

Line No.	For Working Group Use					For Proponent Use
	Issue Ref.	Comment Date	Reviewer Name / Agency	Agency Context	Comment	Proponent Response
403	TC-030	4-Nov-16	Transport Canada	TC is requesting this information to have a complete picture of the potential effects associated to fuel spills in the marine environment caused by vessel sinking/running aground/colliding with another vessel or the terminal structures. This information would have to be considered for Section 15.1.4 (Accidents and Malfunctions) in Vol. 3, Part D. This information would also have to be considered in Section 16.6 of Vol. 3, Part E (Spill Prevention and Emergency Response Procedures).	TC-IR-01 (Ref CEAA-IR-50): Will bunkering of the tug boats occur at the barge loading facility or elsewhere? If elsewhere, where would it be?	Tugboats will not refuel at the Project site. Tugboats will be bunkered at an approved facility to be determined by the contracted tug and barge operator.
404	TC-031	4-Nov-16	Transport Canada	Incorrect reference	TC-1: There is no permit or approval required under the Canada Shipping Act. As such, this row should be either deleted from the Table or have a caveat stating such.	BURNCO acknowledges Transport Canada's observation that no permit is required under the Canada Shipping Act and that Table 2-25 should be altered to remove the reference to Canada Shipping Act. This statute is listed in Section 7.2 of the EAC Application/EIS to provide context for the assessment.
405	TC-032	4-Nov-16	Transport Canada	Potential incorrect reference	TC-2: If an ERAP is required for the project and if the proponent will be offering for transport any dangerous goods (and they won't be shipped by a 3rd party) then this row can be left in place. If TDG's will be transported by a 3rd party, this row should be deleted.	All dangerous goods for the Proposed Project will be transported by a suitably licenced third party. However, BURNCO will develop and implement an emergency response plan (ERP) that will assist in responding to land and water based accidents and emergency situations. The ERP will conform to best practice including but not be limited to the following: - The Canadian Standards Association (CSA) Emergency Preparedness and Response: A National Standard of Canada (CAN/CSA-Z731-03) and Emergency Planning for Industry (CAN/CSA-Z731-M91); - Requirements of the Mines Act and the Health, Safety and Reclamation Code; - Mine Emergency Response Plan Guidelines for the Mining Industry (Ministry of Energy, Mines and Natural Gas 2013); and - Guidelines for Industry Emergency Response Plans.
406	TC-033	4-Nov-16	Transport Canada	Potential incorrect reference	TC-3: Reference to Marine Liability Act – is this accurate?	BURNCO acknowledges Transport Canada's observation that reference specifically to the Marine Liability Act for regulatory importance under the Navigation VC in Table 4-2 is not necessary. This statute is listed in Section 7.2 of the EAC Application/EIS to provide context for the assessment.
407	TC-034	4-Nov-16	Transport Canada	Potential incorrect reference	TC-4: n/a	No response necessary.
408	TC-035	4-Nov-16	Transport Canada	Definition in a regulatory context	TC-5: Project related vessel movements have been identified in the submission as an interference to navigation. For the purpose of Transport Canada's review under the Navigation Protection Act, all vessel movements, project-related or otherwise, are a form of navigation and are not included as interferences to it. The impacts of vessel movements on navigation are mitigated by the Collision Regulations of the Canada Shipping Act. For regulatory permitting purposes, the interference to navigation is caused by physical works themselves, and not by vessel movements.	BURNCO acknowledges Transport Canada's observation about use of the term "interference to navigation". BURNCO recognises that Proposed Project vessel movements do not represent potential interference to navigation of other vessels. Vessel activity in the study area would increase as a result of the Proposed Project and the potential effects to other vessels associated with this change were categorised under this heading or term (which was also applied to interference to navigation via Project associated physical works). An alteration of this terminology in the case of the potential effects of Project vessel movements would not change the outcome of the assessment.
409	TC-036	4-Nov-16	Transport Canada	Definition in a regulatory context	TC-6: The term "navigability", in the context of the Navigation Protection Act, is used incorrectly here. "Navigability" is a positive or negative state that is determined based on a test that considers whether the water body is capable of supporting a canoe/kayak or larger vessel, historical use, traditional Aboriginal use, and potential future use. Howe Sound is a navigable waterway by definition of the Act. Perhaps the term in sec 7.2 could be rephrased as "impacts on navigation" or similar.	BURNCO acknowledges Transport Canada's observation that the term "navigability" in the Application was used to characterise the Proposed Project's potential adverse impact on navigation in the study area (and not as per the concept in the Navigation Protection Act). The reference to navigability in the Application was not intended to contradict use of the term in the Navigation Protection Act. In terms of the magnitude criteria to assess significance of a residual effect, the Marine Transportation assessment refers to measurable change to navigation. An alteration of this terminology in the case of the potential effects of the Project would not change the outcome of the assessment.
410	TC-037	4-Nov-16	Transport Canada	Plan cannot be implemented as described.	TC-7: The proponent has stated that they intend to establish a "control zone" to restrict vessel traffic in the vicinity of the construction activities. TC wishes to advise the proponent that there is no regulatory mechanism that will allow the proponent to establish and conduct their own enforcement of a vessel exclusion zone in the form described. The public right to navigation, as defined by common law, continues to exist throughout the waterway. Interferences to this right may only be authorized by an Act of Parliament, and any enforcement may only be conducted by individuals designated by the responsible Minister. The proponent is advised to consider alternative measures to mitigate hazards to navigation during the construction phase. Mitigations may include, but are not limited to cautionary lights, buoys and signage, maintaining radio watch, Notices to Shipping, timing of work, and/or providing tug assist services. Mitigations will be included as requirements in the conditions of any authorization issued by TC, and will be determined in conjunction with the proponent, marine stakeholder input, and accommodation measures for adverse impacts on traditional Aboriginal rights.	BURNCO acknowledges Transport Canada's observation about the reference to a "Control Zone" on pg 7.2-35. The "Control Zone" should more appropriately be expressed as a marked Control Zone area to denote marine waters adjacent to the Project site in which operators of vessels should exercise additional caution if they choose to enter the marked zone and should consider avoidance of the marked area if they have one or more other suitable alternatives. As described in Part E of the Application, mitigation measures to ensure vessel safety will include, but not be limited to the following: - Marking the marine waters of the Project construction zone with appropriate lighting, buoys and signage; and - Providing the appropriate notice to mariners and notices to shipping. The following additional measures will also be included in the Marine Transport Management Plan prepared by BURNCO: - Maintaining radio watch; - Timing of work; and - Providing tug assist services. BURNCO is committed to providing additional mitigation measures to ensure the safety of other mariners as put forth in the Navigation Protection Act review report issued by Transport Canada.
411	TC-038	4-Nov-16	Transport Canada	Incorrect reference	TC-8: The third bullet under the list of specific mitigation measures states that infrastructure mitigations will be based on recommendations following the NPP review. Suggest changing "recommendations" to either "requirements" or "conditions" as all required mitigations related to navigation (with respect to the mandate of the NPA) will be included as conditions in any NPA authorizations issued.	BURNCO acknowledges Transport Canada's comment that all specific mitigation measures provided under the Navigation Protection Act (NPA) review will be provided as requirements for or conditions to an approval. The Marine Transport Management Plan will be developed with appropriate reference to mitigation measures listed as conditions under the NPA.
412	TC-039	4-Nov-16	Transport Canada	Suggested change of wording	TC-9: In the 6th (bottom) bullet, since CHS is a division of Fisheries and Oceans Canada, suggest rephrasing that bullet to indicate that CHS will be notified of the changes so they can update relevant nautical publications and charts.	BURNCO acknowledges Transport Canada's comment in regard to CHS notification. The Project's Marine Transport Management Plan will reflect the terminology described By Transport Canada.
413	TC-040	4-Nov-16	Transport Canada	Suggested change of wording	TC-10: In the second paragraph, the phrase "highly experienced" is a qualitative statement that may not be definable or defensible by the proponent. Suggest changing to a quantitative or defensible statement? Some additional statements within this section are already within the requirements of the Canada Shipping Act.	BURNCO acknowledges Transport Canada's comment regarding the wording of the 2nd paragraph on pg 7.2-42 in the EAC Application/EIS. All shipping of aggregate from the site will be undertaken by an experienced tug and barge service provider.

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414	TC-041	4-Nov-16	Transport Canada		TC-11: The proponent should indicate the estimated volumes of petroleum products that may be transferred to and from the facility	The quantity of fuel that will be transported to the site is currently not known at this time, although the amount will reflect the relatively modest scale of the processing facility and the planned reliance on an electricity grid connection as the major source of electrical energy rather than relying on diesel fueled electricity generation.
415	TC-042	4-Nov-16	Transport Canada		TC-12: The proponent needs to include details to the effect to determine if they meet the definition of an Oil Handling Facility (OHF). If they meet the definition to be an OHF, they have to indicate that they will meet all requirements set by of the Response Organizations and OHF Regulations (http://laws-lois.justice.gc.ca/eng/regulations/SOR-95-405/FullText.html) and the Environmental Response Arrangements Regulations (http://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-275/) to be an OHF (i.e. receive more than 100 tonnes of product in 365 days and an indication of the size/ volume/capacities of the vessels that will transfer the product).	The Project is not designated as an Oil Handling Facility under the Oil Handling Facility Regulations (i.e. it will not receive more than 100 tonnes of product in 365 days). A fuel truck will be transported to site by barge to fill a 1,000 gallon fuel tank as needed.
416	TC-043	4-Nov-16	Transport Canada	Insufficient details with regards to environmental sensitive areas that could potentially be impacted	TC-13: The proponent should identify environmental sensitive areas that may be impacted in the event of an oil spill and indicate protection of these sensitive areas.	Detailed mapping of ecologically sensitive areas is presented in the marine resources technical baseline report (Volume 4, Part G – Section 22.0, Appendix 5.2-A) and the marine mammal technical baseline report (Volume 4, Part G – Section 22.0, Appendix 5.2-B) of the EA. In Appendix 5.2-A, specifically refer to Figure 3 for mapping of sensitive aquatic habitats including glass sponges and sponge reefs, eelgrass beds, bull kelp and Rockfish Conservation Areas, and refer to Figure 5 for mapping of sensitive spawning habitat for Pacific herring, sand lance and surf smelt. In Appendix 5.2-B, refer to Figure 2 for mapping of critical habitat for killer whale, and Figure 3 for harbour seal haul-out areas. A Spill Prevention and Emergency Response Plan (SPERP) as well as a Material Storage, Handling and Waste Management Plan will be developed and implemented for hydrocarbons and other chemicals during all phases of the project. The SPERP will include use of appropriate resources such as a dedicated and competent emergency response crew and spill containment and cleanup equipment. Draft contents of these plans are provided in Volume 3, Part E - Section 16.0.
417	TC-044	4-Nov-16	Transport Canada	Marine oil spill response – Incorrect assumption	TC-14: The proponent creates an assumption of response by WCMRC to all spills. WCMRC's response is limited to members and to being contracted for an incident. The proponent has to specify if they will become a member or will contract WCMRC on a case by case basis.	BURNCO is not a member of the Western Canada Marine Response Corporation (WCMRC). An integrated Spill Prevention and Emergency Response Plan (SERP) will be prepared by BURNCO. The operator selected by BURNCO to provide tug and barge services either will be a WCMRC member (for example Seaspan participates in WCMRC) or will make their own arrangements for spill response.
418	TC-045	4-Nov-16	Transport Canada	Spill reporting – Other requirements	TC-15: Spill reporting should be done to meet CSA 2001 and the Fisheries Act and not just the Environmental Management Act.	An integrated Spill Prevention and Emergency Response Plan (SERP) will be prepared by BURNCO. This Plan will be developed and implemented in accordance with the following: - BC Environmental Management Act (2003); - Navigation Protection Act (1985); - Fisheries Act (1985); - Canada Shipping Act (2001); - Spill Reporting Regulation BC Reg. 263/90; and - BC Guidelines for Industrial Emergency Response Contingency Plans (Government of BC 2016)
666	TC-046	29-Dec-16	Transport Canada		Transport Canada requests the opportunity to review the Marine Transportation Plan once it is prepared, but before operation would begin	Transport Canada's request is acknowledged. BURNCO anticipates consulting with Transport Canada on the Marine Transportation Plan at the time of permitting of the marine terminal infrastructure.
667	TC-047	29-Dec-16	Transport Canada	On page 16-17 of the EIS, the 4th bullet indicates that the Marine Transportation Plan will include: "Proposed Project related safety procedures for loading at the terminal". There was a recent incident of a barge carrying gravel that sank north of Bella Bella, and the likely cause was that the gravel shifted in a manner that caused the vessel to sink.	Transport Canada would like to confirm that the Marine Transportation Plan will include measures and operating procedures for loading gravel onto the barges that will limit gravel shifting and risking the vessel sink.	It is anticipated that safety procedures for loading would include operating procedures for loading gravel onto the barges that will limit gravel shifting.

end.