



Transport  
Canada

Transports  
Canada

Environmental Affairs, Programs  
P.O. Box 8550  
3<sup>rd</sup> Floor, 344 Edmonton Street  
Winnipeg, Manitoba  
R3C 0P6

Your file Votre référence

EIRB 02/10-05

Our file Notre référence

7075-70-1-114

September 7, 2012

Eli Nasogaluak  
Environmental Assessment Coordinator  
Environmental Impact Review Board  
Joint Secretariat – Inuvialuit Renewable Resources Committee  
107 Mackenzie Road, Suite 204  
P.O. Box 2120, Inuvik, NT  
X0E 0T0

**RE: EIRB 02/10-05 Tuktoyaktuk to Inuvik Highway Project Technical Submission and Power Point Presentation for Public Hearings**

Dear Mr. Nasogaluak,

Transport Canada (TC) is pleased to provide the following Technical Submission and Power Point Presentation to the Environmental Impact Review Board as part of the environmental assessment review process for the public hearings. TC will be presenting and participating in the public hearings in Inuvik that is scheduled for September 18-19, 2012.

Transport Canada is responsible for the transportation policies and programs that promote a safe transportation system, ensuring that they work effectively and in an integrated manner. After reviewing the draft Environmental Impact Statement, TC has identified particular interests in several components and activities that would pertain to our mandate and area of expertise. The attached documents outline these areas of interest and provide recommendations to proceed.

Should you have any questions or would like to discuss the attached documents, please contact me by telephone at (204) 983-7705 or via email at [Doug.Soloway@tc.gc.ca](mailto:Doug.Soloway@tc.gc.ca).

Regards,

Doug Soloway  
Superintendent Environmental Assessment (North)  
Environmental Affairs  
Programs, Prairie and Northern Region

Canada

# Transport Canada Technical Submission for the Inuvik to Tuktoyaktuk Highway Project

## Non – Technical Summary

Transport Canada is responsible for transportation policies and programs that promote all parts of the transportation system to work effectively and in an integrated manner, so as to provide Canadians with a sustainable transportation system that is safe, secure, efficient and environmentally responsible. The department administers and enforces a regulatory framework and mechanisms to help ensure that marine transportation is safe, secure and environmentally responsible.

The *Navigable Waters Protection Act* is a principle statute applicable to the Tuktoyaktuk to Inuvik Highway Project. Under the *Navigable Waters Protection Act*, Transport Canada reviews proposed development for any works built in, on, over, under, through or across any navigable waterway to balance the public right to navigate and the need to build works such as bridges. Transport Canada has requested that the Developer submit applications to assess the required works in and around navigable waters. The Developer has acknowledged and indicated the applications will be forthcoming once the detailed designs are completed. Transport Canada has also indicated the applications are required during the open water season to fully assess the project.

Additionally, Transport Canada has the authority to promote public safety during the transportation of dangerous goods in all modes of transport. The department 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.

## Party Identification

- 1) Doug Soloway  
Superintendent Environmental Assessment Management Program (North)  
Environmental Affairs  
Transport Canada
- 2) Dale Kirkland, BSc  
Manager, Environmental Affairs  
Transport Canada

## Introduction

Transport Canada is responsible for transportation policies and programs that promote all parts of the transportation system to work effectively and in an integrated manner, so as to provide Canadians with a sustainable transportation system that is safe, secure, efficient and environmentally responsible. The Department also has a responsibility to regulate associated transportation infrastructure, equipment and personnel in accordance with the legislation and regulations within the mandate of Transport Canada.

Transport Canada administers and enforces a regulatory framework and mechanisms to help ensure that marine transportation is safe, secure and environmentally responsible. The *Navigable Waters Protection Act* is a principle statute applicable to the Tuktoyaktuk to Inuvik Highway Project.

Under the *Navigable Waters Protection Act*, Transport Canada is a regulator that reviews proposed development for any works built in, on, over, under, through or across any navigable waterway to balance the public right to navigate and the need to build works such as bridges.

Transport Canada has the authority to promote public safety during the transportation of dangerous goods in all modes of transport. *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. The intent of an Emergency Response Assistance Plan is to provide on-site assistance to local authorities in the event of an accident involving the dangerous goods.

The *Transportation of Dangerous Goods Regulations*, adopted by all territories, focus on preventing hazardous incidents when dangerous goods are imported, handled, or transported.

### **Issues Tracking**

Transport Canada requests that the Developer consult with members of the public and aboriginal people who may have concerns related to impacts to navigation of proposed works requiring approval under the *Navigable Waters Protection Act*.

Transport Canada has requested that details of consultation related to navigation be included with applications for approval under the *Navigable Waters Protection Act*.

### **Specific Comments**

Transport Canada has requested the Developer submit the required applications to the Navigable Waters Protection Program to fully assess impacts to navigation and navigational safety and to prescribe appropriate mitigation measures. Transport Canada requests that the Developer submit applications for approval of works in, on, over, under, through or across any navigable waterway under the *Navigable Waters Protection Act* once design plans have been finalized.

The Developer has also been made aware that the Navigable Waters Protection Program review must take place during the open water season.

### **Recommendations**

To fully assess impacts to navigation and navigational safety and to prescribe appropriate mitigation measures, Transport Canada requests that the Developer submit applications for approval of works in, on, over, under, through or across any navigable waterway under the *Navigable Waters Protection Act* once design plans have been finalized.

It is unlawful to commence construction of such works prior to receiving approval.

The Developer should assess works with final waterway crossings design plans against Transport Canada's Minor Works and Waters (Navigable Waters Protection Act) Order ("the Order") before sending applications to Transport Canada. Works that meet the criteria in the Order are deemed to be approved and are excluded from the application for approval process.

Transport Canada 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.

### **Commitments Summary**

Based on information provided to date, there are 62 water crossings, of which 10 are bridges ranging from 10m – 25m in length that will require assessment by Transport Canada's Navigable Waters Protection Program.

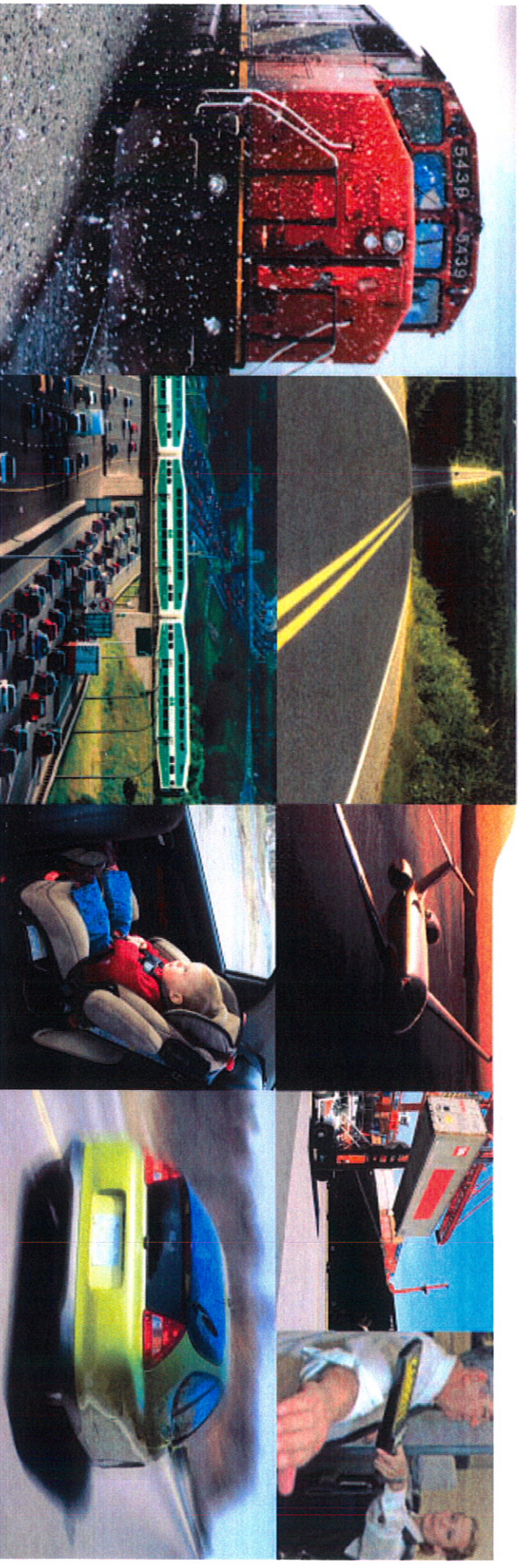
Transport Canada is committed to work with the Environmental Impact Review Board, other federal and territorial government agencies and stakeholders in the environmental assessment of the Project.





# Transport Canada

## Environmental Impact Review Board (EIRB) - Public Hearings Tuktoyaktuk to Inuvik Highway Project September 2012





# OVERVIEW OF PRESENTATION

- Marine Transportation Safety
- Transportation of Dangerous Goods
- Key issues and comments associated with review of the Tuktoyaktuk to Inuvik Highway project
- Transport Canada's Recommendations





# MARINE TRANSPORTATION SAFETY

- Transport Canada administers and enforces a regulatory framework and mechanisms to help ensure that marine transportation is safe, secure and environmentally responsible. The *Navigable Waters Protection Act* is a principle statute applicable to the Tuktoyaktuk to Inuvik Highway Project.
- Under the *Navigable Waters Protection Act*, Transport Canada reviews proposed development for any works built in, on, over, under, through or across any navigable waterway to balance the public right to navigate and the need to build works such as bridges.



# MARINE TRANSPORTATION SAFETY

Project components that may be subject to approval under the *Navigable Waters Protection Act* include:

- Clear span bridge
- Culvert installations
- Fish and fish habitat compensation plans to be built in navigable waterways





# TRANSPORTATION OF DANGEROUS GOODS

- Transport Canada 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), (S. 4.4 in EIS).





# SUMMARY OF RECOMMENDATIONS

## Consultation

- Transport Canada requests that the Developer consult with members of the public and aboriginal people who may have concerns related to impacts to navigation of proposed works requiring approval under the *Navigable Waters Protection Act*.
- Transport Canada has requested that details of consultation related to navigation be included with applications for approval under the *Navigable Waters Protection Act*.

# SUMMARY OF RECOMMENDATIONS

## **Works In and Around Navigable Waters**

- To fully assess impacts to navigation and navigational safety and to prescribe appropriate mitigation measures, Transport Canada requests that the Developer submit applications for approval of works in, on, over, under, through or across any navigable waterway under the *Navigable Waters Protection Act* once design plans have been finalized.
- It is unlawful to commence construction of such works prior to receiving approval.





# SUMMARY OF RECOMMENDATIONS

## Works In and Around Navigable Waters

- The proponent should assess works with final waterway crossings design plans against Transport Canada's Minor Works and Waters (*Navigable Waters Protection Act*) Order ("the Order") before sending applications. Works that meet the criteria in the Order are deemed to be approved and are excluded from the application for approval process.

## Transportation of Dangerous Goods

- Transport Canada 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.





## **CLOSING REMARKS**

- Based on information provided to date, there are 62 water crossings with 10 of these bridges ranging from 10m – 25m in length that will require assessment by Transport Canada's Navigable Waters Protection Program.
- Transport Canada is committed to work with the EIRB, other federal and territorial government agencies and stakeholders in the environmental assessment of the Project.