proposed work may be considered a Minor Work. Minor works under the Order do not require notice or Approval by TC.

For a complete list of the waters in the schedule, please visit the following website:

<http://parl.gc.ca/HousePublications/Publication.aspx?DocId=5765988&Language=E&Mode=1&File=615#3>

For the Order Amending the Minor Works and Waters Order, please see the following website:

<http://www.gazette.gc.ca/rp-pr/p1/2014/2014-04-19/html/notice-avis-eng.php#trans2>

Appendix N16; Explosive Management Plan

2.11 Daily Planning / Control, page 8

Daily loading volumes will be provided to Orica, as the explosives provider. This information will be used to determine the quantity to load onto any process vehicle of bulk emulsion product. Careful communications between the blast planner and the manufacturing plant will ensure that no significant volume of excess material is loaded onto the vehicle. The maximum net explosive quantity (NEQ) that can be carried by the vehicle is based on the design configuration and is recorded on the vehicle license. In no case will this volume exceed 20,000kg which is the maximum allowable NEQ under Transport Canada regulations. This will ensure that in the unlikely event of a spill that the quantity is minimized.

Transport Canada TDG Act and Regulations does not impose the above restriction on the volume of explosives being transported. Refer to the *Explosives Act* and Regulations. However, there is a requirement for an Emergency Response Assistance Plan for the transportation of UN2426 with a volume greater than 1000 litres as per Schedule 1 of the Transportation of Dangerous Goods Regulations (TDGR). Refer to Part 7 of the TDGR for more information.

Mary River Project 2013 Annual Monitoring Report

Section 5.6.3 Problematic Terms and Conditions, page 53, Table 5.6

Some communication towers may require an Aeronautical Obstruction Clearance (AOC) Form to be completed and submitted to TC Aerodromes and Air Navigation section for an assessment to determine whether marking and lighting will be required in accordance with CAR 621.19 Obstruction Marking and Lighting Standards.

Should you have any questions regarding TC's comments concerning this report, please contact John Cowan via email at john.cowan@tc.gc.ca or by telephone at (204) 983-1139.

Regards,



John Cowan
Environmental Officer