

OH-001-2014
Trans Mountain Pipeline ULC (Trans Mountain)
Application for the Trans Mountain Expansion Project (Project)
File OF-Fac-Oil-T260-2013-03 02

Georgia Strait Alliance (GSA) Information Request (IR) No. 2(b) to Trans Mountain

Coastal Local Governments

2(b).1.Coastal Local Governments

- Reference: i) GSA intervention. [C138-0-1 - Application To Participate - A3U2L5.pdf](#)
- ii) [B18-29 - V8A 4.2.12.2 TO T5.2.2 MAR TRANS ASSESS - A3S4Y3.pdf](#)
- iii) [B19-11 - V8B TR 8B6 01 OF 03 1 to 3.3 MAR COMM REC TOUR - A3S4K4.pdf](#)

Preamble: Since 1990, Georgia Strait Alliance (GSA) has worked to protect and restore the marine environment and promote the sustainability of Georgia Strait, its adjoining waters and communities. GSA is committed to a future for the region that includes clean water and air, healthy wild salmon runs, rich marine life and natural areas, and sustainable communities.

GSA has broad concerns about the impact of the proposed Trans Mountain Expansion Project on the sustainability of Georgia Strait, adjoining waters and communities. GSA appreciates the opportunity to participate in the NEB's review of the Application. GSA is aware that numerous intervenors are actively addressing issues about the Project that are of concern to GSA. In order to prevent duplication of the contributions of other parties, GSA has chosen to a specific area of focus for its participation in this proceeding.

GSA's focus in this proceeding is on the relationship between the Project and coastal local governments with coastlines on the Georgia Strait and adjacent waters in terms of local governments' involvement in oil spill incidents, before, during and after a spill. GSA's primary emphasis is on coastal local governments outside the Lower Mainland which are not intervening in this proceeding.

To be clear, GSA does not speak for the coastal local governments. Rather, GSA looks to local governments to fulfill a unique and important role in maintaining the sustainability of Georgia Strait and adjoining waters and communities – along with many other parties. By focusing its efforts in this proceeding on the role of coastal local governments, GSA does not imply that local governments are the most important component of oil spill preparedness. Nor does GSA imply that spill preparedness is a substitute for spill prevention.

To define a study area for GSA's purposes in 2014, GSA chose 41 local governments that fall within the MCRTU Local Study Areas 2 & 3 as described in

Trans Mountain's application (Vol. 8B, p. 622), plus certain coastal municipalities outside the Lower Mainland included in Trans Mountain's Wider Regional Study area.

The 41 local governments selected for study by GSA are: Capital Regional District, District of North Saanich, District of Central Saanich, District of Saanich, District of Highlands, Town of View Royal, District of Oak Bay, Corporation of the City of Victoria, Corporation of the Township of Esquimalt, City of Langford, City of Colwood, District of Metchosin, District of Sooke, Sunshine Coast Regional District, District of Sechelt, Town of Gibsons, Powell River Regional District, City of Powell River, Cowichan Valley Regional District, Town of Ladysmith, Municipality of North Cowichan, Town of Lake Cowichan, City of Duncan, Regional District of Nanaimo, City of Nanaimo, Town of Qualicum Beach, City of Parksville, District of Lanzville, Alberni-Clayoquot Regional District, City of Port Alberni, Resort Municipality of Ucluelet, District of Tofino, Comox Valley Regional District, City of Courtenay, Town of Comox, Village of Cumberland, Islands Trust, Bowen Island Municipality, District of Squamish, Strathcona Regional District, City of Campbell River.

Request:

- a) With reference to the list of 41 local governments selected by GSA provided in the Preamble, please provide a table showing for each local government the corresponding study area(s) (if any) used by Trans Mountain or its consultants. If necessary, please assume that a local government's coastline determines its corresponding study area.

Marine Study Areas

2(b).2.Island Coastal Municipalities

Reference: i) [B18-20 - V8A 1.4.2.7 TO T4.1.1.1 MAR TRANS ASSESS - A3S4X4.pdf](#), Volume 8A – Marine Transportation, 3.1.2 Geographic Reach of the Marine Public Consultation Program, TABLE 3.1.2 STAKEHOLDER ENGAGEMENT – PIPELINE CORRIDOR AND MARINE COMMUNITIES, p.8A-76, pdf p.26 of 40

Preamble: Trans Mountain says that pipeline and marine communities were divided into five regions for the Marine Public Consultation Program. One region is "Island Coastal." In Table 3.1.2 there is a list of local governments under the heading "Island Coastal." The list does not appear to be a complete list of local governments bordering the marine corridor.

Request:

- a) Is the concept of "Island Coastal" as a region for the Marine Public Consultation Program still current? If so, please provide a current list of local governments within the "Island Coastal" region. If not, please explain the current geographical organization of Trans Mountain's Marine Public Consultation Program.
- b) Please name and describe the marine study areas that Trans Mountain and its consultants have used or are currently using. Please address the various purposes for which these marine study areas have been used and indicate any changes over time.

Where applicable, please indicate if the study area is defined in relation to the effects of the Project limited to the pipeline and terminal facility, or to the effects of Project-related marine transportation, or both.

2(b).3. Marine Local Study Areas

Reference: i) [B19-11 - V8B TR 8B6 01 OF 03 1 to 3.3 MAR COMM REC TOUR - A3S4K4.pdf](#)

“The Marine LSA for MCTRU is the area within which Project-related marine vessel traffic is expected to interact with marine commercial, recreational and tourism users. This includes the inbound and outbound marine shipping lanes, the area between the shipping lanes, where it exists, and a 2 km buffer extending from the outermost edge of each shipping lane. The shipping lanes extend from the Westridge Marine Terminal in Burnaby, through Burrard Inlet, south through the southern part of the Strait of Georgia, the Gulf Islands and Haro Strait, then westward past Victoria and through the Juan de Fuca Strait out to the 12 nautical mile limit of Canada’s territorial sea, corresponding to the line of longitude of Buoy J.” [underline added]

Request:

- a) What criteria define the spatial boundaries of the Marine Local Study Area? How is it determined that a certain location is inside, or outside, the Marine LSA?
- b) Do the spatial boundaries of the Marine LSA imply, or rely on, any expectations regarding the geographic impact of an oil spill? If so, please explain. If not, is the geographic impact of an oil spill a defining characteristic of the Marine Regional Study Area?
- c) Does the phrase “The Marine LSA for MCTRU” [underline added] mean that there are Marine Local Study Areas for other purposes? If so, please explain.
- d) What criteria define the spatial boundaries of the Marine Regional Study Area? How is it determined that a certain location is inside, or outside, the Marine RSA?
- e) What is (are) the difference(s) between a Marine Local Study Area and a Marine Regional Study Area? Is the difference due to the type of potential Project impact (e.g., navigational interaction v. oil spill), the type of potentially affected element (human activity, valued ecosystem component), or the depth or type of analysis warranted?
- f) Does the difference between Marine LSA and Marine RSA hinge on direct versus indirect impacts? If so, please explain the difference between direct and indirect impacts.
- g) Are the spatial boundaries of the Marine Local Study Areas and Marine Regional Study Areas defined exclusively on the basis of Project-related tanker traffic, as distinct from the potential impact of the proposed Pipeline and Facilities on the marine environment? For example, is the impact of a pipeline oil spill on marine waters (such as oil from the 2007 breach of the Westridge Dock Transfer Line reaching Burrard Inlet) treated as something that is within a Marine Local Study Area, or a Marine Regional Study Area? If not, what is the name of the study area in which such impacts are assessed?

- h) Please confirm that the use of a 2 km buffer beyond shipping lanes to define the Marine Local Study Area (LSA) for the study of Marine Commercial, Recreational and Tourism Use (MCTRU) does not imply that the impact of a Project-related oil spill would necessarily be limited to the Local Study Area. Alternatively, please explain.
- i) Figures 3.3-2, 3.3-3, 3.3-4, and 3.3-5 in [B19-11 - V8B TR 8B6 01 OF 03 1 to 3.3 MAR COMM REC TOUR - A3S4K4.pdf](#) show areas marked with yellow dotted lines labeled “Approximate LSA for Marine Shipping Lanes.” Is this the same as the Marine LSA for MCTRU? If not, please explain.
- j) Please explain why Figure 3.3-5, MCRTU REGION 4: JUAN DE FUCA STRAIT, shows no western boundary for the “Approximate LSA for Marine Shipping Lanes.” Does MCRTU Region 4 extend westward beyond Figure 3.3.5?

2(b).4. Marine Regional Study Areas

Reference: i) [B19-11 - V8B TR 8B6 01 OF 03 1 to 3.3 MAR COMM REC TOUR - A3S4K4.pdf](#)

“The increased Project-related marine vessel traffic associated with the expansion and operation of the Westridge Marine Terminal has the potential to directly and indirectly affect MCRTU through:...” [p.iii]

“A Marine Regional Study Area (RSA) is also established, considering the area where the direct and indirect influence of other marine activities could overlap with Project-specific marine transportation effects. The Marine RSA comprises a large portion of the Salish Sea.” [p.ii]

“The Marine RSA is the area where the direct and indirect influence of other marine activities could overlap with Project-specific marine transportation effects, potentially resulting in residual and cumulative effects on MCRTU.”

“The spatial boundaries for MCTRU have evolved based on feedback during stakeholder engagement. Stakeholder feedback resulted in the Marine LSA and Marine RSA being extended beyond the Burrard Inlet to extend out to the 12 nautical mile limit of Canada’s territorial sea.”

“An overview map of the existing conditions within the Marine RSA and maps of each MCRTU study region are presented in Figures 3.3-1 to 3.3-5.” [p.3-4]

Request:

- a) If not already addressed in the response to the preceding Information Request, please provide the criteria for the spatial boundaries of the Marine Regional Study Area.
- b) Please explain the meaning of “the area where the direct and indirect influence of other marine activities could overlap with Project-specific marine transportation effects.” Isn’t the spatial boundary of the Marine RSA defined in terms of the spatial extent of the influence of Project-specific marine transportation effects?

- c) Please provide a summary explanation (including the timing) and references for the extension of the Marine LSA and Marine RSA beyond Burrard Inlet out to the 12 nautical mile limit of Canada's territorial sea due to stakeholder feedback.
- d) Why did Trans Mountain agree to expand the Marine LSA and Marine RSA beyond Burrard Inlet out to the 12 nautical mile limit? Was this scoping change related to directions from the NEB? Is it correct to assume that Trans Mountain was aware before the scope change that many stakeholders would have concerns about marine impacts from increased tanker traffic due to the Project? If so, why did Trans Mountain originally scope out the Burrard Inlet to the 12 nautical mile limit segment knowing that impacts from increased tanker traffic would concern some stakeholders; and, what caused Trans Mountain to then scope in the tanker traffic segment? (To be clear, this question is not rhetorical.)
- e) Is the change to the spatial boundaries of the Marine LSA and Marine RSA solely the result of including Project-specific marine transportation impacts in the analysis? Please specify any other factors.
- f) What does Trans Mountain see as the purpose (within the proceeding) of the filed reports of the study of the impact of Project-specific marine transportation on the expanded Marine LSA and Marine RSA? Please provide a table showing the List of Issues ([A15-3 - Hearing Order OH-001-2014 - A3V6I2.pdf](#)) and whether and if so how Trans Mountain sees the reports of the study of the impact of Project-specific marine transportation on the expanded Marine LSA and Marine RSA being related to each issue.
- g) Does Trans Mountain use different terminology to differentiate marine areas regarding which it acknowledges responsibility for Project-related impacts and marine areas regarding which it claims limited responsibility associated with Project-specific marine transportation? If so, please specify and provide maps. If not, why not?
- h) Please provide a table listing the two (or more if appropriate) marine areas regarding which Trans Mountain accepts different types or degrees of responsibility. For each marine area, please specify the types or degrees of responsibility that Trans Mountain accepts or denies.
- i) Please explain whether, and if so how, Figures 3.3-1 to 3.3-5 show the Marine Regional Study Areas, as distinct from the Marine Local Study Areas.
- j) The Marine Local Study Area is divided into four study areas [p.3-4]: Burrard Inlet, Strait of Georgia, Haro Strait, and Juan de Fuca Strait. Figure 3.3-1, MARINE COMMERCIAL, RECREATIONAL AND TOURISM USE (MCRTU) REGIONS, shows four overlapping rectangles outlined in red and labeled "Marine Region." What are these Marine Regions? Are they Marine Local Study Areas, or Marine Regional Study Areas, or something else?
- k) Please provide, or identify in the filed material, maps showing the geographic extent of the Marine Regional Study Area(s).
- l) In Figure 3.3-1, the red rectangle labeled "Strait of Georgia" excludes the northern portion of Stuart Channel and points westward on the east coast of Vancouver Island, and it excludes the northern portion of Bowen Island and points northward in Howe Sound and the Sunshine Coast. Please explain why this is the case. Does this represent

an analytical conclusion, such as a conclusion regarding the extent of oil spill impacts? If so, please explain and provide the references.

- m) Does the exclusion of the areas to the west and to the north of the “Strait of Georgia” “Marine Region” in Figure 3.3-1 imply that Trans Mountain and its consultants conclude that there would be no Project-related impacts in these areas?
- n) Please provide a map or maps showing specifically all of the coastline that is within the Marine Regional Study Area.
- o) Please provide a table or list of the local governments that have coastlines within (i) the Marine Study Area and (ii) the Local Study Area.

Local Government Role in Marine Spill Preparation, Planning and Incidents

2(b).5. Local Government and Project-Related Spill Incidents

Preamble: It is GSA’s observation that the reports on marine spill preparedness and response in the Application contain little discussion of the involvement of coastal local governments in potential Project-related marine oil spill incidents. GSA acknowledges that local governments are not normally directly responsible for spill containment and cleanup. However, GSA’s view is that depending on the location and severity of the incident a local government may well be involved in matters such as communications, traffic, police, fire, staging areas, waste disposal, identification of priority areas for protection, evacuation, crew housing and so on.

In addition, GSA is concerned that there is a lack of opportunity and resources for coastal local governments to participate in the development of geographic response plans and other response planning and risk assessment processes necessary for Project-related marine oil spill incidents.

Request:

- a) Does Trans Mountain acknowledge that coastal local governments would be involved in the event of a Project-related oil spill that impacted or threatened to impact their coastlines?
- b) Has Trans Mountain identified the various ways in which a coastal local government would be involved in the event of a Project-related oil spill that impacted or threatened to impact its coastline? If so, please provide the results or identify the location in the filed material. If not, why not?
- c) Does Trans Mountain acknowledge that coastal local governments must prepare in advance for their potential involvement in a Project-related oil spill?
- d) Has Trans Mountain identified the various ways in which a coastal local government must prepare in advance for its potential involvement in a Project-related oil spill? If so, please provide the results or identify the location in the filed material. If not, why not?

- e) Does Trans Mountain acknowledge that coastal local governments currently experience a shortage of personnel, infrastructure, planning and financial resources to prepare in advance for their potential involvement in a Project-related oil spill?
- f) Has Trans Mountain assessed the current capacity of coastal local governments in terms of personnel, infrastructure, planning and financial resources to prepare in advance for their potential involvement in a Project-related oil spill? If so, please provide the results or identify the location in the filed material. If not, why not?
- g) Does Trans Mountain acknowledge that an increase in tanker traffic associated with approval and implementation of the Project would require increased priority for coastal local governments to prepare for involvement in a Project-related oil spill?
- h) Has Trans Mountain identified the various ways in which an increase in tanker traffic associated with approval and implementation of the Project would require increased priority for coastal local governments to prepare for involvement in a Project-related oil spill? If so, please provide the results or identify the location in the filed material. If not, why not?
- i) Does Trans Mountain acknowledge that if the Project is approved and implemented there will be a need for measures to strengthen the ability of coastal local governments to prepare for involvement in a Project-related oil spill?
- j) Has Trans Mountain identified the measures required to strengthen the ability of coastal local governments to prepare for involvement in a Project-related oil spill, if the Project is approved and implemented? If so, please provide the results or identify the location in the filed material. If not, why not?
- k) Does Trans Mountain acknowledge a corporate responsibility to assist in the delivery of measures to strengthen the ability of coastal local governments to prepare for involvement in a Project-related oil spill, if the Project is approved and implemented?
- l) Has Trans Mountain identified the ways in which it would assist in the delivery of measures to strengthen the ability of coastal local governments to prepare for involvement in a Project-related oil spill, if the Project is approved and implemented? If so, please describe them or identify their location in the filed material. If not, why not?
- m) Is Trans Mountain aware of the requirement under the Local Authority Emergency Management Regulation, BC Reg. 380/95, and the *Emergency Program Act*, RSBC 1996, c.111, that local authorities in B.C. have a *Hazard, Risk and Vulnerability Analysis* as part of an emergency program (<http://www.embc.gov.bc.ca/em/hrva/toolkit.html>)? If so, please briefly describe it. Has Trans Mountain determined which coastal local governments have completed a *Hazard, Risk and Vulnerability Analysis*. If so, please list the local governments that have, and have not.
- n) Has Trans Mountain assessed whether the *Hazard, Risk and Vulnerability Analyses* completed by coastal local governments will have to be revised to reflect the increased tanker traffic if the Project is approved and implemented? If so, please provide the result of the assessment. If not, why not?
- o) Is Trans Mountain aware of the *Emergency Information Response Plan* template created for local governments by the Joint Emergency Liaison Committee's Emergency

Information Communicators Working Group starting in March 2005? If so, please briefly describe it. Has Trans Mountain determined which coastal local governments have completed an *Emergency Information Response Plan*? If so, please list coastal local governments that have, and have not, completed an *Emergency Information Response Plan*.

2(b).6. Geographic Response Plans

Reference: i) [B18-1 - V7 1.0 TO 5.2.8.3 RISK ASSESS MGMT SPILLS - A3S4V5.pdf](#)

“**Geographic Response Plans** - These plans include information that is specific to a waterway or area and could include environmental sensitivities, control points, equipment and resources, etc.”

ii) [B24-7 - V8C TR 8C 12 TR S12 OIL SPILL RESP - A3S5I9.pdf](#), p.14

“WCMRC intends to develop specific oil spill Geographic Response Strategies (GRS) that will form part of area Geographic Response Plans (GRPs) and priority Shoreline Cleanup Assessment Techniques (SCAT) for the coastal shoreline of British Columbia.”

iii) [B306-15 - Trans Mountain Response to NEB IR No. 3.005a- Attachment 1-Part 4 - A4H1W5.pdf](#)

“WCMRC is currently undertaking a mapping update program for Geographic Response Plans. The plan is to map the entire BC coast...”

iv) [B124-1 - Trans Mountain Response to District of North Vancouver IR No. 1 - A3Y2J7.pdf](#)

“WCMRC relies on established Geographic Response Plans (GRP) to identify specific areas for protection as well as the subsequent equipment requirements (such as boom) to achieve those tactics. GRPs would include the economic, environmental and culturally significant sensitivities identified for each particular location.”

v) [B18-33 - V8A 5.5.2 F5.5.2 TO 5.6.2.2 MAR TRANS ASSESS - A3S5Q3.pdf](#)

“Table 5.5.5 provides an example of how the total response capacity in the region could be distributed on a risk informed basis, subject to further development of geographic response plans.” [underline added]

vi) [B150-1 - Trans Mountain Response to Province BC IR No. 1 - A3Y2Z1.pdf](#), p.130 of 187

“The risk assessment [in Section 1.1 in Technical Report 8C-12 in Volume 8C] has helped identify ‘additional mitigation measures in compliance with, or exceeding regulatory requirements, proposed by Trans Mountain to further facilitate marine shipping safety’ as contained in the National Energy Board’s

Letter, 'Filing Requirements Related to the Potential Environmental and Socio-Economic Effects of Increased Marine Shipping Activities, Trans Mountain Expansion Project' dated September 10, 2013."

Request:

- a) Regarding "WCMRC intends to develop specific oil spill Geographic Response Strategies (GRS) that will form part of area Geographic Response Plans (GRPs) and priority Shoreline Cleanup Assessment Techniques (SCAT) for the coastal shoreline of British Columbia": What assurance does Trans Mountain have that WCMRC will carry out this stated intention?
- b) Is WCMRC's intention to develop these plans conditional on approval of the Project? Does Trans Mountain expect that if the Project is not approved then WCMRC will still proceed with development of these plans?
- c) Can Trans Mountain confirm that it (Trans Mountain) is the driving force behind WCMRC's intention to develop these plans?
- d) Will WCMRC's development of these plans be funded by Trans Mountain?
- e) If the Project is approved will Trans Mountain ensure that WCMRC actually develops these plans?
- f) Will Trans Mountain participate in WCMRC's development of these plans?
- g) Does Trans Mountain see WCMRC's development of these plans as a factor that the Board should consider in weighing whether the Project is in the public interest?
- h) Does Trans Mountain view WCMRC's development of these plans as an instance of "additional mitigation measures in compliance with, or exceeding regulatory requirements, proposed by Trans Mountain to further facilitate marine shipping safety' as contained in the National Energy Board's Letter, 'Filing Requirements Related to the Potential Environmental and Socio-Economic Effects of Increased Marine Shipping Activities, Trans Mountain Expansion Project' dated September 10, 2013"?
- i) What commitments has Trans Mountain made in the proceeding regarding WCMRC's development of these plans?
- j) In Trans Mountain's view, does the Board have the authority to make the development of WCMRC's plans (described above) a condition of approval of the Project?
- k) In Trans Mountain's view should the Board make the development of WCMRC's plans (described above) a condition of approval of the Project? If not, why not?

2(b).7.Coastal Local Government and Geographic Response Plans

Preamble: GSA believes that coastal local governments could make invaluable contributions to the development of geographic response plans and other marine spill response planning and risk assessment processes concerning Project-related oil spills but that there is a lack of opportunity and resources for coastal local governments to do so.

Request:

- a) Does Trans Mountain acknowledge that coastal local governments can provide valuable knowledge of environmental, cultural and economic sensitivities and values that would be helpful in the development of geographic response strategies and plans and SCATs for Project-related oil spills?
- b) Does Trans Mountain acknowledge that, to be effective in the event of a Project-related oil spill, geographic response strategies and plans and SCATs require input from coastal local governments?
- c) In Trans Mountain's view, what is or should be the role of coastal local governments in the development of WCMRC's plans?
- d) Does Trans Mountain acknowledge that coastal local governments generally lack sufficient resources to participate in the development of WCMRC's plans?
- e) Has Trans Mountain identified which coastal local governments have, or lack, sufficient resources to participate in the development of WCMRC's plans? If so, please provide the results or identify the location in the filed material. If not, why not?
- f) Does Trans Mountain agree that if coastal local governments lack sufficient resources to participate in the development of WCMRC's plans then the plans will be less effective in the event of a Project-related oil spill?
- g) If Trans Mountain sees WCMRC's development of these plans as a factor that the Board should consider in weighing whether the Project is in the public interest, then does Trans Mountain accept a responsibility as the Project proponent to provide funding to coastal local governments to enable their participation in the development of these plans in the event the Project is approved? If so, please state Trans Mountain's commitment in this regard. If not, should the Board discount the development of these plans to the extent that Board finds that Trans Mountain has not established that coastal local governments have sufficient capacity to participate in their development?
- h) Has Trans Mountain identified the types of knowledge of environmental, cultural and economic sensitivities that coastal local governments can provide in the development of geographic response strategies and plans and SCATs for Project-related oil spills? If so, please describe them, or identify the location in the filed material. If not, why not? Does Trans Mountain plan to acquire this information if the Project is approved? If so, please provide details. If not, why not? Does Trans Mountain expect WCMRC to acquire this information? If so, please provide details?

2(b).8.Coastal Local Government Roles

Request:

- a) The following table lists various types of activities that it has been suggested a coastal local government may carry out in the event of a Project-related oil spill incident. For each activity, please provide Trans Mountain's view of whether the role of the local government should be considered "Lead," "Support, or "None." Please add any pertinent comments.

Project-related Oil Spill Incident Activity	Coastal Local Government	
	Role: (Lead, Support or None)	Trans Mountain Comment
Communication with residents about emergency matters (e.g., evacuation, support services, inquiries, complaints)		
Management of traffic		
Police services		
Fire services		
Ambulance services		
Identification of priority areas to protect		
Coordination of housing for response crews		
Coordination of evacuation and housing evacuees		
Declare state of local emergency		
Oil containment and clean up		
Oily waste disposal		
Consult re <i>in situ</i> burning, use of dispersants		
Heavy equipment and crews		
Participate in unified command		
Coordinate volunteer management		
Other, please specify		

2(b).9. Trans Mountain Community Benefit Program

Reference: i) [B306-27 - Trans Mountain Response to NEB IR No. 3.036a- Attachment 1. - A4H1X7-1.pdf](#)

“Community Benefits

Every community along the pipeline corridor that may be directly impacted by pipeline construction or operations has been considered as a potential benefactor of Trans Mountain’s Community Benefit program. As described as part of the economic benefits for the project in Section 4.5 of Volume 1 (NEB Filing ID [A3S0Q7](#)), financial benefits will accrue to pipeline communities as part of the land access agreements and annual property tax payments for the operating life of the pipeline. The Community Benefit Program initiatives are offered as benefits over and above the compensation for access and potential impacts to community lands.”

Request:

- b) Is the Trans Mountain Community Benefit Program available to coastal local governments (or communities) impacted by potential Project-related marine events? If so, please provide details. If not, why not?

Draft Conditions

2(b).10. Emergency Management Program

Reference: i) [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#)

“Each Board-regulated company must have an emergency management program that must include (in addition to general management system elements):...”

Preamble: There has been considerable discussion and debate about Trans Mountain’s existing and to-be-revised Emergency Management Program.

Request:

- a) To what extent will Trans Mountain’s to-be-revised Emergency Management Program address oil spills with marine impacts from Project-related marine transportation?
- b) Will Trans Mountain’s to-be-revised Emergency Management Program, or any other plan or program, describe the roles of coastal local governments in marine impacts due to Project-related marine transportation? If so, please provide details. If not, why not?

2(b).11. Capacity Inventory

Reference: i) April 16, 2014 Draft Conditions, [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#),

“8. Aboriginal, local, and regional skills and business capacity inventory”

Request:

- a) Does Trans Mountain consider that the “Aboriginal, local, and regional skills and business capacity inventory,” that Trans Mountain would be required to file with the NEB if Draft Condition 8 is adopted, includes within its scope coastal local governments? If so, please provide details. If not, why not?

2(b).12. Socio-Economic Effects Monitoring Plan

Reference: i) April 16, 2014 Draft Conditions, [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#)

“11. Socio-Economic Effects Monitoring Plan. Trans Mountain must file with the NEB for approval, at least 6 months prior to commencing construction, a plan for monitoring potential adverse socio-economic effects of the Project during construction.”

Request:

- a) In Trans Mountain's view, does the Socio-Economic Effects Monitoring Plan that would be required by Draft Condition 11 apply strictly to impacts that would occur during Project construction, or does its scope include preparation during the construction time period for potential impacts during Project operation?
- b) Does Draft Condition 11 include coastal local governments?
- c) Please list the pros and cons of expanding the scope of the Socio-Economic Effects Monitoring Plan to include monitoring and reporting on adverse socio-economic effects of the Project during operation for a set period of time.

2(b).13. Training and education monitoring reports

Reference: i) April 16, 2014 Draft Conditions, [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#)

"13. Training and education monitoring reports. Trans Mountain must file with the NEB, at least 6 months prior to commencing construction, and every 6 months thereafter until completing construction, monitoring reports for the implementation and outcomes of Aboriginal, local, and regional training and education measures and opportunities for the Project."

Request:

- a) In Trans Mountain's view, do the training and education monitoring reports that would be required by Draft Condition 13 include in their scope training and education activities aimed at assisting coastal local governments and their residents to engage in spill preparedness activities regarding Project-related marine incidents?
- b) If not, what are the pros and cons of expanding the scope of the training and education monitoring reports to include training and education activities aimed at assisting coastal local governments to engage in spill preparedness activities regarding Project-related marine incidents?

2(b).14. Emergency Management Program improvements

Reference: i) April 16, 2014 Draft Conditions, [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#),

"42. Consultation on improvements to Trans Mountain's Emergency Management Program. Trans Mountain must file with the NEB, at least 60 days prior to commencing construction, a consultation plan regarding its review of its Emergency Response Plan and equipment and availability, as referenced in Volume 7, Section 4.8.2 of the Project application."

Request:

- a) In Trans Mountain's view, does consultation on Emergency Management Program improvements that would be required by Draft Condition 42 include consultation with coastal local governments regarding Project-related marine incidents? If not, why not?

2(b).15. EMP Improvements reporting

Reference: i) April 16, 2014 Draft Conditions, [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#)

“49. Reporting on improvements to Trans Mountain’s Emergency Management Program. Trans Mountain must file with the NEB, 2 years, 1 year, and 6 months prior to commencing operations, a detailed update for the company’s review of its Emergency Management Program (referenced in Condition 42).”

Request:

- a) In Trans Mountain’s view, does the reporting on Emergency Management Program improvements that would be required by Draft Condition 49 include reporting on EMP improvements regarding Project-related marine incidents? If not, why not?

2(b).16. Emergency Preparedness and Response Training Program

Reference: i) April 16, 2014 Draft Conditions, [A19-1 - Letter - Draft conditions and regulatory oversight - A3V8Z8.pdf](#)

“50 Emergency Preparedness and Response Exercise and Training Program. Trans Mountain must file with the NEB, at least 1 year prior to commencing operations, an Emergency Preparedness and Response Exercise and Training Program for the pipeline and the Westridge Marine Terminal.”

Request:

- a) In Trans Mountain’s view, does the Emergency Preparedness and Response Exercise and Training Program that would be required by Draft Condition 50 include Project-related marine incidents in its scope?
- b) What are the pros and cons of expanding the Emergency Preparedness and Response Exercise and Training Program to include Project-related marine incidents?

2(b).17. Commitments

Request:

- a) Please list and reference all of Trans Mountain’s commitments to date relating to coastal local governments and Project-related marine incidents.

Marine Spill Scenarios

2(b).18. Location D, Strait of Georgia

Reference: i) [B18-31 - V8A 5.3.2.2 TO F5.4.22 MAR TRANS ASSESS - A3S4Y5.pdf](#)

“5.4.4.5 *Four Representative Marine Spill Scenarios*
In order to understand the fate and behaviour of spilled oil, representative scenarios were selected, and then analyzed using EBA’s numerical spill modelling system.

... Four of the seven possible locations along the tanker transit route listed in Table 5.2.2 were selected for modelling the oil spill behaviour that is likely to be encountered:

- Strait of Georgia (Location D);
- Arachne Reef (Location E);
- Juan de Fuca Strait (south of Race Rocks) (Location G); and
- Buoy J (Location H). ...”

For Location D, Strait of Georgia, Table 5.4.8 shows “Statistics For Shoreline Contact For A Credible Worst Case Spill At Location D (No Mitigation Applied),” broken down by Winter, Spring, Summer and Fall, and by Median, Average, Maximum and Minimum.”

TABLE 5.4.8

STATISTICS FOR SHORELINE CONTACT FOR A CREDIBLE WORST CASE SPILL AT LOCATION D (NO MITIGATION APPLIED)

	Median (km)	Average (km)	Maximum (km)	Minimum (km)
Winter	271	263	388	105
Spring	296	291	436	97
Summer	284	279	414	71
Fall	296	293	425	106

Preamble: The marine spill scenarios reports provide statistics for oiled shoreline (in kilometres) without identifying the affected locations and the associated local governments.

Request:

- a) Please provide maps showing the locations of the oiled shoreline for each of the scenarios provided in Table 5.4.8 regarding a Credible Worst Case Spill at Location D.
- b) Please list the local governments with (hypothetical) oiled shoreline in the Credible Worst Case Oil Spill at Location D (Georgia Strait). If different local governments have oiled shoreline in different spill scenarios, then please provide a table showing which local governments have oiled shoreline in which scenarios.

2(b).19. Location E, Arachne Reef

Reference: i) [B18-32 - V8A 5.4.4.7.2 TO T5.5.3 MAR TRANS ASSESS - A3S4Y6.pdf](#)

For Location E, Arachne Reef, Table 5.4.10 shows “Statistics For Shoreline Contact For A Credible Worst Case Spill At Location E (No Mitigation Applied),” broken down by Winter, Spring, Summer and Fall, and by Median, Average, Maximum and Minimum.

TABLE 5.4.10

STATISTICS FOR SHORELINE CONTACT FOR A CREDIBLE WORST CASE SPILL AT LOCATION E (NO MITIGATION APPLIED)

	Median (km)	Average (km)	Maximum (km)	Minimum (km)
Winter	290	292	387	162
Spring	304	306	427	206
Summer	312	309	407	174
Fall	301	301	391	169

Request:

- a) Please provide maps showing the locations of the oiled shoreline for each of the scenarios provided in Table 5.4.10.
- b) Please list the local governments with (hypothetical) oiled shoreline in the Credible Worst Case Oil Spill at Location E (Arachne Reef). If different local governments have oiled shoreline in different spill scenarios, then please provide a table showing which local governments have oiled shoreline in which scenarios.

2(b).20. Location G, Juan de Fuca Strait off Race Rocks

Reference: i) [B18-32 - V8A 5.4.4.7.2 TO T5.5.3 MAR TRANS ASSESS - A3S4Y6.pdf](#)

For Location G, Juan de Fuca Strait off Race Rocks, Table 5.4.12 shows “Statistics For Shoreline Contact For A Credible Worst Case Spill At Location G (No Mitigation Applied),” broken down by Winter, Spring, Summer and Fall, and by Median, Average, Maximum and Minimum.

TABLE 5.4.12

STATISTICS FOR SHORELINE CONTACT FOR A CREDIBLE WORST CASE SPILL AT LOCATION G (NO MITIGATION APPLIED)

	Median (km)	Average (km)	Maximum (km)	Minimum (km)
Winter	183	175	316	33
Spring	129	136	259	44
Summer	110	114	196	44
Fall	140	141	296	42

Request:

- a) Please provide maps showing the locations of the oiled shoreline for each of the scenarios provided in Table 5.4.12.
- b) Please list the local governments with (hypothetical) oiled shoreline in the Credible Worst Case Oil Spill at Location G, Juan de Fuca Strait off Race Rocks. If different local

governments have oiled shoreline in different spill scenarios, then please provide a table showing which local governments have oiled shoreline in which scenarios.

2(b).21. Location H, Buoy J

Reference: i) [B18-32 - V8A 5.4.4.7.2 TO T5.5.3 MAR TRANS ASSESS - A3S4Y6.pdf](#)

For Location H, Buoy J, Table 5.4.14 provides “Statistics [in kilometres] For Shoreline Contact For A Credible Worst Case Spill At Location H (No Mitigation Applied),” broken down by Winter, Spring, Summer and Fall, and by Median, Average, Maximum and Minimum.

TABLE 5.4.14

STATISTICS FOR SHORELINE CONTACT FOR A CREDIBLE WORST CASE SPILL AT LOCATION H (NO MITIGATION APPLIED)

	Median (km)	Average (km)	Maximum (km)	Minimum (km)
Winter	183	175	316	33
Spring	129	135	259	44
Summer	110	114	196	44
Fall	107	114	314	0

Request:

- a) Please provide maps showing the locations of the oiled shoreline for each of the scenarios provided in Table 5.4.14.
- b) Please list the local governments with (hypothetical) oiled shoreline in the Credible Worst Case Oil Spill at Location H, Buoy J. If different local governments have oiled shoreline in different spill scenarios, then please provide a table showing which local governments have oiled shoreline in which scenarios.

2(b).22. Credible Worst Case Oil Spill

Preamble: Trans Mountain has filed reports of analysis of various “credible worst case spill scenarios.”

Request:

- a) Has Trans Mountain or its consultants done any analysis of oil spill scenarios in which the amount of oil hypothetically spilled is larger than in the “credible worst case spill scenario”? If so, please provide the results or identify the location in the filed material.
- b) Does Trans Mountain agree that, in addition to other factors, the spatial extent of any predicted spill impacts is normally positively correlated with the size of the hypothetical spill?

- c) Does Trans Mountain agree that limiting the size of a hypothetical spill to that of a “credible worst case” means that confidence in the results depends on confidence in the assumed “credible worst case”?
- d) Has Trans Mountain conducted a sensitivity analysis of its oil spill scenario modeling by providing the results of modeling hypothetical spills larger than the “credible worst case” scenarios? If so, please provide the results. If not, why not?

2(b).23. Hypothetical Pipeline Spill Scenario 4 Port Mann Bridge

Reference: i) [B18-2 - V7 5.2.8.3 F5.2.5 TO 10.0 RISK ASSESS MGMT SPILLS - A3S4V6.pdf](#)

Request:

- a) Please provide, or identify in the filed material, maps showing the geographic extent of the oiled shoreline in the pipeline spill scenario, summer, winter, spring or fall, for Scenario 4: Fraser River and Delta near Port Mann Bridge. Please include any tidewater areas. Please show the Probability of Oil Presence results, as are shown in, for example, Figure 8.2.1 Probability of Oil Presence – Westridge Marine Terminal Stochastic Simulation 160 m3 Spill Winter Season.
- b) Please list the local governments with shoreline that would be oiled in the Scenario 4 scenarios.

2(b).24. 2007 Inlet Drive Spill

Reference: i) [B322-2 - Trans Mountain Response to Village of Belcarra IR No 2 - A4I1X5.pdf](#)

“During the 2007 incident, WCMRC followed an effective, on-water oil spill response systems approach. A systems approach holistically integrates best available technology and best management practices. Selected countermeasures were appropriate for the physical properties of the oil, its fate and behaviour, and the environmental conditions where the release occurred. Well-maintained equipment was deployed by knowledgeable crews who were managed under a formal incident management system comprised of key stakeholders from industry, government and communities.” [underline added]

Preamble: GSA wants to learn more about the role played by local government(s) in the marine oil spill response during the 2007 incident.

Request:

- a) Please describe in more detail the “formal incident management system comprised of key stakeholders from industry, government and communities” associated with the Burrard Inlet aspect of the 2007 oil spill incident. Which local governments were among the “key stakeholders”? What were their respective roles, briefly.
- b) When Trans Mountain uses the phrase “government and communities,” are local governments considered “government” or “communities”?

Proceeding Scope

2(b).25. List of Issues

Reference: i) [A15-3 - Hearing Order OH-001-2014 - A3V6I2.pdf](#), Hearing Order OH-001-2014, 2 April 2014, Appendix I, List of Issues.

“4. The potential environmental and socio-economic effects of the proposed project, including any cumulative environmental effects that are likely to result from the project, including those required to be considered by the NEB’s Filing Manual.

5. The potential environmental and socio-economic effects of marine shipping activities that would result from the proposed project, including the potential effects of accidents or malfunctions that may occur. ...

8. The terms and conditions to be included in any approval the Board may issue. ...

10. Potential impacts of the project on landowners and land use.

11. Contingency planning for spills, accidents or malfunctions, during construction and operation of the project.

12. Safety and security during construction of the proposed project and operation of the project, including emergency response planning and third-party damage prevention.”

Request:

- a) In Trans Mountain’s view, is the impact on coastal local governments of Project-related marine shipping activities, including the potential effects of accidents or malfunctions that may occur, within the scope of this proceeding? Please provide any caveats or limitations Trans Mountain may have.
- b) With reference to GSA’s list of local governments provided in the Preamble to IR 2.1 please state for each local government whether in Trans Mountain’s view the impact on the local government of Project-related marine shipping activities including the potential effects of accidents or malfunctions that may occur is within the scope of this proceeding.
- c) For any local government(s) in the GSA list that Trans Mountain considers outside the scope of the proceeding, please provide Trans Mountain’s rationale.