



## Establishing Transportation Corridors in Nunavut – A Regulatory Perspective

Nunavut Mining Symposium

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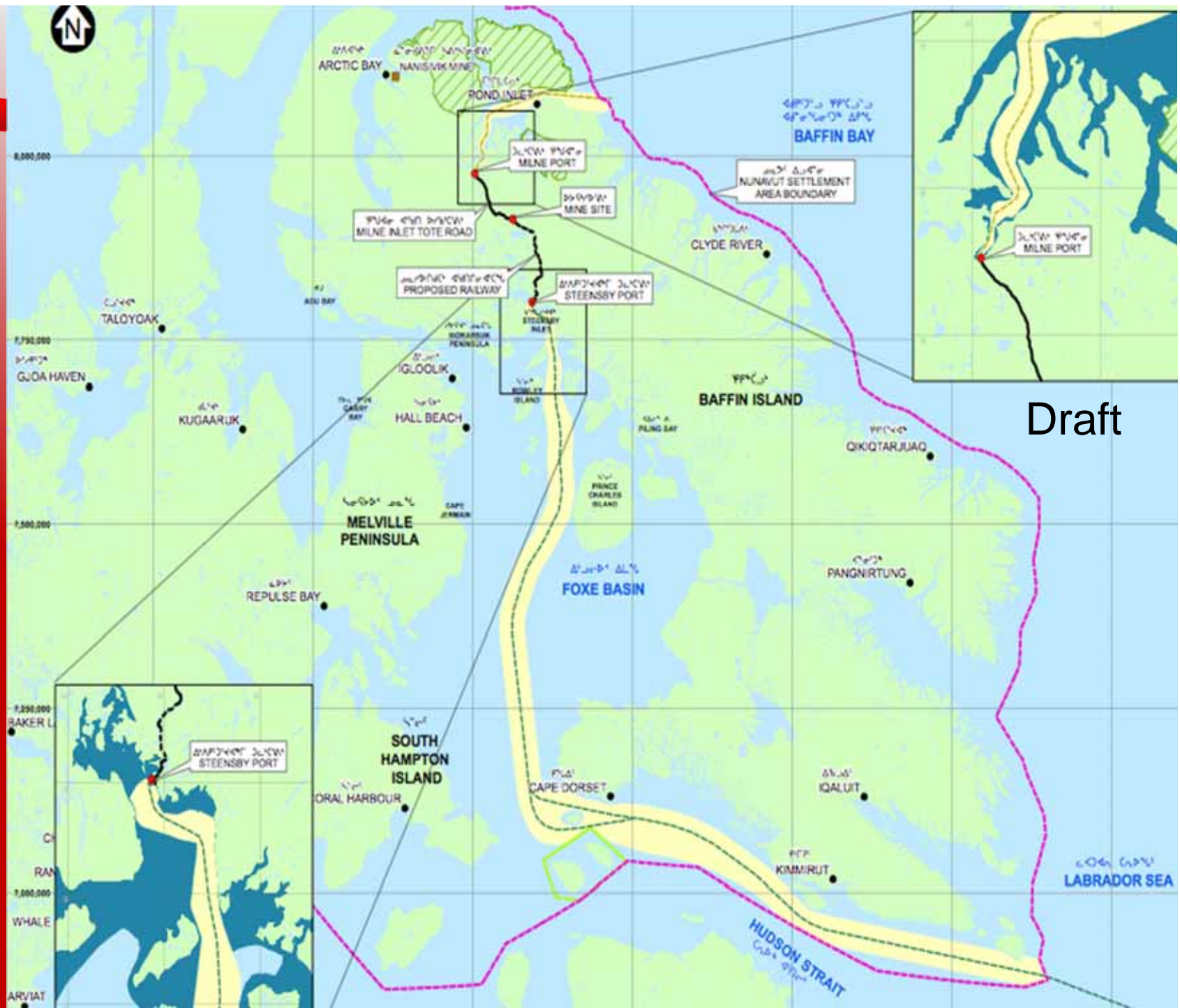


# Transportation Overview

- Transportation on the Mary River Project
  - Road (existing Milne Inlet Tote Road)
  - Rail
  - Shipping
  - Airstrips



# Project Location



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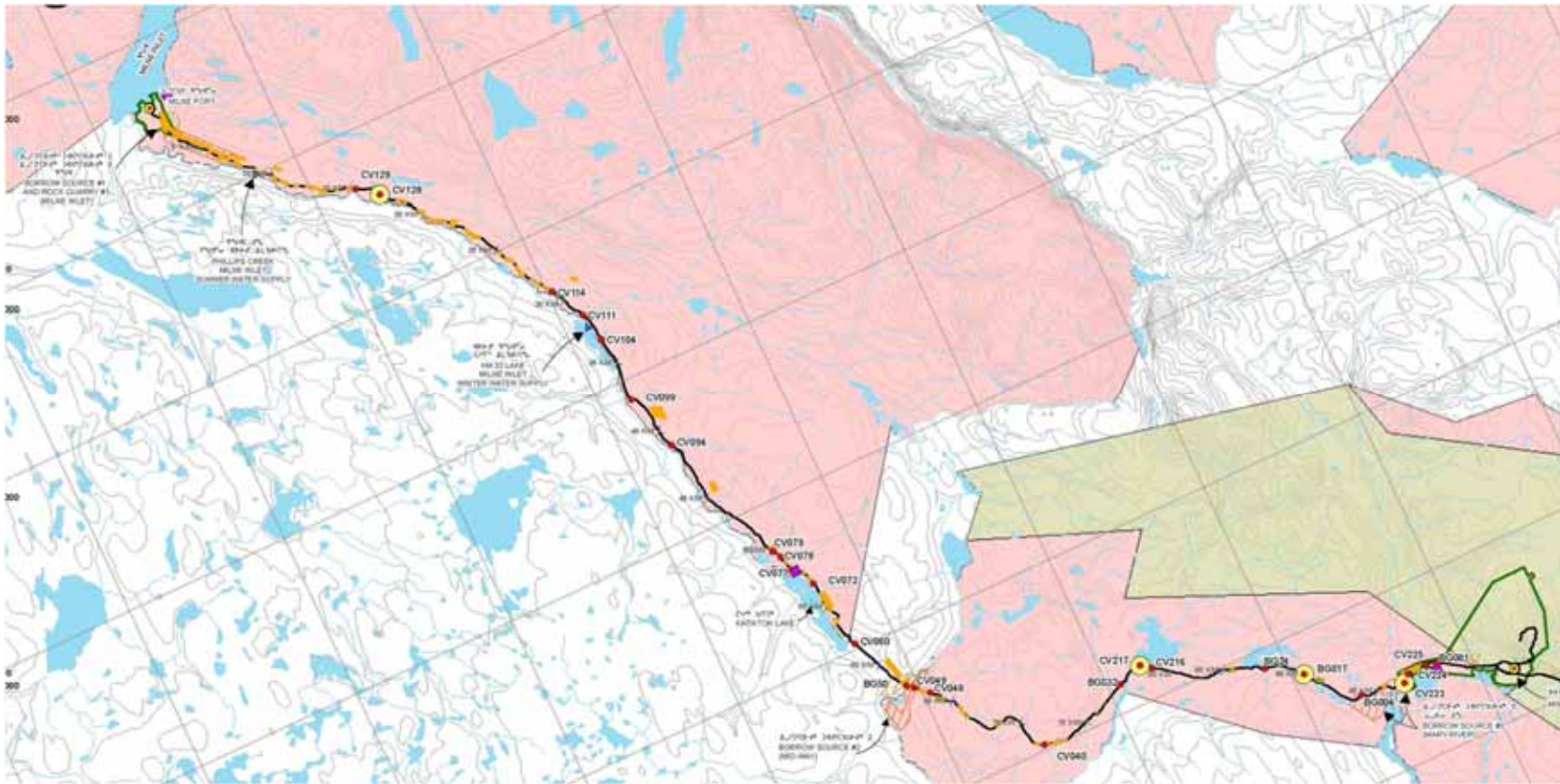
# Regulatory Aspects

- Nunavut Land Claims Agreement
- Land use planning
- Environmental assessment
- Permits, licenses, approvals and authorizations
- Existing acts and regulations



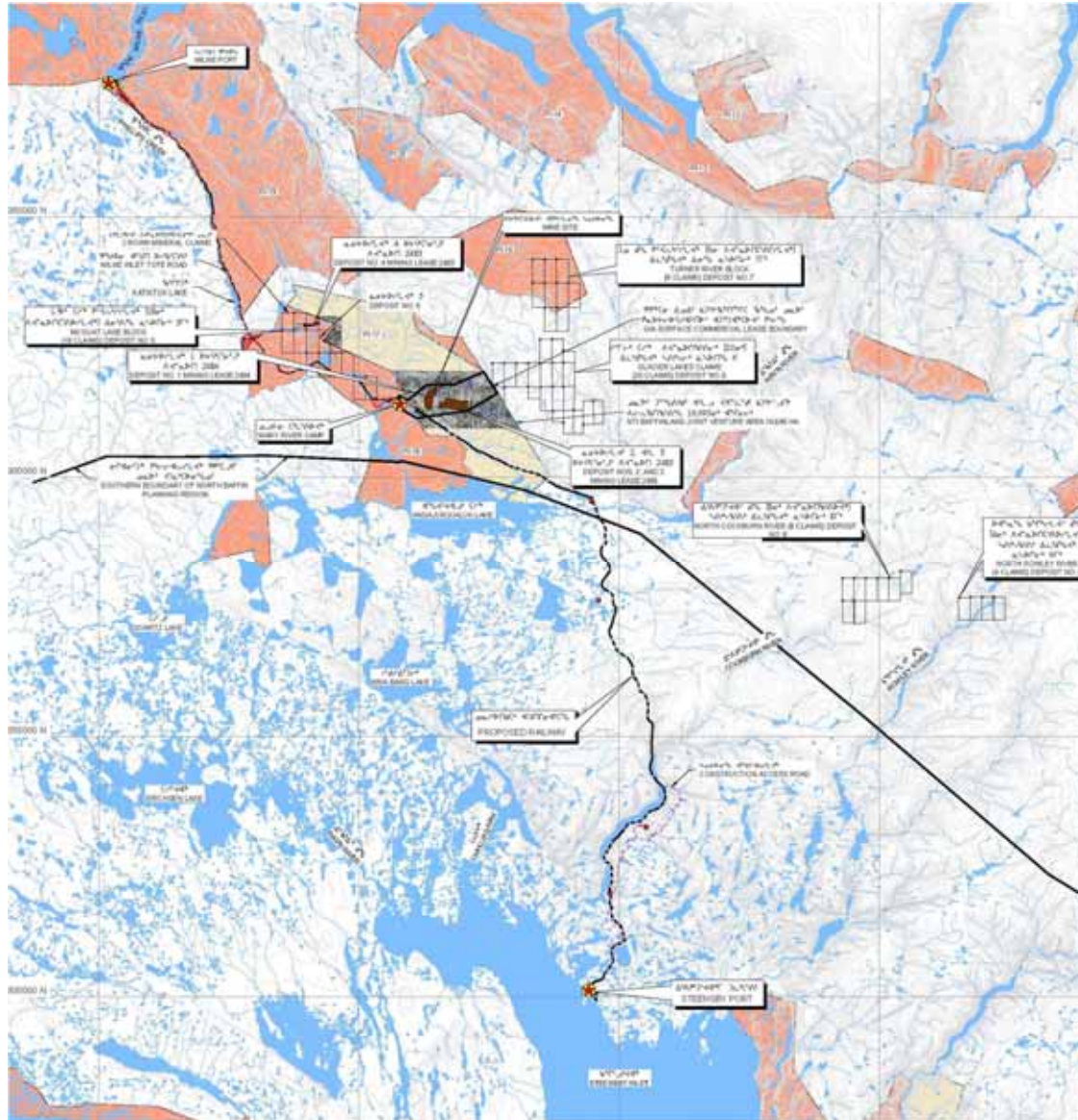
# Nunavut Land Claims Agreement

- NLCA Section 21.4.1 - identifies the existing Milne Inlet Tote Road as an existing public easement





# North Baffin Planning Region





## North Baffin Regional Land Use Plan (NBRLUP)

- An amendment is required to establish a new transportation or communications corridor within the planning region
- NPC determined the Milne Inlet Tote Road does not constitute a new transportation corridor
- First approx. 35 km of railway is within the North Baffin planning region – amendment may be required
- NBRLUP is proposed to be replaced by a Nunavut-wide land use plan in the near future



# Environmental Assessment

The Mary River Project is subject to:

- NIRB Part 5 Review (NLCA Article 12)
- Environmental Assessment under Section 98 of the *Canadian Transportation Act* requires a social and environmental review to evaluate and conclude that the location of the railway line is reasonable, taking into consideration the requirements for railway operations and the competing interests of communities and ecological values that might be affected by installation of the line
- The Canadian Transportation Agency (CTA) has indicated to Baffinland that it will participate in the NIRB review to fulfill its mandate under the *Canadian Transportation Act*.



# Permitting - Overview

- Most permits/licenses/approvals/authorizations are for federal permits
- Most permits are for the Project as a whole, and not specific to transportation components
- Exception - Certificate of Fitness - railway



## Permitting Requirements - Land

- Milne Port, most of the tote road and mine site on Inuit Owned Land (Commercial lease with QIA)
- Most of railway, and Steensby Port located on Crown Land (requires an Order-in-Council for long-term lease)
- Project currently operates with an IOL commercial lease and Federal land use permit
- Shorter-term land tenure instruments will likely be required for early construction phase



## Permitting Requirements - Water

- Water Licence required for entire project (Nunavut Water Board)
- Transportation-related aspects include:
  - Watercourse crossings along road and railway
  - Management of drill wastes (tunnels)
  - Licensing of camps during construction



## Permitting Requirements – Fisheries Act

- Authorization under the *Fisheries Act* for harmful alteration, disruption or destruction of fish habitat (HADDs)
- Required for all in-water works, including:
  - Watercourse crossings along road and railway
  - Lake encroachments along the railway
  - Docks



## Permitting Req'ts – Navigable Waters

- Approvals required under the *Navigable Waters Protection Act*
- Milne Inlet Tote Road – 7 crossings (existing approvals)
- Railway – two crossings
- Milne and Steensby Ports – docks and Steensby causeway



## Permitting Req'ts – Certificate of Fitness

- Canadian Transportation Agency
- Issued to Baffinland as a railway operator



## Permitting Req'ts – Explosives Act

- Explosives required to construct transportation (and other) infrastructure
- Licences to store and manufacture explosives required under the Federal *Explosives Act*, and Nunavut's *Explosives Use Act*



# Permitting - Shipping

- Shipping in the Canadian Arctic is subject to a multitude of acts and regulations
  - *Canada Shipping Act*
    - Ballast Water Control and Management Regulations
    - Oil Pollution Prevention Regulation
    - Response Org. and Oil Handling Facility Regulation
  - *Arctic Waters Pollution Prevention Act*
    - Arctic Waters Pollution Prevention Regulations
    - Arctic Shipping Pollution Prevention Regulations
- No permit is required to authorize shipping



## Permitting – Airstrips and Air Traffic

- Airstrip construction and operations subject to a multitude of acts and regulations
- No permit is required to authorize airstrips (that are not classified as aerodromes)



# Federal Acts and Regulations

Act	Regulation
<b>FEDERAL</b>	
Aeronautics Act, [R.S. 1985, c. A-2]	Canadian Aviation Regulations, [SOR/96-433]
Arctic Waters Pollution Prevention Act, [R.S.C. 1985, c. A-12]	Arctic Waters Pollution Prevention Regulations [C.R.C., c. 345]
	Arctic Shipping Pollution Prevention Regulations
Canada Shipping Act, 2001, [2001, c. 28]	Ballast Water Control and Management Regulations SOR/2006-129
	Anchorage Regulations SOR/88-101
	Oil Pollution Prevention Regulation
	Response Organization and Oil Handling Facilities Regulation
Canada Transportation Act, [1996, c. 10]	Handling of Carloads of Explosives on Railway Trackage Regulations, SOR/79-15
	Railway Employee Qualification Standards Regulations SOR/87-150
	Railway Prevention of Electric Sparks Regulations SOR/82-1015
	Railway Third Party Liability Insurance Coverage Regulations, SOR/96-337
	Railway Traffic Liability Regulations
	Railway Service Equipment Cars Regulations, SOR/86-922
Canada Marine Act 1998, c. 10	Natural and Man-made Harbour Navigation and Use Regulations SOR/2005-73
	Port Authorities Management Regulations
	Port Authorities Operations Regulations SOR/2000-55
	Seaway Property Regulations SOR/2003-105
Canada Water Act, [R.S.C. 1985, c. C-11]	
Canada Wildlife Act (R.S., 1985, c. W-9)	Wildlife Area Regulations (C.R.C., c. 1609)
Canadian Environmental Protection Act, [1999, [1999, c.33]	Environmental Emergency Regulations [SOR/2003-307]
	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products on Federal Lands or Aboriginal Lands Regulations (SOR/97-10)
	Fuels Information Regulations, No. 1 (SOR/C.R.C., c. 407)
	Interprovincial Movement of Hazardous Waste Regulations (SOR/2002-301)
	Sulphur in Diesel Fuel Regulations (SOR/2002-254)
	Sulphur in Gasoline Regulations (SOR/99-226)
	Proposed - Interprovincial Movement of Hazardous Waste and Hazardous Recyclable Material Regulations
	Proposed - Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations
	Proposed - Regulations Amending the Environmental Emergency Regulations
	Ammonia Nitrate and Fuel Order, [C.R.C., c. 598]
Explosives Regulations [C.R.C., c. 599]	
Explosives Act, [R.S.C. 1985, c. E-17]	Metal Mining Effluent Regulations, [SOR/ 2002-2222]
Fisheries Act, [R.S.C. c. F-14]	
Marine Transportation Security Act (R.S. 1994, c.40)	Marine Transportation Security Regulations (SOR/2004-144)
Migratory Birds Convention Act, 1994, [1994, c. 22]	Migratory Bird Sanctuary Regulations, [C.R.C., c. 1036]
	Migratory Birds Regulations, [C.R.C., c. 1035]
Navigable Waters Protection Act, [R.S. 1985, c. N-22]	Navigable Waters Bridges Regulations (C.R.C., c. 1231)
	Navigable Waters Works Regulations (C.R.C., c. 1232)
Nunavut Act, [1993, c. 28]	Nunavut Archaeological and Palaeontological Sites Regulations, [SOR/2001-220]
Nunavut Land Claims Agreement	
NLCA Article 12-Development Impact	
NLCA Article 13-Water Management	
NLCA Article 26-Inuit Impact Benefit Agreement	
NLCA Article 6-Wildlife Compensation	
NLCA Article 20-Inuit Water Rights	
NLCA Article 21-Entry and Access Part 4	
Nunavut Waters and Nunavut Surface Rights Tribunal Act, [2002, c. 10]	Application of Regulations made under paragraph 33(1)(m) or (p) of the Northwest Territories Waters Act in Nunavut Order
Species At Risk Act, [2002, c. 29]	
Territorial Lands Act, [R.S. 1985, c. T-7]	Canada Mining Regulations, [C.R.C., c. 1516]
	Territorial Land Use Regulations, [C.R.C., c. 1524]
	Territorial Quarrying Operations, [C.R.C., c. 1527]
	Northwest Territories Mining District and Nunavut Mining District Order
Transportation of Dangerous Goods Act, [1992, c.34]	Transportation of Dangerous Goods Regulations



# Territorial Legislation

TERRITORIAL	
Apprenticeship, Trade and Occupations Certification Act [R.S.N.W.T. 1988, c. A-4]	Apprenticeship, Trade and Occupations Certification Regulations, R.R.N.W.T. 1990 c. A-8
	Occupation Designation Order, N.W.T. Reg. 026-96
	Trade Advisory Committees Order, R.R.N.W.T. 1990 c. A-9
	Trade Designation Order, R.R.N.W.T. 1990 c. A-10
Boilers and Pressure Vessels Act, [R.S.N.W.T. 1988, c. B-2]	Boilers and Pressure Vessels Regulations, N.W.T. Reg. 006-93
Child and Family Services Act, [R.S.N.W.T. 1997, c. 13]	Child and Family Services Regulations, N.W.T. Reg. 142-98
Commissioner's Land Act (Nunavut), [R.S.N.W.T. 1988, c. C-11]	Commissioner's Airport Lands Regulations, N.W.T. Reg. 067-97
	Commissioner's Land Regulations, R.R.N.W.T. 1990 c. C-13
Electrical Protection Act [R.S.N.W.T. 1988, c. E-3]	Electrical Protection Regulations, R.R.N.W.T. 1990 c. E-21
	Spill Contingency Planning and Reporting Regulations, N.W.T. Reg. 068-93
	Asphalt Paving Industry Emission Regulations, R.R.N.W.T. 1990 c. E-23
Environmental Protection Act (Nunavut), [R.S.N.W.T. 1988, c. E-7]	
Emergency Medical Aid Act [R.S.N.W.T. 1988, c. E-4]	
Explosives Use Act, R.S.N.W.T. 1988, c. E-10	Explosives Regulations, R.R.N.W.T. 1990 c. E-27
Fire Prevention Act, R.S.N.W.T. 1988, c. F-6	Fire Prevention Regulations, R.R.N.W.T. 1990 c. F-12
Gas Protection Act, [R.S.N.W.T. 1988, c. G-2]	Propane Cylinder Storage Regulations, N.W.T. Reg. 094-91
	Gas Protection Regulations, R.R.N.W.T. 1990 c. G-1
Hospital Insurance and Health and Social Services Administration Act, [R.S.N.W.T. 1988, c. T-3]	Baffin Regional Health and Social Services Board Order, N.W.T. Reg. 059-98
	Hospital Standards Regulations, R.R.N.W.T. 1990 c. T-6
	Territorial Hospital Insurance Services Regulations, R.R.N.W.T. 1990 c. T-12
Liquor Act, R.S.N.W.T. 1988, c. L-9	***Various general and community specific regulations and orders***
Mine Health and Safety Act, [S.N.W.T. 1994, c. 25]	Mine Health and Safety Regulations, [R-125-95]
	Mine Health and Safety Regulations, amendment, Nu. Reg. 016-2003
	Camp Sanitation Regulations, R.R.N.W.T. 1990 c. P-12
Public Health Act, R.S.N.W.T. 1988, c. P-12	General Sanitation Regulations, R.R.N.W.T. 1990 c. P-16
	Public Water Supply Regulations, R.R.N.W.T. 1990 c. P-23
	Public Sewerage Systems Regulations, R.R.N.W.T. 1990 c. P-22
	Asbestos Safety Regulations, N.W.T. Reg. 016-92
	General Safety Regulations, R.R.N.W.T. 1990 c. S-1
	General Safety Regulations, amendment, Nu. Reg. 021-2000
	Safety Forms Regulations, N.W.T. Reg. 102-91
	Silica Sandblasting Safety Regulations, N.W.T. Reg. 015-92
	Work Site Hazardous Materials Information System Regulations, R.R.N.W.T. 1990 c. S-2
Scientists Act, [R.S.N.W.T. 1988, c. S-4]	Scientists Act Administration Regulations, N.W.T. Reg. 174-96
Transportation of Dangerous Goods Act, [R.S.N.W.T. 1988, c. 81 (Supp.)]	Transportation of Dangerous Goods Regulations, 1991, N.W.T. Reg. 095-01
	Wildlife General Regulations, N.W.T. Reg. 026-92
	Critical Wildlife Areas Regulations, R.R.N.W.T. 1990 c. W-3
	Polar Bear Defence Kill Regulations, N.W.T. Reg. 037-93
	Wildlife Management Barren-Ground Caribou Areas Regulations, N.W.T. Reg. 099-98
	Wildlife Management Grizzly Bear Areas Regulations, N.W.T. Reg. 155-96
	Wildlife Management Muskox Areas Regulations, R.R.N.W.T. 1990 c. W-11
	Wildlife Management Polar Bear Areas Regulations, R.R.N.W.T. 1990 c. W-13
	Wildlife Sanctuaries Regulations, R.R.N.W.T. 1990 c. W-20
	Wildlife Preserves Regulations, R.R.N.W.T. 1990 c. W-18

Workers' Compensation Act, R.S.N.W.T. 1988, c. WLR

Workers' Compensation General Regulations, R.R.N.W.T. 1990 c. WLR



**Qujannamiik**  
**Thank You**

Question and Answer time