

Page 01 to/à Page 04

Withheld pursuant to/removed as

s.14

Nanninga, Tanera AG:EX

From: Howard, Stephen AG:EX
Sent: Wednesday, July 26, 2017 4:40 PM
To: Eby, David AG:EX
Subject: FW: Heads up - Kinder Morgan tomorrow
Attachments: 170817 TMEP BT Relocation Notice_AUG 17.pdf; Burnaby Terminal Newsletter Two_PRINT_v2.pdf

FYI

From: Winstanley, Lori PREM:EX
Sent: Wednesday, July 26, 2017 12:58 PM
To: Frampton, Caelie PREM:EX; Howard, Stephen PREM:EX
Subject: FW: Heads up - Kinder Morgan tomorrow

FYI

From: Haslam, David GCPE:EX
Sent: Wednesday, July 26, 2017 12:50 PM
To: Winstanley, Lori PREM:EX
Cc: Nikolejsin, Dave MNGD:EX; Beltrano, Linda MNGD:EX; Beaupre, Darren GCPE:EX; Byers, Lindsay GCPE:EX
Subject: FW: Heads up - Kinder Morgan tomorrow

Lori.

Kinder Morgan will be distributing the attached notice to residents in the Burnaby area tomorrow. It details the company's plans to work/relocate on pipelines in its Burnaby terminal. Tree removal will be done - most of it on Trans Mountain property. Ministry staff tell me ENV is aware so you might have received notice already.

Given the spotlight on Kinder Morgan, I suspect media interest. I'm not sure we will be or should be first response but I am preparing lines just in case. I've included Dave Nikolejsin and Linda Beltrano and my staff so all aware.



TRANSMOUNTAIN



**KINDER MORGAN
CANADA LIMITED**

NOTICE OF ACTIVITY

RELOCATION ACTIVITIES Burnaby Terminal — 8099 Shellmont Street August 2017 – December 2017*

You are receiving this notice as a neighbour of our Trans Mountain Burnaby Terminal. Trans Mountain and its contractors will commence work to relocate a portion of four existing pipelines within its Burnaby Terminal property beginning no earlier than August 17, 2017*.

Relocation activity was approved by the National Energy Board (NEB) on April 20, 2017 under Order XO-T260-003-2017 and MO-021-2017.

To accommodate the relocation work which includes a permanent fenceline expansion, tree removal is required in select areas on Trans Mountain's Burnaby Terminal property. Most tree removal will occur within the existing terminal fenceline and all removals will be on Trans Mountain property. See reverse for more details about the steps required to complete this work.

The activities associated with the relocation work will take place during regular business hours. During the course of this work, the public may notice increased activity and intermittent construction-type noise in proximity to Burnaby Terminal.

Measures are in place to minimize any impacts of this work to the public and the environment. All work will be conducted under Environmental Protection and Emergency Response Plans to ensure compliance with all applicable environmental regulations and requirements. We will comply with City of Burnaby noise bylaws and will work as quickly as possible to complete this work with minimal disruption.

**Date remains subject to change and may be extended by Trans Mountain.*

For more information please contact:

1-866-514-6700

info@transmountain.com

In case of a pipeline emergency or to report odours, call 24 hours 888-876-6711

- Noise control measures (e.g., noise suppression equipment on vehicles and alternates to back up alarms)
- Protection of air quality through measures such as restricting idling vehicles and disposal of vegetation without burning of slash

All work will occur according to Trans Mountain's Facilities Environmental Protection Plan. The Plan identifies the mitigation measures that may be implemented during pre construction, construction and post-construction activities associated with Project facility development and will meet NEB Condition 78. The draft plan can be viewed at www.transmountain.com/facilities-epp.

Trans Mountain remains committed to comply with, or seek variance from, all municipal bylaws for all expansion construction activities and the Relocates work. Trans Mountain has submitted permit compliance packages to the City of Burnaby for its work and will abide by the City's requirements where practicable.

VARIANCE APPLICATION

On March 1, 2017 Trans Mountain applied to the NEB for a Variance to its design of Burnaby Terminal. The key changes in the Variance include a decrease in the total volume of storage capacity at Burnaby Terminal and a reduction in the shared secondary containment at the terminal.

As a result of requesting enhanced sand berms, Trans Mountain is seeking approval to reduce capacity of two new tanks and to adjust the volume of two tanks for a net reduction of 50,880 m³ (320,000 bbls) in total storage capacity.

CONTACT US:

Trans Mountain Expansion Project
info@transmountain.com
 1.866.514.6700
transmountain.com

2844 Bainbridge Avenue,
 PO Box 84028, Bainbridge,
 Burnaby, BC, V5A 4T9 CANADA

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Post-Project Reclamation Activities

As the surrounding residential neighbourhood has developed since the Burnaby Terminal began operations in 1953, Trans Mountain appreciates local residents value living in a neighbourhood in a natural setting. We share these values and aim to consider visual aesthetics of our Burnaby Terminal as the Expansion Project proceeds and where practical.

Trans Mountain is committed to reclamation activities after construction is completed. Specific activities have yet to be confirmed however will include:

- Leaving a treed buffer on the south side of the Burnaby Terminal property for visual screening to the neighbourhood where practical
- The Burnaby Terminal site will be recontoured and reseeded
- The colour of the 14th newly constructed tanks will be determined in consultation with neighbours

¹ The expanded Burnaby Terminal will be home to a total of 26 tanks once the expansion is completed; currently there are 13 tanks on-site, one will be removed and 14 new constructed

This document contains important information. Please have someone translate it for you or request a translation from us. 此文件含有重要信息。请让人为您翻译或向我们要求翻译。

In addition, Trans Mountain seeks approval of proposed secondary containment configuration. Trans Mountain now proposes to install shared containment system with a maximum of one set of three tanks which would share containment.

Other changes proposed within the Variance Application include changes to the material and a related tankage and ancillary infrastructure including:

- Changes to the design of the mainline to carry a 10 m³ tank
- Addition of a pump tank in the main line and a small tank at Burnaby Terminal
- Replacement of the existing fire reservoir with a new larger reservoir

For more information, visit www.transmountain.com



Next Steps in Your Community

TRAFFIC MANAGEMENT UPDATE

Planning to manage traffic during construction at Burnaby Terminal continues to be guided by Traffic Management Principles and is outlined in the Traffic and Access Control Management Plan (TACMP)¹ submitted to the NEB on June 1, 2017 to meet NEB Condition 73: apps.neb-one.gc.ca/REGDOCS/Item/Filing/A84822.

With temporary construction activities planned over 28 months at Burnaby Terminal, our TACMP aims to minimize disruption to neighbours. The TACMP outlines access to Burnaby Terminal as follows:

1. Burnaby Terminal main gate at the corner of Shellmont and Underhill Streets
2. An alternate access point

Trans Mountain is investigating two options for alternate access. The first option is an access from Gagliardi Way into the northeast corner of Burnaby Terminal. Our February 2017 newsletter requested your input into the idea of a Gagliardi Way access. Trans Mountain continues to investigate this option; however after further technical review and after considering input received, Trans Mountain is also investigating a second option from Greystone Drive. This second option would provide access to the Burnaby Terminal just north of Shellmont Street.

An alternate access minimizes the impact of traffic to the Burnaby Terminal main gate and reduces the traffic impact to any single residential neighbourhood. The access points to Burnaby Terminal for construction will be confirmed prior to the start of construction; beginning in September 2017.

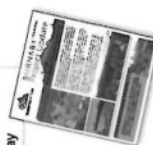
Estimated Construction Traffic

Trans Mountain estimates the following daily traffic counts during construction:

Vehicle Type	Average Construction Activities	Peak Construction Activities
Shuttle Van	9 trips during AM 9 trips during PM	12 trips during AM 12 trips during PM
Light Vehicles	75 trips during AM 75 trips during PM	100 trips during AM 100 trips during PM
Transport Trucks	20 loads per day	75 loads per day

Traffic management principles, measures to minimize impact to local residents as a result of construction traffic and hours of work can be viewed in our February 2017 newsletter at: www.transmountain.com/gagliardi

¹ Traffic management plans are draft and subject to change based on ongoing technical studies, input received and all required approvals



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Minister, AG AG:EX

From: Eby.MLA, David <David.Eby.MLA@leg.bc.ca>
Sent: Thursday, July 20, 2017 2:19 PM
To: Minister, JAG JAG:EX
Subject: FW: BC's legal toolbox for Kinder Morgan - Meeting request

Anna Lindsay-Baugh | Constituency Assistant | David Eby, MLA Vancouver-Point Grey

安娜 林思宝 | 尹大衛 溫哥華格雷區省議員

P: 604-660-1297 | anna.lindsay-baugh@leg.bc.ca | 2909 West Broadway Vancouver V6K 2G6

<http://davidbymla.ca>

Sign up for David's newsletter [by going here!](#)

From: Eugene Kung [<mailto:ekung@wcel.org>]
Sent: July 19, 2017 10:49 AM
To: Eby.MLA, David <David.Eby.MLA@leg.bc.ca>; david@davideby.ca
Cc: s.22
Subject: BC's legal toolbox for Kinder Morgan - Meeting request

Dear Minister Eby,

First, congratulations on your new position! It felt really good to type your title above. I trust that you, s.22 and s. celebrated appropriately.

I am writing to follow up on your government's promise to "*Immediately employ every tool available to the new government to stop the expansion of the Kinder Morgan pipeline, the seven-fold increase in tanker traffic on our coast, and the transportation of raw bitumen through our province.*"

I had previously sent you a copy of our publication [A Legal Toolbox to Defend BC from the Kinder Morgan Trans Mountain Pipeline & Tankers Project](#), and I am available to meet to discuss the toolbox further. I can meet in either Vancouver or Victoria in the next two weeks.

I'm sure you are very busy at the moment, but I would appreciate your time and attention on this time sensitive matter, as Kinder Morgan may begin construction in September.

I am sending a similar request to Premier Horgan, Minister Heyman, and Mr. Weaver. Please let me know if there are others who should be involved in this conversation.

Regards, and congratulations again!

Eugene

Eugene Kung :: Barrister & Solicitor :: West Coast Environmental Law
200-2006 West 10th Ave Vancouver, BC, V6J 2B3 :: Coast Salish Territories
xʷməθkʷəy̓əm (Musqueam), Skxwú7mesh (Squamish) & səliłwətaʔt (Tsleil-Waututh)
t: 1.800.330.WCEL (9235) ext 214 :: d: 604.601.2514 :: e: ekung@wcel.org :: f: 604.684.1312

NEWS FROM WEST COAST ON OUR BLOG, FACEBOOK AND TWITTER

Important notice to recipient: This message is confidential and it may be protected by solicitor client privilege. It is intended only for the person to whom it is addressed. If you are not the intended recipient, please notify the sender immediately. Any unauthorized distribution, copying or other use is strictly prohibited.

Minister, AG AG:EX

From: Eby.MLA, David <David.Eby.MLA@leg.bc.ca>
Sent: Thursday, July 20, 2017 2:33 PM
To: Minister, JAG JAG:EX
Subject: FW: Request for Meeting with Dogwood Representatives of 8,000 plus voters from Vancouver Quadra

Hi folks,

I believe this one should be going your way but please let me know if this should be dealt with through our office.

Thank you!

Anna Lindsay-Baugh | Constituency Assistant | David Eby, MLA Vancouver-Point Grey

安娜 林思宝 | 尹大衛 溫哥華格雷岬區省議員

P: 604-660-1297 | anna.lindsay-baugh@leg.bc.ca | 2909 West Broadway Vancouver V6K 2G6

<http://davidbymla.ca>

Sign up for David's newsletter [by going here!](#)

From: s.22

Sent: July 11, 2017 8:30 AM

To: Eby.MLA, David <David.Eby.MLA@leg.bc.ca>

Subject: Request for Meeting with Dogwood Representatives of 8,000 plus voters from Vancouver Quadra

The Honourable, David Eby, MLA

We are writing to thank you for meeting with us throughout the Provincial campaign and offer congratulations for keeping your seat in the Point Grey riding.

During the campaign, the NDP listened to some of our concerns as citizens of the Dogwood initiative and this attentiveness has been rewarded with increased voter support.

You shared your insights and support on our stance against the Kinder Morgan Pipeline expansion. As you know, Premier Horgan and Andrew Weaver, MLA, have committed to "immediately employ every tool available to the new government to stop the expansion of the Kinder Morgan Pipeline, the seven-fold increase in tanker traffic on our coast and the transportation of raw bitumen through our province."

Would you meet with us again, sometime this month - perhaps month end after you are sworn in on the 18th? We wish to discuss the role of Dogwood supporters in influencing public awareness and support for legal strategies to kill the Kinder Morgan deal and halt permits before September construction begins.

We'd also appreciate hearing your thoughts about the increased voter support for the NDP and where that support came from in Vancouver Quadra. Time permitting we would like to touch base on the Ban Big Monday initiative as well.

We are available evenings and mornings, Monday through Friday. If you are willing to meet with us, please let us know your availability during the month of July.

Best regards,

s.22

Minister, AG AG:EX

From: Eby.MLA, David <David.Eby.MLA@leg.bc.ca>
Sent: Thursday, July 20, 2017 4:49 PM
To: Minister, JAG JAG:EX
Subject: FW: Kinder Morgan Options - Craig Noordmans Contact

Anna Lindsay-Baugh | Constituency Assistant | David Eby, MLA Vancouver-Point Grey
安娜 林思宝 | 尹大衛 溫哥華格雷岬區省議員

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From: s.14
Sent: July 18, 2017 4:52 PM
To: Eby.MLA, David <David.Eby.MLA@leg.bc.ca>
Subject: Kinder Morgan Options -s.14,s.22

Greetings, David - I trust you are well. Congratulations on your appointment today.

Do you remember the mineral claim project near Terrace that I briefed you on about 2 years ago?

It is still going and active with an interesting documented history. I have also briefed Shane Simpson on this project, as s.22

I want to let you know that I reached out over the past couple of days to my contacts in the Civil Service at the DM level to let them know that I would like to again be part of the BC Civil Service to work toward the objectives of today's government.

I think there is relevance I can bring in terms of developing and activating the policy, regulatory and legislative options available on the Kinder Morgan project that need to be addressed in the near future.

Please be in touch at your earliest convenience to help advance these options.

s.22

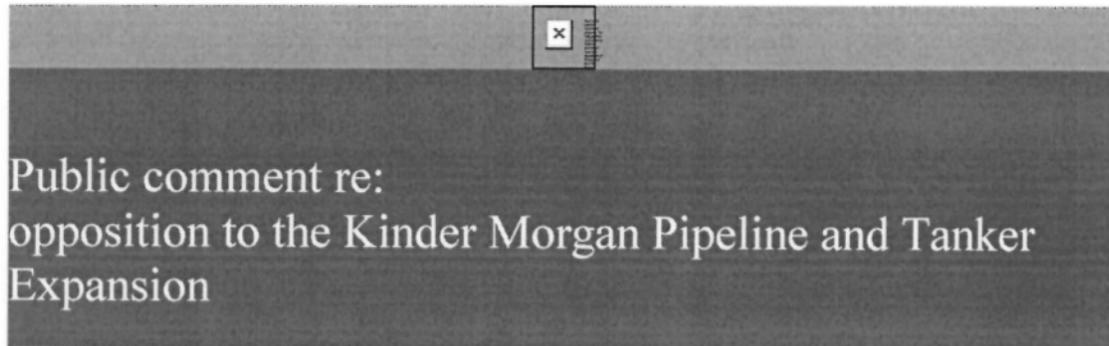
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s.22

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s.16

From: kindermorgan@realhearings.org
Sent: Monday, August 7, 2017 9:39 PM
To: Minister, AG AG:EX
Subject: A message about the Kinder Morgan expansion from a concerned citizen



Public comment re:
opposition to the Kinder Morgan Pipeline and Tanker
Expansion

Dear Minister Anton,

A member of the public has sent you the following message about the proposed Kinder Morgan Pipeline and Tanker Expansion.

Their comment below was sent through the Real Hearings commenting platform. A copy has been sent to the Prime Minister, the Ministerial Panel appointed by the government in May, and over 80 other elected officials: from MPs in constituencies in Metro Vancouver, Federal Ministers & leaders of other Federal parties, to BC provincial government leaders and Metro Vancouver Mayors and Councils. All comments will be posted online at [Real Kinder Morgan Hearings](#).

MY COMMENT ON THE PROPOSED KINDER MORGAN TRANS MOUNTAIN PIPELINE EXPANSION PROJECT

Jennifer Elsey

We do not grant permission for the Kinder Morgan Pipeline. We stand strongly against it and will continue to do so,

This is an important issue for me. I look forward to your response to my concerns.

Regards,

Jennifer Elsey
Gabriola Is, British Columbia
jjelsey@hotmail.com, Tuesday 8th of August 2017 04:38:40:GMT

This campaign to generate public comments to the Federal, Provincial and Municipal governments on the proposed Kinder Morgan expansion is organized by Burnaby Residents Opposing Kinder Morgan Expansion-BROKE.



BROKE is dedicated to preventing expansion of the Kinder Morgan Pipeline and related infrastructure in Burnaby, and related supertanker traffic in Burrard Inlet, through education, advocacy, and partnership. We oppose the degradation of our city, our neighbourhoods, and the natural habitat, that an oil pipeline and related industrialization of Burrard Inlet would bring.



This campaign was delivered using the RealHearings.org commenting platform. RealHearings.org creates accessible, easy to use commenting platforms for organizations working on environment, climate and other progressive campaigns. RealHearings.org is dedicated to openness and transparency in government decision making and facilitates public input to decision making processes.

This email was sent to JAG.Minister@gov.bc.ca [unsubscribe from this list](#)

Minister, AG AG:EX

From: s.22
Sent: Tuesday, August 8, 2017 10:29 AM
To: Minister, AG AG:EX
Cc: OfficeofthePremier, Office PREM:EX; Weaver.MLA, Andrew LASS:EX; Routley.MLA, Douglas G LASS:EX; adriane.carr@vangreens.ca; sonia.furstenau@leg.bc.ca; adam.olsen@leg.bc.ca
Subject: Quickly putting a legal stop to the Kinder Morgan Trans Mountain project

David Eby,
Attorney-General of British Columbia

Mr. Eby, et al:

A couple of years ago, Green Party MP Elizabeth May stood in the House of Commons to question the constitutionality of the standing orders being used to end debate in the House. Quite appropriately, she was met with the same answer Nelson Riis was given when he asked the same question of the Speaker in 1990 (as the Mulroney Government invoked closure and time allocation to end debate on the GST legislation (Bill C-62)) - that the Speaker does not have the jurisdiction to make any sort of decision regarding the legality or constitutionality of proceedings in the House; support for which can be found early in the Federal Court Practice Manual, wherein it states that jurisdiction as to interpretation of the Constitution resides with the superior courts of the provinces and the Supreme Court of Canada.

Leading up to Alberta's constitutional challenge to the GST, the A.G.-Ont. picked up Mr. Riis' argument. Subsequent to the start of that Reference, Ontario's NDP Government was replaced by a Conservative Government; and A.G.-Ont. authorities which should have argued that there is a distinction between a legislature overreaching its legislative boundaries and improper, legislative process (though both result in an invalidity, only the former is defined as *ultra vires*) were reshaped into an A.G.-Ont. argument which insisted on an American law-styled definition whereby there is no distinction made between legislative subject matter and legislative process when defining *ultra vires*.

In its decision, the Alberta Court of Appeal devoted over four pages ([1992] 1 WWR 1 @ pp.35-39) in reply to Ontario, repeatedly emphasizing the importance of rules and process, at every stage, even upon the Court and Ontario in their roles within the Reference, thus that it could not hear Ontario's argument because all six of Alberta's initiating questions were specific to the GST's "constitutionality" while the true import of Ontario's argument, being confined to that of legislative process, did not fit within the framework of Alberta's questions... And that the rules require the A.G.-Ont. to address its misapprehension of the case and initiate a new reference so the courts will be allowed to address the issue.

Without any additions or subtractions, the Supreme Court of Canada concurred with the Alberta Court of Appeal's treatment of Ontario's argument.

I encountered the above case while employed as a legal researcher about twenty years ago. At that time, as no one else seemed interested, I pursued and collected the authorities for myself.

When you begin to familiarize yourself with the case, you will note that none of the facts upon which Ontario relied were ever disputed (how might anyone dispute parliamentary records?). The only dispute revolved around the question of what does or does not constitute, *ultra vires*. And that question was firmly answered by the courts... [One can only speculate as to why the A.G.-Ont. insisted on pursuing an argument that ran counter to the law within its own collection of authorities. And refused to hear what the Court was saying.]

Mr. Eby, if you are, indeed, looking for a legal means to put a stop to the Kinder Morgan Trans Mountain pipeline project, I still have the whole of the GST Reference material in my possession. With a few minor amendments to the Ontario documents, a new factum can easily be drafted to fit the Harper Government's employ of time allocation to curtail debate (June 18, 2012) on '*Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012, and other measures*' (as well as wherever else HoC standing orders 57 & 78 are found to have been used to "enact" other, pipeline-enabling pieces of legislation). I'm quite sure that with my comprehension of the re-assembled authorities and your Ministry's resources, we could quickly stop the Trans Mountain pipeline expansion project - and permanently so - as I'm sure that the mere thought of the coincident prejudice that would be done to Bill C-38's enveloping, budgetary content would put an end to Justin Trudeau's (hitherto unflappable) insistence that Alberta bitumen is on its way to Pacific tidewater.

Sincerely,

s.22

Minister, AG AG:EX

From: Bell, Andrew <Andrew.Bell@bellmedia.ca>
Sent: Thursday, August 10, 2017 7:00 AM
To: Minister, AG AG:EX
Subject: when is Trans Mountain announcement, please?

Importance: High

when is Trans Mountain announcement, please?

Andrew Bell | Anchor/reporter

Business News Network

Andrew.bell@bellmedia.ca 416-384-6679

On Twitter: @andrewbellbnn

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<http://business.financialpost.com/commodities/b-c-government-to-make-announcement-about-trans-mountain-pipeline-expansion/wcm/42ce0cec-471a-4b34-931d-1b280f9e4796>

B.C. government to outline next steps on Trans Mountain expansion

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Minister, AG AG:EX

From: Harris, Megan A GCPE:EX
Sent: Thursday, August 10, 2017 8:36 AM
To: Minister, AG AG:EX
Subject: Re: Megan - Over to you FW: when is Trans Mountain announcement, please?

Already done, thanks!

On Aug 10, 2017, at 8:32 AM, Minister, AG AG:EX <AG.Minister@gov.bc.ca> wrote:

From: Bell, Andrew [<mailto:Andrew.Bell@bellmedia.ca>]
Sent: Thursday, August 10, 2017 7:00 AM
To: Minister, AG AG:EX
Subject: when is Trans Mountain announcement, please?
Importance: High

when is Trans Mountain announcement, please?

Andrew Bell | Anchor/reporter

Business News Network

Andrew.bell@bellmedia.ca 416-384-6679

On Twitter: [@andrewbellbnn](https://twitter.com/andrewbellbnn)

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<http://business.financialpost.com/commodities/b-c-government-to-make-announcement-about-trans-mountain-pipeline-expansion/wcm/42ce0cec-471a-4b34-931d-1b280f9e4796>

B.C. government to outline next steps on Trans Mountain expansion

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Minister, AG AG:EX

From: s.22
Sent: Thursday, August 10, 2017 9:29 AM
To: OfficeofthePremier, Office PREM:EX; Minister, AG AG:EX
Subject: Fwd: Kinder Morgan proposal

Begin forwarded message:

From: s.22
Subject: Kinder Morgan proposal
Date: August 10, 2017 at 09:22:20 PDT
To: John.Horgan.MLA@leg.bc.ca, david.eby.mla@leg.bc.ca, andrew.weaver.mla@leg.bc.ca,
douglas.routley.mla@leg.bc.ca, sheila.malcolmson@parl.gc.ca

Dear John,

I am writing to you to express my concern over what I perceive to be a softening of the Government's position on the Kinder Morgan proposal to twin its pipeline from Alberta to Burnaby. You may recall that s.22

s.22 At that time the Province under the leadership of Premier
Harcourt rejected the proposal of Alcan to build the project that would have resulted in the environmental degradation of the Nechako River and the Fraser River systems. The NDP government of the day made the tough and courageous decision to not allow Alcan to proceed with its proposal. The decision was met with lawsuits from Alcan that were later settled out of Court. I was honoured to be s.22

s.22 I understand that the legal issues surrounding the cancellation of the Kinder Morgan pipeline proposal are complex and difficult. Ultimately the result may involve the payment of money by the Province. However the right choice and decision in my respectful view is to stand by your election promise to follow all legal avenues to resist the Kinder Morgan proposal from proceeding. Premier Harcourt did that with KCP. You and I both know that was the right choice for that project. And I trust that the Province under your leadership will also make the right decision and not allow the Kinder Morgan proposal to proceed.

s.22