



December 8, 2014

Martin Chaumont  
Manager Navigable Waters Protection Program  
Email martin.chaumont@tc.gc.ca

Dear Mr. Chaumont:

**Re: Comments on *Draft Revised Minor Works Order, Discussion Document, March 3, 2014***

The Canadian Energy Pipeline Association (CEPA) appreciates the opportunity to provide comments in respect of the *Draft Revised Minor Works Order ("Order"), Discussion Document, March 3, 2014*.

CEPA represents Canada's transmission pipeline companies that operate more than 130,000 kilometers of pipeline in Canada and the United States. These energy highways move about 1.2 billion barrels of liquid petroleum products and 5.1 trillion cubic feet of natural gas each year. Our members transport 97 per cent of Canada's daily crude oil and natural gas from producing regions to markets throughout North America.

We have the following comments on this document:

**Classes of Works, Erosion-Protection Works**

Subsection 3.(1) Definition of riprap

*"Riprap" is defined as "a layer of stones or rocks placed irregularly on a slope or a bank of navigable water in order to protect the slope or bank against scouring or erosion."*

We request an amendment to this definition to include materials such as manufactured concrete blocks or mats, and to allow for the additional consideration to address in-stream stabilization methods.

We propose a change to the definition to "a layer of stones, rocks, or other similar materials placed irregularly on a slope, bank or bed of a navigable water in order to protect the slope, bank or bed against scouring or erosion.

CEPA members agree that additional conditions would be required with this proposed amendment. We believe the conditions listed under subsection 7.(1) for Submarine Cables – Power and Telecommunication, could also be applied to any work done on the bed of a navigable water for any purpose.

Subsection 3.(2)(a) states:

*"Erosion-protection works are established as a class of works for the purposes of subsection 5.1(1) of the Act if*

*(a) the works are integrated with and parallel to the existing or natural shoreline or bank; ..."*

We request the addition of "bed" to include in-stream stabilization. Subsection 3.(2)(a) would then read "the works are integrated with and parallel to the existing or natural shoreline, bank or bed."



Subsection 3.(2)(b) states:

*"(b) the base of the works is 5 m or less from the high-water mark"*

We are unsure of the intent of this statement and ask for clarification.

Subsection 3.(3)(b) states:

*"Temporary works that are required for the construction or placement of works of the class established by subsection (2) are established as a class of works for the purposes of subsection 5.1(1) of the Act unless the temporary works ..."*

*(b) cross more than halfway from one side of the navigable water to the other side."*

In a prior comment, we encourage Transport Canada to add the bed of the navigable water to the scope of projects that fall under this Order. As such, this subsection would be prohibitive if a temporary dam is required to install bed stabilization in an isolated work area. In those cases, perhaps Transport Canada can waive this requirement when an owner provides a safe navigation passage, as required under subsection 3.(4)(a).

Subsection 3.(7) states:

*"The owner of works of the class established by subsection (2) must, if the contours of the bed of the navigable water were disturbed by either of the following, ensure that the contours are restored to their natural state on completion of the construction or placement of the works: ..."*

The addition of riprap or a manufactured product will modify the contours of the bed, as they are not the native materials. CEPA suggests a revision to this subsection so that it reads:

*"... ensure that the contours are restored to their natural state, or as close as possible to their natural state when riprap is added, on completion ..."*

Subsection 8. refers to Pipelines Buried Under the Bed of Navigable Water. We request confirmation that trenchless or drilled crossings are excluded from the works considered.

Subsection 8.(1)(a) states:

*"... (a) the width of the navigable water at the site of the crossing is less than 50 m when measured ..."*

It is our view that this provision would not be helpful in reducing the number of applications, as many of the scheduled waters are greater than 50 m in width for the majority of their length. CEPA members would welcome further discussion on this provision to select a meaningful width that still accomplishes the objectives of the Order.

Subsection 8.(1)(b) states:

*"...(b) the construction or placement of the works is completed within two weeks after the day on which construction or placement of the works started."*



This is a new condition that limits the usefulness of this category of minor works. Most trenched crossings of the scheduled waters would likely take longer than two weeks to complete. We would like to discuss this further with you in order to identify a more realistic time period.

Subsection 8.(2) states:

*“Temporary works that are required for the construction or placement of works of the class established by subsection (1) are established as a class of works for the purposes of subsection 5.1(1) of the Act unless the temporary works include or consist of cables that do not lie on the bed of the navigable water.”*

In certain circumstances, temporary vehicle crossings are required during the installation of a pipeline. We ask for confirmation that this includes temporary vehicle crossings.

Our second comment on this subsection relates to the use of cables when an open cut crossing method uses a dragline that does not lie on the bed. CEPA members ask confirmation that this type of crossing method is excluded from the Order.

Subsection 8.(3) states:

*“If works of the class established by subsection (2) are in a chartered navigable water, the owner of the works must, at least 48 hours before the construction or placement of the work starts, in writing notify a Canadian Coast Guard Marine Communications and Traffic Services Centre of the day on which construction or placement of the works is expected to start.”*

We believe that removal must be considered, in order for this provision to be complete. CEPA recommends this subsection be changed to read:

*“... at least 48 hours before the construction, placement or removal of the work starts ...”*

CEPA members appreciate the opportunity to provide our comments on the draft discussion document, and look forward to further dialogue on these issues.

Thank You,

Elaine Pacheco, BSc, PE  
Director, Safety