



July 26, 2010

Canada-Newfoundland & Labrador Offshore Petroleum Board  
140 Water Street  
St. John's, NL  
A1A 6H6

Dear Ms Young and Mr Hicks:

Transport Canada (TC) has reviewed the draft Hebron Project Comprehensive Study Report (CSR) and subsequent Supporting Studies that were submitted for review on June 16, 2010. TC is a Responsible Authority (RA) under the *Canadian Environmental Assessment Act* (CEAA) for this proposal because TC may be required to issue an Approval under Part 1, Section 5 of the *Navigable Waters Protection Act* (NWPA).

Under the NWPA, TC is responsible for reviewing and approving any work that is to be built or placed in, on, over, under, through or across any navigable water in Canada. A work is defined as, "any man-made structure, device, or thing, whether temporary or permanent, that may interfere with navigation; and/or any dumping of fill in any navigable water, or any excavation of materials from the bed of any navigable water, that may interfere with navigation."

Attached are TC's comments on the CSR. These comments have been prepared to provide the CNLOPB with an overview of TC primary concerns with the current CSR. Representatives from TC are willing to discuss these concerns directly with the proponent, and the CNLOPB, if required, to ensure that our concerns can be adequately addressed throughout the remainder of the environmental assessment process.

Should you have any questions or comments please feel free to contact me.

Sincerely,

Randy Decker  
Senior Environmental Assessment Officer  
Environmental Affairs Branch, Transport Canada  
Tel: (709) 772-3061  
Fax: (709) 772-3088  
E-mail: [randy.decker@tc.gc.ca](mailto:randy.decker@tc.gc.ca)

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Page	Sect.	Para.	Comment	Addressed in final ✓
1-4	1.3	1	States, "Transport Canada may issue an approval under paragraph 5(1)(a) of the <i>Navigable Waters Protection Act</i> ."  To reflect the March 2009 amendments to the NWPA, please change to, "Transport Canada may issue an approval under <b>Part 1, Section 5 of the <i>Navigable Waters Protection Act</i></b> ."	
15-7	15.3	2	A bullet should be added detailing that compliance monitoring will be required any approvals issued under the NWPA. Bullet should state;  " <b>Compliance monitoring to ensure that the <i>Navigable Waters Protection Act</i> Conditions of Approval are implemented as outlined by Navigable Waters Protection Program of Transport Canada</b> "	
17-3	Table 17-2	3 <sup>rd</sup> Column	Chapter 5 of the CSR indicates that public concerns were raised related to increase vessel traffic and the potential for floating debris at the nearshore construction site. The NWPA protects the public's right to safe navigation. Given these public concerns, a mitigation bullet should be added to the Commercial Fisheries VEC regarding the NWPA.  Mitigation should state;  " <b>Compliance with <i>Navigable Waters Protection Act</i> – Conditions of Approval</b> "	
17-5	Table 17-2	4 <sup>th</sup> Column	Mitigation states; "Adherence with all standard navigation procedures, Coast Guard requirements and navigation systems."  Given Transport Canada has responsibility for the <i>Canada Shipping Act</i> and the <i>Navigable Waters Protection Act</i> , TC suggest re-wording to;  "Adherence with all standard navigation procedures, <b>Transport Canada requirements</b> , Coast Guard requirement and navigation systems."	

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<b>General Comments:</b>			<p>1) In accordance with the <i>Navigable Waters Protection Act</i>, the proponent is required to submit an Application(s) for Project Review, complete with scaled drawings, for any new, repaired, altered, or rebuilt in-water works located at the nearshore site. Completed applications are to be forwarded to:</p> <p style="padding-left: 40px;">Navigable Waters Protection Program            Transport Canada – Marine Safety            PO Box 1300            St. John's, NL A1C 6H8            Tel: (709) 772-2284</p> <p>2) The CSR indicates the proponent is aware of the various regulations under the <i>Canada Shipping Act</i> that apply to this project. The proponent, or any of the proponent's contractors, are encouraged to contact Transport Canada – Marine Safety at (709) 772-5166 should they have any questions regarding the <i>Canada Shipping Act</i>.</p> <p>3) Throughout the CSR, the proponent indicates they will prepare a Vessel Traffic Management Plan to help mitigate interactions with project vessels and commercial fishing vessels. Transport Canada – Marine Safety would like an opportunity to review the proposed Vessel Traffic Management Plan. A copy of the plan can be forwarded to:</p> <p style="padding-left: 40px;">Compliance and Enforcement            Transport Canada – Marine Safety            John Cabot Building, 10 Barter's Hill            PO Box 1300            St. John's, NL A1C 6H8            Tel: (709) 772-5166</p>	