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Express Pipeline
Kinder Morgan Bison ULC
Kinder Morgan Canada Terminals ULC
Kinder Morgan Heartland ULC
Platte Pipeline
Trans Mountain Pipeline Inc.
Trans Mountain Pipeline L.P.
Trans Mountain Pipeline (Puget Sound) LLC
Kinder Morgan Cochin ULC
Kinder Morgan Canada CO₂ ULC

VIA COURIER

January 24, 2008

Hutchins Caron & Associates
Barristers and Solicitors
485 McGill, Suite 700
Montreal, Quebec H2Y 2H4

Attention: Mr. Peter W. Hutchins

Dear Sir:

Entity: Kinder Morgan Canada Inc., operator of Trans Mountain Pipeline Inc./Trans Mountain Pipeline L.P.
Project: TMX Anchor Loop Project Certificate OPL-T099-01-2007
Re: Foothills Ojibway

We are writing in response to your letter of January 11, 2008 alleging a lack of consultation as between your client, the Foothills Ojibway (“Ojibway”), and Kinder Morgan Canada Inc. (“KMC”) on the Anchor Loop Project and further alleging that KMC “knowingly destroyed nearly all of the sacred and ceremonial sites outside of Jasper National Park.” As KMC has taken significant steps to consult with your client, and as it has worked diligently with your client to preserve the Ojibway traditional sites, it is extremely disappointed to have received your letter.

As your client is aware, the Crown undertook an Aboriginal Consultation process in 2006, which required extensive study of affected Aboriginal traditional land use areas affected by the Project. After requiring KMC to submit detailed Heritage Resource Studies and Archeological Assessments for the Project (identifying Aboriginal sites and effects thereon), and after the National Energy Board held a full hearing into the matters at issue in August of 2006, KMC received approval to proceed with the Project.

In early May of 2007, after the approval of the Project, but before commencement of construction, Chief O’Chiese contacted KMC requesting further information concerning the Project, and indicating he would like more consultation. The information requested

was provided to him, and numerous attempts were made to engage him further, without success. On May 28, 2007 KMC received communication from Ojibway consultant, Mr. Bradley Young (a copy of which is attached) advising that the Chief was very busy, and that KMC should not take his lack of response as approval of anything, and requesting further consultation. KMC responded to that communication on June 7, 2007, setting out what had been done to date, requesting a meeting with Chief O'Chiese to address his concerns, and requesting a list of specific areas of concern (a copy of which is attached). KMC received a response from Mr. Young on June 12, 2007 (a copy of which is attached) advising that the Ojibway were preparing a response which would be ready on June 14, 2007, which response was never received.

As KMC recognized that the Ojibway had limited consultation resources, and that Chief O'Chiese was extremely busy, KMC proceeded to retain TERA Environmental Consultants ("TERA") to develop and execute a consultation plan with the Ojibway. Specifically, Messrs. Jason Smith and Giles Stevenson of TERA were tasked with immediately meeting with Ojibway representatives to identify Ojibway sites and to address them in the Project construction plan. Over the course of July through October 2007, KMC and Ojibway representatives did indeed meet, identified Ojibway's traditional use sites, and developed plans to protect the sites. A copy of a January 16, 2008 Consultation Summary Report ("Consultation Report") detailing the consultation and plan is attached.

You will see from the above, and the Consultation Report, that there has been significant consultation as between the Ojibway and KMC. In addition, KMC has asked on numerous occasions for Ojibway monitors to be present during construction (at KMC's cost), which offer has never been answered.

In terms of your allegation that KMC has "knowingly destroyed nearly all of the sacred and ceremonial sites outside of Jasper National Park that were identified for it by Chief O'Chiese", this is simply inaccurate. As outlined in the detailed Consultation Report, Project construction modification successfully preserved most of the traditional use sites on the Right of Way identified by Chief O'Chiese. Unfortunately, of the large amount of sites identified and preserved, two trees of spiritual significance were inadvertently removed at KL 312.8, a portion of a larger site at KL 313.4 and a single tree at 318.7 as a result of a contractor missing the identification markers for the trees. Upon becoming aware of these inadvertent clearings, KMC immediately contacted Chief O'Chiese, apologized, and offered to work with Chief O'Chiese as best as possible to remedy the situation, with no response.

KMC shares the concern of Chief O'Chiese and the Ojibway that no further Aboriginal sites of significance be inadvertently affected by the Project. As such, KMC is working diligently with TERA to ensure that the sites identified by Chief O'Chiese for the balance of the Project are protected. To ensure this occurs, KMC once again renews its offer to retain an Ojibway monitor immediately, with support, to monitor the remainder of the construction. Further, KMC continues to await your client's advice regarding its proposal for dealing with the trees inadvertently removed. And finally, KMC reasserts its

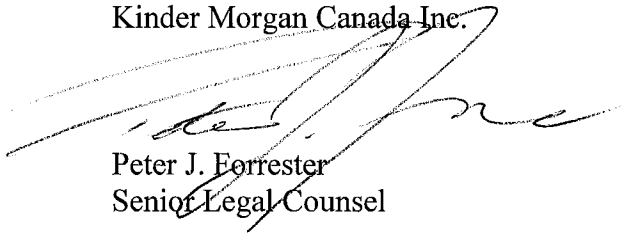
commitment to work with the Ojibway regarding the remediation plan along the Right of Way as previously agreed with Chief O'Chiese, for the balance of the Project

At this time, KMC is of the view that the best way to address the above issues is to arrange a meeting at the earliest opportunity between your clients and KMC representatives to outline the steps going forward. As such, we ask that you arrange a meeting as between Chief O'Chiese and KMC representatives at your earliest opportunity.

We look forward to hearing from you as soon as possible.

Yours truly,

Kinder Morgan Canada Inc.



Peter J. Forrester
Senior Legal Counsel

enclosures

cc: Chief Jimmy O'Chiese, Foothills Ojibway Community (via fax: 780-865-1863)
Bradley Young, consultant (via e-mail: b_young@telusplanet.net)
Catherine Twinn, legal counsel
Jamie Dickson, legal counsel
Louise Mandell, legal counsel
Greg Fenton, Superintendent, Jasper National Park (via e-mail: greg_fenton@pc.gc.ca)
Claudine Dutil-Berry, National Energy Board
Tony Epp, Senior Program Officer, Alberta Region and NWT Region, CEAA
(via fax: 780-422-6202)
Steve Burgess, Executive Director, Project Assessment and Regional Operations, CEAA (via fax:
613-957-0941)
Glen Marko, Justice Canada (via e-mail: glen_marko@justice.gc.ca)
Martyn Curtis, Fish Habitat Biologist, Fisheries and Oceans Canada
(via fax: 780-495-3362)
Tim Panko, Habitat Technician, Fisheries and Oceans Canada (via fax: 250-674-3553)
Allen Cadenhead, Transport Canada (via e-mail: cadenheada@tc.gc.ca)
Ian Anderson, Kinder Morgan Canada
Philippe Reicher, Kinder Morgan Canada
Gilles Anderson, TERA Environmental Consultants (via e-mail: ganderson@teraenv.com)
Jason Smith, TERA Environmental Consultants (jsmith@teraenv.com)
Donavon Young, Associate Deputy Minister, International, Intergovernmental and Aboriginal
Relations, Land and Resource Issues, Government of Alberta
(via e-mail: donavon.young@gov.ab.ca)
George Arcand, Indian and Northern Affairs Canada
Chris Wilson, Indian and Northern Affairs Canada
Amanda Brackenreed, Resource Management Advisor, Foothills and Woodlands Area,
Consultation and Aboriginal Relations Unit, Alberta Sustainable Resource Development
Stuart Taylor, Land and Range Manager, Foothills Area, Foothills Area, Alberta Sustainable
Resource Development



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Trans Mountain Pipeline (Puget Sound) LLC
Kinder Morgan Cochin ULC

VIA E-MAIL AND COURIER

June 7, 2007

Bradley Young Consulting
132 Reimer Drive
Hinton, Alberta T7V 1K1

Attention: Mr. Bradley Young

Dear Sir:

Re: Foothills Ojibway Consultation on the Trans Mountain Pipeline Anchor Loop Project (“the Project”)

We are writing in response to your e-mail correspondence of May 28, 2007, written on behalf of the Foothills Ojibway, otherwise known as the O’Chiese First Nation (“Ojibway”). Specifically, we are writing in response to your suggestion that the Ojibway have not been properly consulted in relation to the Project and that such lack of consultation may result in infringement of Ojibway’s asserted rights in Jasper National Park.

As you are aware, Parks Canada is the agency responsible for Jasper National Park. As part of Terasen Pipelines (Trans Mountain) Inc. (“Trans Mountain’s”) application to the National Energy Board for approval of the Anchor Loop Project, Parks Canada coordinated the Aboriginal interests in Jasper National Park. In particular, in June of 2006, as part of the review and approval process, Parks Canada sent a notification letter to the Ojibway as part of an Aboriginal consultation and engagement process. The Ojibway acknowledged receipt of this correspondence, but chose not to engage further in consultation, and Parks Canada was not contacted thereafter by the Ojibway about any concerns.

In relation to the Aboriginal interests in Jasper Park as it relates to the Anchor Loop Project, Trans Mountain commissioned an exhaustive Heritage Resource study and Archeological Assessment of Jasper National Park, both of which were completed in November of 2005 (the “Studies”). KMC’s Director of External Relations and Aboriginal Affairs provided these recently to Chief O’Chiese, and a copy of this letter, and the studies, are attached for your convenience.

In short, the Studies indicate that with the mitigation measures taken for the Anchor Loop Project, there will be no adverse effects on Aboriginal Heritage sites. The Studies were filed with the National Energy Board, and a full public hearing, which the Ojibway chose not to participate in was held in August of last year.

To further protect Aboriginal Heritage sites, and to ensure the Studies are complied with, the Anchor Loop Project will have environmental, Aboriginal and Park monitors ensuring there is no harm to Aboriginal Heritage sites.

Additionally, KMC has been working with a number of Aboriginal groups that are part of the Foothills Model Forest group, of which the Ojibway are a member and to which you are a consultant. That group has identified a number of concerns common to the group, including a systematic approach to recording and identifying Aboriginal Heritage sites. KMC continues to work with certain members of the group, and encourages the open exchange of the systematic Heritage Site identification information.

Our Mr. Reicher has been in contact with Chief O'Chiese from time to time, but until receipt of your e-mail there was no suggestion the Ojibway had concerns over the protection of Aboriginal Heritage sites in Jasper National Park as they relate to the Anchor Loop Project. While KMC is confident that measures are in place to capture and plan for all Aboriginal Heritage sites impacted by the Project, Mr. Reicher would be happy to meet with yourself and Chief O'Chiese to discuss any continued cooperation between our organizations going forward. Indeed, Mr. Reicher will be in Hinton on June 14, 2007 and would be happy to meet with both of you if your schedule permits. In the meantime, if you have specific concerns regarding specific Aboriginal Heritage sites, please advise as at your earliest opportunity what sites you are referring to and what the concern is.

Finally, we would like to take this opportunity to assure you that KMC, the operator of the Trans Mountain Pipeline system, is committed to working closely with all interested and affected parties, and specifically with Aboriginal groups. Specifically, KMC is committed to protecting Aboriginal Heritage sites through direct participation with affected Aboriginal groups and with the Crown, which KMC continues on an ongoing basis.

We trust the above is satisfactory. Should you require further information, please do not hesitate to contact Mr. Reicher at (403) 514-6450 or myself at (403) 514-6643.

Yours truly,

KINDER MORGAN CANADA INC.



Peter J. Forrester
Senior Legal Counsel

enclosures

cc. **Without Enclosures**

Ron Hooper, Superintendent, Jasper National Park (via fax: 780-852-6152)

David Young, Acting Secretary, National Energy Board

Tony Epp, Senior Program Officer, Alberta Region and NWT Region, CEAA
(via fax: 780-422-6202)

Steve Burgess, Executive Director, Project Assessment and Regional Operations (CEAA)
(via fax: 613-957-0941)

Glen Marko, Justice Canada (via e-mail: glen.marko@justice.gc.ca)

Curtis Martyn, Fish Habitat Biologist, Fisheries and Oceans Canada
(via fax: 780-495-3362)

Tim Panko, Habitat Technician, Fisheries and Oceans Canada (via fax: 250-674-3553)

Allen Caddenhead, Transport Canada (via e-mail: cadenheada@tc.gc.ca)

Ian Anderson, President, Kinder Morgan Canada

Philippe Reicher, Director, External Relations, Kinder Morgan Canada

May 28, 2007

Kinder Morgan Canada Inc.
Calgary Office
C/O Philippe Reicher
Director, External Relations

Mr. Reicher,

RE: [REDACTED] Assertion for Consultation on the Trans Mountain Pipeline

I am writing to you today to express concerns with the on-going lack of consultation for the Foothills Ojibway people, represented and led by Chief Jim O'Chiese, on the Trans Mountain Pipeline. As Chief O'Chiese is extremely busy right now it is of critical importance that you do not take his lack of response to phone calls and other correspondence as de facto approval for any aspect of the Trans Mountain pipeline, or any other developments on the Eastern Slopes of Alberta and beyond that, the Traditional Lands of the Foothills Ojibway People. Explicitly, any artificially conceived consultation timelines are hereby rejected, given that Chief O'Chiese has not met with any Kinder Morgan representatives directly to establish a project specific consultation framework.

For your information, another major energy development requiring consultation is in the middle of the bush, forcing Chief O'Chiese to be out of the country for communications temporarily. Specifically, in response to this other development, Chief O'Chiese is running a cultural mapping camp (May 27-June 4, 2007) in Pembina River country approx. 50kms outside of Hinton.

I have been in personal, witnessed, communication with Chief O'Chiese and he has indicated that he is extremely concerned with the on-going development and progress of the Trans Mountain project. In particular he has received information that other communities, who have very limited knowledge of the numerous Foothills Ojibway cultural sites and uses in the project area, are receiving and signing off on consultation approvals and proceeding with Kinder Morgan to the benefit's side of consultation. What I can say specifically about Foothills Ojibway sites along the Trans Mountain corridor is that there is a density of hundreds (if not thousands) of cultural sites along its path. The potential interferences represented by the project to Foothills Ojibway Aboriginal traditions and culture are numerous, serious, and require their own deep considerations and meaningful consultation. Dispensing of consultation requirements with other communities does not constitute any approval, explicit or de facto, for the Foothills Ojibway People on the Trans Mountain project.

In previous communications with Kinder Morgan representatives, Chief O'Chiese was informed that Jasper National Park did not list the Foothills Ojibway as a community needing to be consulted regarding the Trans Mountain project. In particular, Mike Dillon from the Park

was mentioned as not informing Kinder Morgan of the presence of the Foothills Ojibway. After speaking with a Jasper National Park representative today, Sherrill Meropoulos, she expressly challenged this supposed omission and stated that Mike Dillon and other Jasper representatives did inform Kinder Morgan of the presence of the Foothills Ojibway. At any rate, I have included the Jasper National Park Superintendent, Ron Hooper, on this email to ensure proper notifications regarding these matters. The communications loophole on consultation for the Trans Mountain project, with regards to the Foothills Ojibway, is hereby closed.

Returning to the specific matters of consultation with the Foothills Ojibway, I have informed Chief O'Chiese that any consultation between the Foothills Ojibway and Kinder Morgan should/may include the best practices and guidance from current case law. What these practices may be will be determined through direct contact with the Foothills Ojibway and its representatives.

Please at your earliest convenience establish physical meetings with Chief O'Chiese and yourself. I would be happy to pass on any suggested meeting times as I am in daily contact with Chief O'Chiese. The above fos1865@gmail.com email address is the Foothills Ojibway email, but all of their representatives and technicians are at the above mentioned bush camp until June 4, 2007.

Sincerely,
Bradley Young, B.A., M.A.
Bradley Young Consulting
132 Reimer Dr.
Hinton, AB, T7V 1K1
780-740-1493 C
780-865-1740 F

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Forrester, Peter

From: Brad Young [b_young@telusplanet.net]
Sent: Tuesday, June 12, 2007 2:12 PM
To: Forrester, Peter; Goerzen, Inge
Cc: Reicher, Philippe; Rita Whitford (E-mail)
Subject: RE: Letter - Foothills Ojibway Consultation

Hi Peter,

Thank-you for the update and correspondence on the project. Foothills Ojibway will have a response for ready on June 14. It is important for Kinder Morgan Canada Inc. to know that the Foothills Ojibway community looks forward to resolving these matters under the full guidance of Canadian law, reconciling claims, interests, and ambitions. Recent court decisions, such as Platinex Inc. v. Kitchenuhmaykoosib Inninuwug First Nation, [2006] O.J. No. 3140 (QL), 2006 CanLII 26171, Ontario Superior Court of Justice (G.P. Smith J.) continue to provide excellent, unambiguous directives here.

The Chief looks forward to meeting with Planitex and it's representatives to begin dialogue and negotiations on these matters.

Sincerely,
Bradley Young, B.A., M.A.
Bradley Young Consulting
132 Reimer Dr.
Hinton, AB, T7V 1K1
780-740-1493 C
780-865-1740 F

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-----Original Message-----

From: Goerzen, Inge [mailto:Inge_Goerzen@kindermorgan.com] On Behalf Of Forrester, Peter
Sent: June 7, 2007 9:28 AM
To: b_young@telusplanet.net
Subject: Re: Letter - Foothills Ojibway Consultation

Dear Sir:

Please see the attached letter.

Regards

Peter Forrester

Peter J. Forrester
Senior Legal Counsel
Kinder Morgan Canada Inc.
(formerly Terasen Pipelines Inc.)
Suite 2700 - 300 5th Ave SW
Calgary, AB Canada T2P 5J2
ph: (403) 514-6643
fax: (403) 514-6622
peter_forrester@kindermorgan.com



Kinder Morgan Canada Inc.
2700, 300 - 5th Avenue S.W.
Calgary, Alberta T2P 5J2

January 16, 2008
Our File: 3739c.82
Via: email

Attention: Philippe Reicher
Public Affairs

Dear Mr. Reicher,

RE: Consultation Summary with the Foothills Ojibway Society

In July 2007, TERA Environmental Consultants (TERA), on behalf of Kinder Morgan Canada Inc. (KMC), was requested to work with the Foothills Ojibway Society (Foothills Ojibway) in identifying traditional use areas that could potentially be impacted by the construction of the TMX-Anchor Loop Project. Over the past five months, representatives from TERA have engaged the representatives of the Foothills Ojibway through various means including three site visits as well as numerous telephone calls and emails (see Table 1). Most of the correspondence that has occurred to date has been between Mr. Giles Stevenson (Lead Environmental/Restoration Inspector for TERA), Mr. Jason Smith (Project Manager for TERA), Mr. Philippe Reicher (External Relations for KMC) and Mr. Jimmy O'Chiese (Chief of the Foothills Ojibway). Parks Canada representatives have also had discussions with the Foothills Ojibway for the portion of the TMX-Anchor Loop that traverses Jasper National Park.

During these discussions with the KMC representatives, there was an ongoing exchange of project environmental and cultural information, including the sharing of the Environmental Work Sheets containing all the known environmental and cultural resource sites along the proposed route. It was also communicated to the Foothills Ojibway representatives that approval for the Project was granted by the National Energy Board (NEB) in October 2006 and by other federal responsible authorities in June 2007 and that construction on the project had commenced in mid-July 2007.

Traditional Use Areas Outside Jasper National Park

On July 23, 2007, a field visit to the proposed right-of-way was undertaken between Mr. Stevenson and Mr. O'Chiese. Mr. O'Chiese described a vast area that was a traditional use area which has been traversed by Highway 16, Trans Mountain pipeline, an ATCO Electric powerline, ATCO Gas pipeline and a Telus Fibre optics cable. This area is also under consultative notation for Cougar Rock Development.

There were three areas identified by Mr. O'Chiese that were located immediately adjacent to or within the proposed construction footprint of the Project. These areas were commonly denoted by cloth wrapping placed around aspen trees. There were several other sites located to the north and south of the proposed pipeline right-of-way that was identified by Mr. O'Chiese but were located outside of the construction footprint. An area located near KL 312.9 contains a unique rock outcrop which hosts several rare plants and was identified as an area important to the Foothills Ojibway. The Project narrowed down the construction footprint to avoid this unique rock feature that hosts these plants. Furthermore, just north of this rock outcrop is a large ceremonial area marked with cloth wraps which was left unaffected by the Project. Also located south of the utility corridor are several areas marked with cloth wrappings which were not affected by the Project. At KL 312.85 there is a single tree located approximately 25 m north of the construction footprint that remains standing and unaffected by the Project. In general there are several areas that were described by Mr. O'Chiese that are not directly affected by the Project. The three areas described by Mr. O'Chiese that have trees with cloth wrappings which are located within the construction footprint, and appear to makeup the southern fringe of a larger area to the north, include the following.

At KL 312.8 the right-of-way traverses the southern edge of an area marked with cloth wraps which comprise of a partially open stand of aspen trees. On October 2, 2007 a total of three trees with cloth wrap were identified, two were located within the right-of-way and one was located approximately 3 m outside the right-of-way. Restricted area flagging was placed on each of the trees by the Environmental Inspector. The two trees inside the right-of-way could not be avoided and were removed (see Plates 1 to 6). Prior to the removal of these trees, four telephone messages and one email were sent to the Foothills Ojibway indicating that these trees would be impacted and encouraged the Foothills Ojibway to have monitors onsite. With no response back from the Foothills Ojibway, the trees were then removed on October 13, 2007.

At KL 313.4, there is a spiritual ceremonial area located just off the north edge of the right-of-way at the top of a steep slope. At the July 23, 2007 site meeting, Mr. Stevenson indicated to Mr. O'Chiese that the trees were very close to the boundary of the right-of-way. Mr. Stevenson and Mr. O'Chiese kneeled together at the site in recognition of this area. After the field visit, Mr. Stevenson notified the Environmental Inspector responsible for the area who then immediately flagged the area for avoidance. The clearing crew avoided the site but the grade crew removed some of the aspen trees located in an extra workspace at the top of a steep hill that had been approved for construction (see Plate 7). This site was located on the south edge of a much larger area that contained trees with cloth wraps that extended northward.

At KL 318.7, the right-of-way traverses the southern edge of a ceremonial site just west of the Hinton Pump Station. In an aspen stand located on the north side of the right-of-way there are openings with cloth wrappings around several trees (see Plates 8 to 10). The Environmental Inspector flagged off the area to protect the site. The trees and cloth wraps remain intact along the edge of the right-of-way. A single tree with a prayer flag was left in the middle of the right-of-way by the clearing crews until the Foothills Ojibway could be contacted. On October 18, 2007, TERA representatives, met with representatives of the Foothills Ojibway to discuss this

situation and indicated that the tree will likely become a safety hazard and will need to be removed. The original offering to have monitors from the Foothills Ojibway on the Project was again communicated on October 18, 2007. With no response back from the Foothills Ojibway, the single tree was removed while several remained intact on the edge of the right-of-way.

Traditional Use Areas within Jasper National Park

On August 29, 2007, a field visit along the proposed right-of-way in Jasper National Park was undertaken between Parks Canada, KMC and Foothills Ojibway representatives. This site meeting was facilitated and arranged by Parks Canada. The following sites were identified during the field visit as having potential conflicts with the proposed construction footprint.

Decoigne Pasture KL 401: The proposed stockpile site at Decoigne Pasture in Jasper National Park was proposed to be cleared and graded for construction. During a site visit on August 23, 2007 with Parks Canada and KMC representatives, Mr. O'Chiese identified the Decoigne Pasture as a traditional use area. This area is currently used by Parks Canada. In a discrete area near the Decoigne Pasture, Mr. O'Chiese identified a cabin foundation. Following the site visit, the Environmental Inspection team flagged off the area, modified the boundaries of the stockpile site and resurveyed the area to avoid the cabin foundation. A telephone call was made to the Foothills Ojibway to notify them of construction in the area on October 5, 2007. The cabin foundation was protected and avoided.

Miette Wetlands KL 393: The pipeline traverses the Miette wetlands and Mr. O'Chiese expressed concerned about the sweet grass and other traditional herbs that may be impacted in this area. Mr. O'Chiese requested that he would like his people to assist in the restoration efforts. KMC has developed a comprehensive Restoration Plan which focuses on restoring native plants to the right-of-way which includes the forbs and herbs that the Foothills Ojibway are interested in. Subsequent to this meeting, KMC has offered for members of the Foothills Ojibway to be involved in the restoration efforts for the Project. The Foothills Ojibway have not responded to this offer.

Clairvaux North Stockpile Site (Parks Canada gravel pit): Mr. O'Chiese noted an old campsite located off the construction footprint. The site is located outside the construction footprint and was not disturbed by the Project.

On September 7, 2007, representatives from Parks Canada and KMC met to discuss additional areas noted by Mr. O'Chiese during his discussions with Parks Canada.

At KL 399.3: Mr. O'Chiese noted some markings on the aspen trees. The site is located outside the construction footprint and was not disturbed. The site was fenced and flagged with restricted area flagging to avoid any potential for encroachment.

Palisades Area (KL 368.7): Mr. O'Chiese identified an area north of the Snaring Road where plants for traditional use were identified. The site is located off the construction footprint and was not disturbed.

Near KL 365.8: There were areas identified by Mr. O'Chiese that were located north of the proposed construction footprint which will not be affected by the Project.

Summation

Mr. O'Chiese identified a large area of traditional use that extends from KL 312 to 313 of which a large utility corridor comprising of four facilities are located. The three areas identified by Mr. O'Chiese represent the most southerly edge of what Mr. O'Chiese described as a much larger area of traditional use. The right-of-way was narrowed in an area that Mr. O'Chiese identified as having plants used for traditional purposes.

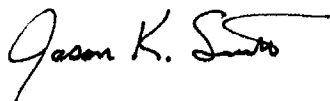
On October 18, 2007, members from TERA and the Foothills Ojibway met to discuss the project activities with respect to the traditional use areas located outside Jasper National Park. During this meeting, TERA provided suggestions to the Foothills Ojibway in recognition that the Project had infringed upon the southern edges of these areas which comprised of a much larger area of traditional use. In recognition of the concerns raised by the Foothills Ojibway, KMC offered the following:

- To fund and train representatives from the Foothills Ojibway to monitor their known traditional use areas outside of Jasper National Park during clearing and grading activities.
- To provide funding to the Foothills Model Forest to assist with documenting and recording of traditional use areas.
- To have members of the Foothills Ojibway assist with the restoration efforts at locations where the right-of-way is adjacent to the Foothills Ojibway traditional use areas. KMC has proposed to replace the aspens that had been removed with aspen saplings to provide visual screens and restore the area for future generations of Foothills Ojibway people.

We trust this summary of engagement and actions taken with the Foothills Ojibway will be helpful. Should you require any additional information or have any questions concerning the information provided, please don't hesitate to contact me by phone (403) 538-5673 or email jsmith@teraenv.com.

Sincerely,

TERA ENVIRONMENTAL CONSULTANTS



Jason Smith, M.Sc.
Senior Environmental Planner

cc: Giles Stevenson, TERA Lead Environmental Inspector
Margaret Mears, KMC Environmental Lead
Greg Toth, KMC Project Director



Plate 1

KL 312.8. Location of two culturally sensitive trees that were cleared by construction. Note the restricted area flagging that has been posted for the remaining trees (October 18, 2007).



Plate 2

KL 312.85 looking west at the flagged aspen trees on the north edge of the cleared right-of-way (October 18, 2007).



Plate 3

KL 312.8 flagged aspen trees (October 18, 2007).



Plate 4

KL 312.8 flagged aspen tree (October 18, 2007).

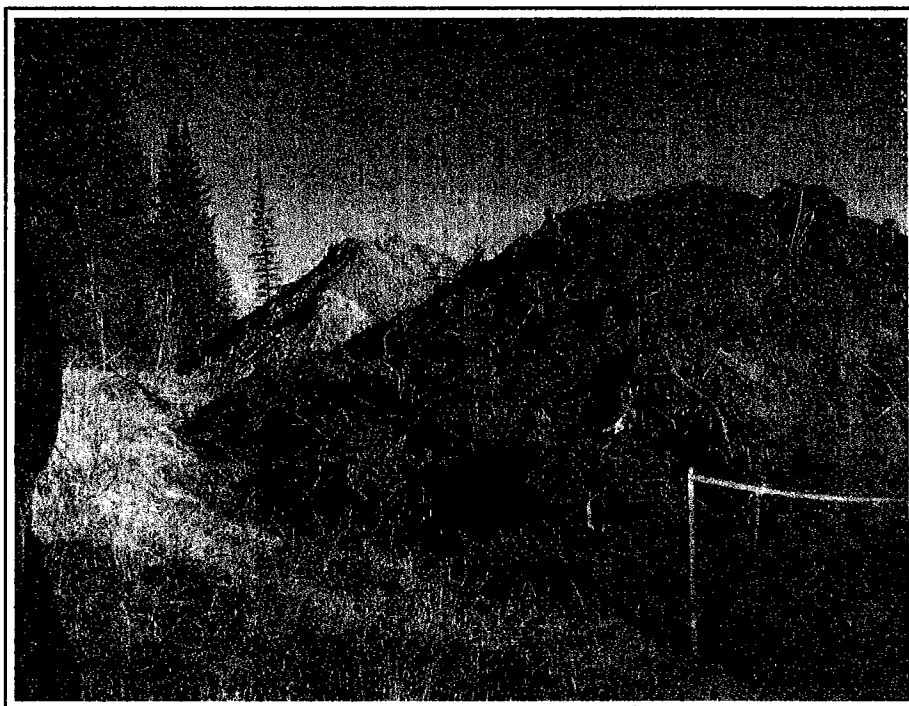


Plate 5

KL 313.4 Location where aspen trees were removed for construction (October 18, 2007). Ceremonial sites are located to the north of the right-of-way.

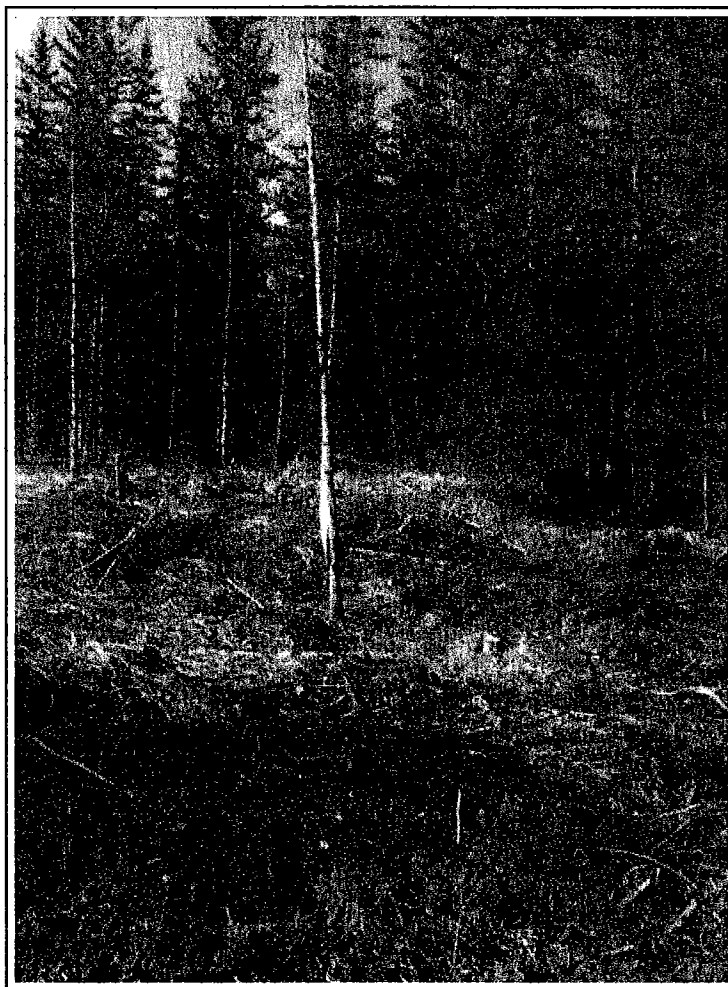


Plate 6 KL 318.7 flagged aspen tree (October 18, 2007).



Plate 7

KL 318.7 flagged aspen trees on the north side of the cleared right-of-way (October 18, 2007).



Plate 8 KL 318.7 site protected and avoided (October 18, 2007).



Plate 9 KL 318.7 site protected and avoided (October 18, 2007).



Plate 10 KL 318.7 site protected and avoided (October 18, 2007).

TABLE 1

DISCUSSIONS / ACTIONS UNDERTAKEN WITH THE FOOTHILLS OJIBWAY SOCIETY

Name/Title of Contact	Method of Engagement Activity	Date of Activity	Reason for Engagement	Discussion Topics	Issues, Concerns or Questions Raised	Commitments/Follow-up Actions
Jimmy O'Chiese, Foothills Ojibway	Meeting with Giles Stevenson (Lead E)	July 23, 2007	To listen to concerns Jimmy has about the TMX Project, identify traditional land use areas and visit sites on the right-of-way (ROW).	<ul style="list-style-type: none"> KL 310. Giles describes to Jimmy the lay out of the ROW. Jimmy looked over the Environmental Worksheets and our general plans for environmental protection. Drove to the Airport Road and continued west down the trail to the south facing slope at KL 313.4. The slope has a unique moss and lichen community. Jimmy took Giles up to the top of the slope and showed him the spiritual ceremonial area just off the north edge of the ROW. Jimmy talked of his people's spiritual beliefs linked to the significance of the place and the relationship with the mountains, water, plants, animals and the people that the land supports. Jimmy took Giles through the bush to various community spiritual sites on the north side of the ROW east of KL 313.4 all the way back to Airport Road at KL 312.2. The sites are openings in the bush marked with cloth wrappings tied around trembling aspen trees. Some of the cloth wraps are recent but others are old as on some aspens the bark of the tree has swollen out around the cloth wrappings. 	<ul style="list-style-type: none"> Jimmy did not express dismay towards the Project but did say he wished he had more time and resources to respond in full to all the developments going on. Jimmy explained that the sites are used by families for coming of age rights such as fasting and vision quests and also for family meetings. Some of the plants in the area are used as traditional medicines and smudging. At KL 312.9 there is a rock outcrop, to the north of the rock outcrop which is a large ceremonial area marked with cloth wraps. At KL 312.8, the ROW cuts through a corner of the area marked with cloth wraps. Jimmy and Giles walked to the ROW on an old skid trail, across the powerline ROW to the TMX ROW at KL 318.7. In the bush on the north side of the ROW there are openings in the bush with cloth wrappings around aspen trees. At approximately KL 318.7 the ROW cuts through the corner of one of 	<ul style="list-style-type: none"> Giles to relay his concerns to KWC. Jimmy noted that he would like to go into Jasper National Park (JNP) to look at some traditional use areas. Giles contacted Parks Canada to arrange a meeting.

TABLE 1 Cont'd

Name/Title of Contact	Method of Engagement Activity	Date of Consultation Activity	Reason for Engagement	Consultation Outcomes	Issues, Concerns or Questions Raised	Commitments/Follow-up Actions
Dwight Bourdin, Parks Canada	Meeting with Giles Stevenson (Lead EI)	August 7, 2007	To discuss meeting between Jimmy O'Chiese and Ron Hooper (Parks Canada Superintendent)	<ul style="list-style-type: none"> Dwight asks to resolve Jimmy O'Chiese's concerns with construction as soon as possible. 	<ul style="list-style-type: none"> There is an area of sweet grass in the Miette Wetlands that might be disturbed by construction. Jimmy also had concerns at a site near the Bake Oven at KL 396.6 but the site was not visited. Jimmy O'Chiese and Ron Hooper visited the Decoigne Pasture area where Jimmy has some concerns. 	<ul style="list-style-type: none"> Meeting is set to visit the sites with Jimmy on August 29, 2007.
Giles Stevenson, Lead EI	Daily Report	August 21, 2007	Telephone Call		<ul style="list-style-type: none"> Giles waiting for Jimmy O'Chiese to contact him as he said he would after the last telephone. 	
Jimmy O'Chiese, Foothills Ojibway	Phone call with Giles Stevenson (Lead EI)	August 27, 2007	Regarding Jimmy's concerns about traditional use of the Decoigne area	<ul style="list-style-type: none"> Jimmy was going to call Giles in two weeks but has not been able to. Giles eventually speaks to Jimmy. He is in Edmonton for medical tests. Giles informs him that construction will soon need to do work in the Decoigne area. 		<ul style="list-style-type: none"> Jimmy asks Giles to call him tomorrow. If his health allows he will make a site visit later this week.
Jimmy O'Chiese, Foothills Ojibway	Phone call with Giles Stevenson (Lead EI)	August 28, 2007	Follow-up from yesterday's call	<ul style="list-style-type: none"> Tried calling at 9:45 am but Jimmy was out of the service area or away from the phone. Unable to leave a message. Giles tries again at 12:15 pm and again at 4:15 pm but is unable to reach Jimmy or leave a message. 		
Rita Whitford, Foothills Ojibway	Email from Giles Stevenson (Lead EI)	2pm August 29, 2007	To ask if she could connect Giles with Jimmy O'Chiese	<ul style="list-style-type: none"> Giles receive calls from Parks Canada that Jimmy is coming into Jasper to meet with Parks Canada. 		

TABLE 1 Cont'd

Name/Title of Contact	Method of Engagement Activity	Date of Consultation Activity	Reason for Engagement	Consultation Outcomes	Issues, Concerns or Questions Raised	Commitments/Follow-up Actions
Jimmy O'Chiese, Foothills Ojibway	Meeting with Giles Stevenson (Lead EI), Rita Whitford (Foothills Ojibwa), Bill, Sherrill Meropouls (Parks Canada), and Dwight Bourdin (Parks Canada)	3:30pm August 29, 2007	Jimmy has concerns about a number of sites at the west of Jasper National Park.	<ul style="list-style-type: none"> Drive west to KL 394 and look down on the Miette wetland. Giles explains construction techniques of winter construction. Drive down east of the Clairvaux North Pit to an old campsite of concern to Jimmy. It is off the ROW and will not be affected by construction. Drive to a site south of the Decoigne Rd (KL 399.3). The site has some markings on aspen trees. The site is outside the construction footprint and will not be disturbed. Visit the Decoigne Pasture area (KL 401). This area is intended for a construction Stockpile site. Some of the stockpile site encroaches over traditional use areas. Look for and find three cabin remains near the Miette River. These are outside of construction areas and will not be disturbed. Walk into the Geikie wetland (KL 392.7) to look at sweetgrass. 	<ul style="list-style-type: none"> Miette wetland (KL 392.7): Jimmy is concerned about the sweetgrass and other traditional use herbs in the wetland. Jimmy would like his people to participate in restoration measures in this area. Decoigne Pasture area (KL 401): Jimmy says the site was used by his people for a camp, trading site, and growing site for special herbs. 	<ul style="list-style-type: none"> Decoigne Pasture area (KL 401): move the stockpile boundaries to the satisfaction of Jimmy. Reconfigure the Decoigne Stockpile site to accommodate Jimmy's concerns for old camping areas.
Craig Jacklin, North American	Instructions from Giles Stevenson (Lead EI)	August 30, 2007		<ul style="list-style-type: none"> Giles directs the Contractor to fence off the site on the south side of Decoigne Road at KL 399.4 		
Surveyors	Meeting with Giles Stevenson (Lead EI) and Lewis Noel	September 4, 2007	To define the new outside boundaries of the Decoigne Stockpile site (KL 401) following meeting last week with Jimmy O'Chiese.			<ul style="list-style-type: none"> Adjust the boundaries to give a protective buffer to the old cabin sites of the Foothills Ojibway.
Sherrill Meropouls, Parks Canada	Email to Giles Stevenson (Lead EI)	September 6, 2007	To arrange a meeting with Jimmy O'Chiese to review the cultural site at Palisades.			<ul style="list-style-type: none"> Giles to call Jimmy O'Chiese tomorrow to arrange a site meeting.

TABLE 1 Cont'd

Name/Title of Contact	Method of Engagement Activity	Date of Consultation Activity	Reason for Engagement	Consultation Outcomes	Issues, Concerns or Questions Raised	Commitments/Follow-up Actions
Sherrill Meropoulos, Parks Canada	Meeting with Giles Stevenson (Lead EI) and Dwight Bourdin (Parks Canada)	September 7, 2007	As clearing is going west to east towards Palisades Center and the Foothills Ojibway have sites in this area. Jimmy is in Edmonton.	<ul style="list-style-type: none"> Meet in Jasper and go out to the Palisades area. There is one medicinal herb site south of the Snaring road that the Project will not affect. There are sites north of the ROW at KL 365.8 that will not be affected by the Project. The same goes for sites to the west. In this area. Sherrill thinks that to the best of her knowledge that TIMX work will not disturb the Foothills Ojibway sites. 		
Bruce Wall, EI	Daily Report	October 2, 2007		<ul style="list-style-type: none"> KP 312.5 to KL 312.95: I checked the ROW west of Airport Road for culturally sensitive trees. A total of three trees were found. Two trees are within the ROW between 1 m to 3 m and one tree is located outside of the ROW ~3 m. I placed Restricted Area flagging on each of the trees ensuring that there were enough ends to secure to the adjacent shrubs. 		
Jimmy O'Chiese, Foothills Ojibway	Phone call from Giles Stevenson (Lead EI)	October 4, 2007		<ul style="list-style-type: none"> Giles tells Jimmy that clearing has started in the KL 313 area west of the Airport Road. The extra workspace just flagged at KL 313.3. Giles tells him he can send monitors out to work if he wishes. 	<ul style="list-style-type: none"> He would like to talk directly to Philippe Reicher at KMC. 	<ul style="list-style-type: none"> Following the phone call, Giles called Philippe Reicher regarding Jimmy's concerns.
Jimmy O'Chiese, Foothills Ojibway	Phone call from Giles Stevenson (Lead EI)	October 5, 2007	Regarding construction work in areas where his people have traditional sites.	<ul style="list-style-type: none"> Giles phoned Jimmy O'Chiese but could not reach him or leave a message regarding construction work in areas where his people have traditional sites. 		<ul style="list-style-type: none"> No response from Jimmy O'Chiese.

TABLE 1 Cont'd

Name/Title of Contact	Method of Engagement Activity	Date of Consultation Activity	Reason for Engagement	Consultation Outcomes	Issues, Concerns or Questions Raised	Commitments/Follow-up Actions
Rita Whitford, Foothills Ojibway	Email from Giles Stevenson (Lead EI)	October 5, 2007	Giles writes an email message to Jimmy O'Chiese's office to tell him of construction schedules.	<p>Email indicated the following:</p> <ul style="list-style-type: none"> At this time, clearing crews are working in the Airport Road area and grade will not be far behind. Construction also intends to move into the Decoigne area. The Decoigne pasture is scheduled to be stripped and graded next week. If Jimmy or a designate wants to be on site to monitor construction, please could he call me and I can arrange for the necessary Construction Safety orientations before going to sites during construction. 		<ul style="list-style-type: none"> No response from Jimmy O'Chiese.
Bruce Wall, EI	Email to Jason Smith (TERA)	October 15, 2007	To let Jason know the construction status of the sites visited on July 23 and the level of protection they've been afforded	<ul style="list-style-type: none"> Flagged several trees ahead of the clearing crew that had cloth wraps. Four trees were located along the north side of the ROW. All were flagged with restricted area flagging. Two of these trees were in the ROW one at 2 m and one at 3 m. On Saturday the October 13, these two trees were removed due to safety concerns. 		
Jimmy O'Chiese, Foothills Ojibway	Phone call from Jason Smith (TERA)	October 15, 2007	To set-up meeting immediately to visit the sites outside the Park.	<ul style="list-style-type: none"> Explained to Jimmy that construction commenced in this area. Indicated to Jimmy that where it was possible, the known sites were protected. Did indicate to Jimmy that some of the trees had been removed. 	<ul style="list-style-type: none"> Jimmy now understood the urgency to visit the site. 	<ul style="list-style-type: none"> Arranged meeting for October 18, 2007.
Jimmy O'Chiese, Foothills Ojibway	Meeting with Giles Stevenson (Lead EI), Jason Smith (TERA), Brad Young (Aboriginal Concerns Consultant) and Rita Whitford (Foothills Ojibway).	October 18, 2007	To visit the sites identified on July 23, 2007.	<ul style="list-style-type: none"> Visited Airport Road KL 312 west to KL 313.4: Walk the north edge of the ROW. It appears two of the cloth flagged aspen trees associated with spiritual sites mainly to the north of the ROW have been removed during clearing and grading operations. Also a portion of the spiritual site at the top of the slope facing west at KL 313.4 was cleared and graded as it was in the EWS. 	<ul style="list-style-type: none"> Jimmy is upset that the sites have been disturbed and some have been removed. TERA, on behalf of KMC, offer to fund the Foothills Model Forest Initiative, ask if they would like to have monitors onsite and if they would like to participate in restoration efforts. 	<ul style="list-style-type: none"> It appears that Jimmy would like to talk directly to KMC about resolutions to his concerns.

TABLE 1 Cont'd

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Jimmy O'Chiese, Foothills Ojibway	Phone call to Jimmy O'Chiese, (Foothills Ojibway).	October 23, 2007	Phone call Jimmy O'Chiese. Left message to ensure they received the email and whether or not they had designated representative to monitor the sites.			
Giles Stevenson, Lead EI	Daily Report	October 23, 2007		<ul style="list-style-type: none"> Bruce Wall notes that Jimmy O'Chiese and assistants were at the spiritual sites north of the ROW at KL 313 area west of Airport Road. 		
Jimmy O'Chiese, Foothills Ojibway	Phone call from Jason Smith to Jimmy O'Chiese, (Foothills Ojibway).	October 23, 2007	Phone call Jimmy O'Chiese. Left message to confirm they received the email and whether or not they had designated representatives they would like to have monitor the sites.			
Jimmy O'Chiese, Foothills Ojibway	Conference call with Jimmy O'Chiese, Brad Young and Rita Whitford (Foothills Ojibway) and Jason Smith and Philippe Reicher	November 13, 2007	To discuss the next steps to address traditional use areas.	<ul style="list-style-type: none"> Discussed the traditional use areas and project schedule. Requested feedback from the Foothills Ojibway on managing the traditional use areas. KMC presented their mitigation and offerings to the Ojibway. 	<ul style="list-style-type: none"> Foothills Ojibway expressed concern with the regulatory process and removal of some of the traditional use sites. 	<ul style="list-style-type: none"> Waiting to hear from Jimmy O'Chiese on how they would like to be engaged during construction.
Jimmy O'Chiese, Foothills Ojibway	Email to Foothills Ojibway	November 18, 2007	Encouraging the use of site monitors and outlining the training requirements.	<ul style="list-style-type: none"> No response 		
Brad Young, Consultant to Foothills Ojibway	Phone call from Jason Smith to Brad Young	December 5, 2007	Jason indicated to Brad that he was unable to get a hold of Jimmy, nor has he returned phone calls.	<ul style="list-style-type: none"> Indicated that Jimmy was talking to legal counsel to get further direction. 		