



Transport
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March 20, 2008

Your File: 03UN114
Our File: 7184-70-1-BIPR

Ms. Leslie Payette
Manager, Environmental Administration
Nunavut Impact Review Board
P.O. Box 2379
Cambridge Bay, NU X0E 0C0

By email: lpayette@nirb.ca

Dear Ms. Payette:

Subject: Transport Canada Information Requests for the Bathurst Inlet Port and Road Project Draft Environmental Impact Statement

Transport Canada (TC) would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to provide information requests (IRs) as outlined in the February 19, 2008 NIRB letter pertaining to the Draft Environmental Impact Statement (DEIS) for the Bathurst Inlet Port and Road Project (BIPR).

We have initiated a preliminary review of the BIPR DEIS (Volumes 1-8) and have attached the departments IRs for your consideration. All of the IRs are directed to the Bathurst Inlet Port and Road Joint Venture Ltd. (the proponent) and are relevant to the impact assessment of this proposed project. Our information requests are primarily focused on Marine Security and project financing under a public-private partnership (P3 scenario).

TC looks forward to the continued participation on this environmental assessment and providing additional comments to the NIRB during the technical review period once established. Should you have any questions or concerns with respect to this submission, I can be contacted via email at morrejp@tc.gc.ca or by telephone at 204-983-5857.

Sincerely,

Jim P. Morrell
Environmental Officer

Cc. Doug Soloway, TC – Superintendent of Environment Assessment Program
Joe Baker, TC – Manager of Transportation Security
Clint Toews, TC – Transportation Security Inspector

Canada

Transport Canada – Information Requests for the Bathurst Inlet Port and Road Project
Draft Environmental Impact Assessment

Marine Security at the Port Facility

TC IR # 1

This information request is directed to the Bathurst Inlet Port and Road Joint Venture Ltd. (the proponent).

References related to the issue:

Volume I: Draft Environmental Impact Statement, Table of Contents Pg 84 – 85

Volume II: Introductory Documents, A-3 Feasibility Study, Pages 269, 270, 285-289, and 296

Volume VII: Socio - Economic and Heritage resources environment, Pages 92, 101, 124 and 741

Volume VIII: Additional Reports, Pages 119 and 225

Issue:

The proponent has identified that they will have the capability of accepting large vessels in the range of (30,000 – 50, 000 Dead Weight Tons) from Eastern Canada or Europe, how many of these will be foreign flagged? Would any of these foreign flagged vessels using the port facilities be cruise ships carrying 100 or more passengers?

Concern:

Information regarding the number of foreign flagged vessels that potentially could use the port facility is lacking in the DEIS and is required to assess and determine if the Marine Transportation Security Regulations apply.

Rationale:

If the port facility receives more than 10 foreign flagged vessels in a calendar year or 5 foreign-flagged vessels on a fixed schedule then Part 2 of the Marine Transportation Security Regulations (MTSR) would be applicable. If less than 10 foreign flagged vessels interface with the port facilities then the MTSR would apply to a lesser extent.

TC IR # 2

This information request is directed to the Bathurst Inlet Port and Road Joint Venture Ltd. (the proponent).

References related to the issue:

Volume I: Draft Environmental Impact Statement, Several references to Bulk cargo, Pages 4, 20, 40, 84, 96, 97, and 199.

Volume II: Introductory Documents, A1 Table of Concordance Pg 5

Volume II: Introductory Documents, A5 Effects of Assessment Mythology Pg 637

Volume VII: Socio - Economic and Heritage resources environment, Pg 741

Volume VIII: Additional Reports, Page 204 other various references in this volume.

Issue:

In the DEIS dangerous goods, such as fuel and ammonium nitrate are identified and will be brought in and stored at the port facility. There is also mention of ice class vessels delivering significant amounts of fuel and bulk cargo on numerous occasions throughout the DEIS documents however there is no specific identification of other dangerous goods. Will the bulk cargo include other dangerous goods as defined in the Marine Transportation Security Regulations (MTSR) by definition as "certain dangerous cargos", and if so will foreign flagged vessels deliver these certain dangerous cargos?

Concern:

Information regarding certain dangerous cargos and their delivery by foreign flagged vessels to the port facility is lacking in the DEIS and is required to assess and determine if the Marine Transportation Security Regulations apply.

Rationale:

The MTSR definition of certain dangerous cargos "means dangerous goods, other than products, substances or organisms identified in Class 3, 4, 8 or 9 of the schedule to the *Transportation of Dangerous Goods Act, 1992*, that are carried in bulk or in such a quantity as to require an emergency response assistance plan under section 7.1 of the *Transportation of Dangerous Goods Regulations*."

Project Financing from the Federal Government

TC IR # 3

This information request is directed to the Bathurst Inlet Port and Road Joint Venture Ltd. (the proponent).

References related to the issue:

Volume I: Draft Environmental Impact Statement, Pages 2, 76, and 84

Volume II: Introductory Documents, Pages 48, and 410

Issue:

The proponent states that, “*the estimated capital construction cost of the Project is \$164 million. The Project will be financed and developed as a Public Private Partnership (P3), where the cost and risks of the Project can be shared between the public and private sectors. The Project is technically practical, economically sustainable and bankable under a P3 arrangement.*”

Concern:

Information identified in the DEIS regarding a Public Private Partnership (P3) is vague. It is unclear from the references to a P3 which level of government and specifically which department may enter into a contribution agreement with the proponent and possibly others.

Rationale:

From an environmental assessment perspective it is important to know if another federal department is providing financial assistance to the project in whole or in part. There is the possibility that the potential contributor (a federal department) of such funds isn't currently involved in this environmental review process. Transport Canada isn't aware of the proponent entering into a dialogue with TC officials on the topic of funding under a P3 arrangement.