

PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

V O L U M E 4

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 MacCaul/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

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1 provide any advice to the Panel on areas of concern.

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

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

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

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

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

24 And it's important to note that, at that
25 time, both of these mandates were under the Minister of

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1 Fisheries and Oceans.

2 Transport became a responsible
3 authority, an RA, under CEAA, in March of 2004 when the
4 Navigable Waters Program was transferred from the Minister
5 of Fisheries and Oceans to the Minister of Transport Canada.
6 Transport's active involvement in the CEAA began in August
7 2004.

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

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

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

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

22 So we became... We had a completed
23 application in January 2003. By February we had advised the
24 Proponent of their need to register their plans and proceed
25 with the public notification process.

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1 Our Navigational Impact Assessment is
2 basically complete. We are awaiting the results of this
3 process to make sure we're in a position to come up with a
4 favourable decision.

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

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

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

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

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

24 Also for crew on the Crew Standards of
25 Training, this comes under the International Convention for

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1 Standards of Training Certification and Watchkeeping for
2 Seafarers, also called STCW95. That's the latest revision
3 to the STCW Code.

4 Under the **Canada Shipping Act**, the
5 relevant regulations are the Ballast Water Management
6 Regulations, Navigation and Safety Regulations, and the
7 Regulation for the Prevention of Pollution from Ships and
8 for Dangerous Chemicals.

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

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

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

25 Once the vessel is within the ECAREG

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1 zone, it's required to have frequent reports on ship
2 movement and also any incidents concerning the safety or
3 pollution when the vessel is in our zone.

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

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

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

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

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

25 We require the report of vessels, like I

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1 say, before... Along with the ECAREG, before they come into
2 Canadian waters to ensure that they are managing their
3 ballast water on board.

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

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

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

20 Just to name a few, also there would
21 be... Also, in the... With the developed checklist for the
22 procedures for the vessel, for example, inspection, testing
23 and preventative maintenance of terminal berth equipment
24 used by the ships, pre-arrival and departure operations,
25 tests and checks of ship machinery and equipment, cargo pre-

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1 transfer inspection, checklists and conferences, ship-
2 terminal communication chain of authority, cargo-handling
3 procedures, including emergency shut-down procedures, safety
4 precautions, ship-oriented emergency procedures, which would
5 be included in the terminal's contingent plans, and
6 receiving facilities for ballast, dirty ballast, slops and
7 garbage.

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

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

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

20 Of note is that the amendments to the
21 International Convention for the Safety of Life at Sea and
22 the requirements under the Code have been implemented
23 through Canada's **Marine Transportation Security Act** and the
24 Regulations.

25 What does that mean? Basically, in

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1 accordance with the Marine Transportation and Security
2 Regulations, the Proponent is required to prepare a Marine
3 Facility Security Assessment in collaboration with us and
4 develop and implement a Marine Facility Security Plan prior
5 to the operation of the marine terminal.

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

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

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

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

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

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