

Cameron, Tara D ENV:EX

From: Smith, Curtis ENV:EX
Sent: Friday, July 7, 2017 10:37 AM
To: Cameron, Tara D ENV:EX
Subject: EAO Note
Attachments: 26 - Trans Mountain Expansion Project.pdf

TRANS MOUNTAIN EXPANSION PROJECT

- An Environmental Assessment Certificate for the Trans Mountain Expansion Project was issued on January 11, 2017.
- The Environmental Assessment Certificate includes 37 legally-binding conditions that Trans Mountain Pipeline ULC must meet. The company must also build the project as specified in the certificate's Certified Project Description.
- The Environmental Assessment certificate's conditions are in addition to the 157 conditions required by the National Energy Board.
- The Environmental Assessment Certificate requires Trans Mountain Pipeline ULC to develop various environmental management plans in consultation with the Province and Aboriginal groups.
- Once approved, the final plans will be posted on the Environmental Assessment Office's website once they have been approved or accepted by the Environmental Assessment Office.

Background:

- The Trans Mountain Expansion Project (Project) consists of approximately 987 kilometres of new oil pipeline and the reactivation of 193 kilometres of existing oil pipeline. Trans Mountain ULC (Trans Mountain, a wholly owned subsidiary of Kinder Morgan Canada) will transport crude, semi-refined and refined petroleum products, and the expansion will increase the capacity of the existing pipeline from 47,700 cubic meters per day to 141,500 cubic meters per day.
- On November 29, 2016, the federal government announced its approval of the Project with 157 conditions. A number of Aboriginal and citizen groups have initiated litigation regarding the federal approval.
- Trans Mountain received an environmental assessment (EA) certificate for the Project. The certificate and the table of conditions can be found at: <https://projects.eao.gov.bc.ca/p/trans-mountain-expansion/docs?folder=23>.
- Judicial reviews challenging the issuance of the certificate have been commenced by the City of Vancouver and the Squamish First Nation.
- In June 2017, Trans Mountain announced it reached a final investment decision.
- Key conditions of the certificate require Trans Mountain to:
 - consult with Aboriginal groups and provincial agencies when developing and implementing relevant plans and programs required by the NEB and the provincial certificate;
 - develop wildlife species-at-risk offset plans and grizzly bear mitigation and monitoring plans for all impacted Grizzly Bear Population Units;
 - prepare and implement access management plans to avoid or mitigate disruption to access by members of Aboriginal groups carrying out traditional use activities and by provincially authorized trappers and guide outfitters;
 - prepare and implement a worker accommodation strategy that describes the potential environmental and social-economic impacts of construction camps on Aboriginal groups and includes a plan to provide medical and health services for employees and contractors using the construction camps;
 - prepare offset plans for any provincial parks, protected areas and recreation areas that would be impacted by the project;
 - report greenhouse gas emissions consistent with BC's Greenhouse Gas Industrial Reporting and Control Act and offset the greenhouse gas emissions from project construction in BC through the BC Carbon Registry;
 - conduct a research program regarding the behaviour and clean-up of heavy oils spilled in freshwater and marine aquatic environments to provide Trans Mountain and spill responders with improved information on how to effectively respond to spills;
 - develop emergency response plans that include guidelines for: incident notification and communications; oiled wildlife care; volunteer management; environmental sampling and monitoring and describe how Trans Mountain would coordinate emergency response participation of first responders, agencies, municipalities and regional districts, and Aboriginal Groups;
 - increase Trans Mountain's emergency preparedness and response exercise and training program to include full scale exercises or deployments of emergency equipment for certain pipeline rupture and tank fire scenarios before operations begin;
 - implement an Aboriginal marine outreach program along the marine shipping route to address the impacts of increased project-related tanker traffic in the Salish Sea; and

- provide opportunities for Aboriginal Groups to participate in construction and post-construction monitoring, including training for Aboriginal monitors.
- A decision by provincial Ministers on the project under the British Columbia *Environmental Assessment Act* was required as a result of a January 2016 Supreme Court of British Columbia decision regarding the Environmental Assessment Office's (EAO) equivalency agreement with the National Energy Board (NEB).
- Pursuant to its equivalency agreement, the EAO considered the NEB's recommendation report as the assessment for the project. In addition, the EAO gathered information throughout the remaining provincial process, including joint consultation with the federal government with 96 Aboriginal groups in B.C. about the project, to help inform the decision by Ministers on whether to issue a certificate.
- Under the legal terms of its certificate, Trans Mountain must provide various management plans to the EAO and the Province for review, comment and approval, and the EAO is required to respond within certain time periods. As a result, the EAO will be writing to Trans Mountain with the results of the review of these various plans and posting them online as they are approved or accepted.

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