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To: Maracle,Brett [CEAA]
Cc: L'Heureux, Suzanne: TC; Chatwell, Ian: TC; Parkinson, Colin R: TC; Martin, Tanya LYNN: TC; Hall, Ronald: TC
Subject: TC's comments on the draft EIS Guidelines for the Pacific Future Energy Refinery Project
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Hi Brett, please find Transport Canada's comments on the draft EIS Guidelines for the proposed Pacific Future Energy Refinery below. If you have any questions or would like to discuss further, please let me know. Thank-you for the opportunity to provide comment.

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TC's Comments on the Pacific Future Energy Refinery Project draft EIS Guidelines

1. p. 4-5, section 3.1: TC will need to ensure that any environmental effects associated with 1) the flare towers at the refinery, 2) the Emergency Response Assistance Plan for the Transport of Dangerous Goods, 3) the Marine Facility Security Plan for the offloading facility, 4) the Rail Security Plan for the proposed rail yard, and 3) any upgrades that may be needed for the existing marine terminal used for offloading refinery modules under the *Navigation Protection Act* are included in the EIS, in order to address any effects as a result of the potential issuance of departmental permits/approvals.
2. p. 5, section 3.2: It's unclear what "consideration" of the following additional factors includes. Is this a full assessment or at the proponent's discretion? Does the Agency have guidance on this? It's also unclear how the proponent will conduct an environmental effects assessment on the incidental activities such as transporting all final and by-products from the refinery or receiving raw product that may result in mitigation measures and potential conditions, when these activities are being proposed by a third party.
3. p 5, section 3.2.1, second paragraph: TC will need to know what modifications will be needed to any marine infrastructure at the offloading facility in Douglas Channel. TC may or may not need to issue an approval under the *Navigation Protection Act* for these modifications and therefore will need to consider any potential impacts under CEEA section 5(2)(b) as a result.
4. p.7, section 4.1, third paragraph: Regarding the statement "Submission of regulatory and technical information necessary for federal authorities to make their regulatory decisions during the conduct of the EA". TC suggests changing the order of words in this sentence as an FA isn't able to make a regulatory decision during the conduct of an EA, only after an EA decision has been made.
5. p. 8, section 4.2.1: TC can provide FA advice in the following areas: Marine Safety and Security, Navigation Protection, Rail Safety and Security, Transportation of Dangerous Goods, Civil Aviation and Indigenous group consultation.
6. p. 11, section 4.5, first bullet: do 'related activities' include incidental, associated or ancillary

works/activities? These terms are all used in the document.

7. p.16, section 3.1: Kitimat is not a designated Port. TC would prefer the change to “harbour infrastructure”. TC also recommends adding in the following underlined language - “port infrastructure and facilities, specifying the type of vessels that will be used, any construction methods or modifications for wharfs (backfilling, sheet piling, pile dredging), as well as the dimensions of the wharfs, berthing areas, anticipated control zones, anchorage areas at the main terminal and in the navigation channel;
8. p.17, section 3.2.1: under Site preparation and construction, TC recommends adding in ‘delivery method of materials (rail, ship or road)’.
9. p.33, section 6.3.6 (or where the Agency deems appropriate): TC suggests the following bullets be added to assess the impacts on navigation to Indigenous peoples:
 1. Describe how and for how long information was collected and from what source in relation to current and traditional navigation uses.
 2. Describe any materials offloading facility in detail, including location, likely construction methods, potential impacts on the waterway, and anticipated design. Describe associated works such as dredging. Describe potential conflicts with other anticipated works in the area and how the proponent intends to manage user conflicts and traffic issues associated with the work during construction and operations. Describe types of vessels and anticipated traffic patterns/volumes using the marine offloading facility and at what points in the construction schedule will be peak usage times. Include the potential for the marine offloading facility to be used for the delivery of hydrocarbons during the operation of the facility.
 3. Describe any auxiliary marine works associated with the terminal such as bunker facilities, tugboat berths.