PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

HELD BEFORE: Dr. Robert Fournier (Chair)
Dr. Jill Grant (Member)
Dr. Gunter Muecke (Member)

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Wednesday, June 20, 2007

PRESENTERS:
-Bilcon of Nova Scotia
Mr. Paul Buxton

-Transport Cda and Atlantic Pilotage Authority
  Jim Cormier/John Prentiss/Gary MacCaull/Steve Bone/Patrick Gates/Mike Freeman/Alan Milne

-Fisheries and Oceans Canada
  Mike Murphy/Dave Bishara/Ian Marshall/David Millar/John Tremblay/Ted Potter/Kent Smedbol
  Tana Worcester/Tony Henderson/Norman Cochrane

-Dalhousie University
  Mr. Chris Taggart

-Jerry Ackerman
- Leslie Wade
- Linda O’Neil
provide any advice to the Panel on areas of concern.

Transport Canada's mission is to develop and administer policies, regulations and services for the best transportation system of Canada and Canadians, one that is safe, secure, efficient, affordable, integrated and environmentally friendly.

Transport Canada is broken down into different core activities, branches as we call them, Marine Safety being one of them that has the greatest interest in this project, as well as Security and Emergency Preparedness.

We have a Programs group, that is where the Environmental Affairs sits and also incorporates airports, harbours and ports.

Other branches that Transport are involved with are surface, rail, civil aviation, communication, policy and coordination.

Transport's involvement... Or the Federal EA involvement began in February 2003 with the identification of two potential Law List triggers under the Canadian Environmental Assessment Act, one being the Navigable Waters Protection Act, the NWP, and the Fisheries Act Authorization.

And it's important to note that, at that time, both of these mandates were under the Minister of...
Fisheries and Oceans.

Transport became a responsible authority, an RA, under CEAA, in March of 2004 when the Navigable Waters Program was transferred from the Minister of Fisheries and Oceans to the Minister of Transport Canada. Transport's active involvement in the CEAA began in August 2004.

Mr. JOHN PRENTISS: Okay. And I work with the Navigable Waters Protection Program, and we administer the Navigable Waters Protection Act, which is a Federal Act.

It's designed to authorize interferences to the public right of navigation.

We do this by ensuring that works are reviewed and regulated to mitigate any potential interferences or any impact on the public right of navigation.

Our processes are in legislation and require registering plans and advertising the Project. And it's also... Several of the sections are CEAA triggers, hence our involvement.

So we became... We had a completed application in January 2003. By February we had advised the Proponent of their need to register their plans and proceed with the public notification process.
Our Navigational Impact Assessment is basically complete. We are awaiting the results of this process to make sure we’re in a position to come up with a favourable decision.

Mr. GARY MACCAULL: Marine Safety. I’ll talk about the vessel, the foreign vessels coming to Canadian waters. Marine Safety is responsible for the compliance and enforcement of all vessels in Canadian waters.

Foreign vessels that come to Canada must comply with international conventions under the National Maritime Organization.

To list, there’s the International Convention for the Safety of Life at Sea, and that’s concerning safety and safety equipment onboard vessels.

There’s the International Convention for the Prevention of Pollution from Ships, which is called MARPOL, and MARPOL is broken down in six annexes.

The first annex deals with oil pollution. The second annex, noxious liquid substances. The third annex, hazardous substance in package form. Annex four is sewage. Annex five is garbage, and annex six is the air emissions from the ship.

Also for crew on the Crew Standards of Training, this comes under the International Convention for Training, this comes under the International Convention for
Standards of Training Certification and Watchkeeping for Seafarers, also called STCW95. That's the latest revision to the STCW Code.

Under the Canadahiing Act, the relevant regulations are the Ballast Water Management Regulations, Navigation and Safety Regulations, and the Regulation for the Prevention of Pollution from Ships and for Dangerous Chemicals.

To ensure that the vessels are complying with the conventions and regulations, Marine Safety uses the following procedures.

All vessels are required to report to the Eastern Canada Vessel Traffic Service System, and there's established Eastern Canada Vessel Traffic Service Zones around eastern Canada from 60 degrees North down to the American waters.

Vessels are required to provide 24-hour reports prior to reporting to the ECAREG zone. These reports would be the identification of the vessel, the Master on board, the destination and the route of the vessel, the cargo on board, deficiencies in machinery or equipment of the vessel, any release of pollutants, and also the requests to request clearance to enter Canadian waters.

Once the vessel is within the ECAREG

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A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
zone, it's required to have frequent reports on ship
movement and also any incidents concerning the safety or
pollution when the vessel is in our zone.

We also do port state control on foreign
vessels. There's a program in the North Atlantic Trade
area. It's the Paris MOU it's called, and we're a signatory
to that, so we put our Marine Safety Inspectors aboard
vessels to inspect vessels, and they're done at least once
every six months.

These vessels are boarded on arrival in
Canada, if they haven't already done it within six months,
and we go through and ensure that the vessel is complying
with all the conventions and regulations.

If the vessel is in deficiencies, we
have the power to detain that vessel until the deficiency is
rectified.

Also in the reporting procedure, when
the vessel is coming, it's been instigated that there is
ballast water reporting to confirm that the vessel has a
ballast water management program in place.

This can be achieved in one of four
ways: exchange of ballast water before in Canadian waters;
treatment of ballast water; discharge to reception
facilities; or retention on board.

We require the report of vessels, like I
say, before... Along with the ECAREG, before they come into
Canadian waters to ensure that they are managing their
ballast water on board.

One other point I'd like to bring up,
and it was mentioned this morning, Marine Safety would
strongly encourage the Proponent to develop a Port Procedure
Manual.

The details of the Port Procedure Manual
can be found in our publication [inaudible] Process, and in
this book I'd just highlight some of the procedures that
would be required in the Port Procedure Manual.

You have stuff like berthing strategy,
terms of design on ship approach, departure from the
terminal, upper limbs berthing operations, terms of winds
velocity, wave heights, tidal stream velocity, ice cover,
visibility and means of measuring and indicating these
factors, load measurements and limbs supporting lines, ship-
shore communication procedures, designated anchorages,
emergency measures.

Just to name a few, also there would
be... Also, in the... With the developed checklist for the
procedures for the vessel, for example, inspection, testing
and preventative maintenance of terminal berth equipment
used by the ships, pre-arrival and departure operations,
tests and checks of ship machinery and equipment, cargo pre-
transfer inspection, checklists and conferences, ship-
terminal communication chain of authority, cargo-handling
procedures, including emergency shut-down procedures, safety
precautions, ship-oriented emergency procedures, which would
be included in the terminal's contingent plans, and
receiving facilities for ballast, dirty ballast, slops and
garbage.

Here again, Marine Safety is... It's
not a regulatory requirement, but we would strongly
encourage that the Proponent develop a Port Procedure
Manual. Thank you.

Mr. ROSS MUNN: Good morning. Within the
Atlantic Region, Marine Security oversight is conducted by
the Security and Emergency Preparedness Branch.

To receive these vessels and to operate
the marine terminal, the Proponent must comply with the
Marine Security requirements under the International
Maritime Organization's International Ship and Port Facility
Security Code.

Of note is that the amendments to the
International Convention for the Safety of Life at Sea and
the requirements under the Code have been implemented
through Canada's *marine transport security Act* and the
Regulations.

What does that mean? Basically, in
accordance with the Marine Transportation and Security Regulations, the Proponent is required to prepare a Marine Facility Security Assessment in collaboration with us and develop and implement a Marine Facility Security Plan prior to the operation of the marine terminal.

For these operations to begin, all shall be submitted to the Regional Director of Transportation, Security and Emergency Preparedness for approval, and this must be done six months in advance of operation of the facility.

Mr. JIM CORMIER: So to sum up, the Proponent is required to adhere to all conditions of a Navigable Waters Protection Act approval.

They must ensure a Port Procedures Manual is completed prior to the facility operating, ensure all necessary pilotage requirements are in place prior to the facility operating, which our colleague, Captain Gates, will be speaking to in just a moment, and ensure a Port Security Plan is approved.

Transport Canada looks forward to the Joint Review Panel's report and we, along with Fisheries and Oceans, as a responsible authority for the EA, will respond to the Panel's report once it's released.

I've included a list of contacts that are at this table, and phone numbers, and copies of the