

1 **APPENDIX “A” – RESPONSES TO LETTERS OF COMMENT**

2 **1. INTRODUCTION**

3 The Board set out a process whereby it would receive letters of comment from certain interested  
4 parties that satisfied the criteria established by section 55.2 of the NEB Act. After considering  
5 more than 2,000 Applications to Participate, the Board granted commenter status to more than  
6 1,250 applicants, which is in addition to more than 400 participants with intervenor status.<sup>1</sup> It is  
7 also more than ten times the number of participants granted commenter status (111) in the NEB’s  
8 process to review the Enbridge Line 9B Reversal / Line 9 Capacity Expansion Project.<sup>2</sup>

9 The Board concluded that, for these individuals or groups, filing a letter of comment was an  
10 appropriate method for their representations to be considered, and confirmed that:

11 A letter of comment is a valuable and important contribution to assist the Board  
12 in making its recommendation about a project. Letters of comment permit  
13 participants to express their views to the Board without having to provide sworn  
14 evidence, or be potentially subject to questioning on those views. Just as every  
15 ATP was read by the Board, every letter of comment will be read and considered.<sup>3</sup>

16 Hundreds of letters of comment were received from a variety of individuals and organizations  
17 representing a wide range of perspectives in relation to the Project. This includes residents,  
18 professional engineers, scientists, First Nations, chambers of commerce, municipalities, businesses

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<sup>1</sup> Exhibit A014 - National Energy Board - Letter and Appendices - Application for Trans Mountain Expansion Project - Ruling on Participation (April 3, 2014) ([A59504](#)); Exhibit A98-1 - Ruling No. 41 - Ruling on Participation - Trans Mountain’s new preferred corridor through Burnaby Mountain (October 27, 2014) ([A4D7G2](#)).

<sup>2</sup> NEB Procedural Update No. 2, Appendix III, List of Commenters, Enbridge Pipelines Inc., Line 9B Reversal and Line 9 Capacity Expansion Project- OH-002-2013 (May 22, 2013) ([A3H8K5](#)).

<sup>3</sup> Exhibit A014 - National Energy Board - Letter and Appendices - Application for Trans Mountain Expansion Project - Ruling on Participation (April 3, 2014) ([A59504](#)).

19 and local organizations. Trans Mountain has had the opportunity to review these letters of  
20 comment and provides the following discussion and a detailed summary and reply in response.

21 Trans Mountain's review of the letters of comment provided it with further valuable insight into  
22 the matters the public is concerned about and the potential positive and negative impacts of the  
23 Project on interested parties. Trans Mountain considered matters raised in the letters of comment—  
24 which advocate both for and against approval of the Application—when preparing the final  
25 argument.

26 In reviewing the letters of comment, Trans Mountain submits that the Board must consider the  
27 weight that should be accorded to their contents.<sup>4</sup> Trans Mountain acknowledges that, as an  
28 administrative tribunal, the Board is not confined by strict rules of evidence. Trans Mountain  
29 submits the Board's consideration of the letters of comment should be rooted in the need and desire  
30 for fair processes. This is not to say that any opinions or conclusions stated in the letters of  
31 comment ought to be disregarded. Rather, they should inform the Board about (i) what people,  
32 organizations and businesses think is important and are concerned about; (ii) the commenters' own  
33 experiences in the region; and (iii) how the TMEP might affect them.

34 The letters of comment represent a full spectrum of views on the TMEP: some commenters are  
35 adamantly opposed to the TMEP, some do not oppose it but have specific concerns and others  
36 believe the TMEP will have positive effects on them and thus support it. Trans Mountain submits  
37 that the Board must consider the content of these letters, but must accord little weight to the number  
38 of times the same message is repeated. This is appropriate given that the focus of this proceeding,  
39 like most administrative hearings, is on hearing and addressing concerns and not welcoming

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<sup>4</sup> *R. v Smith*, [1992] 2 SCR 915 at para 20; *R. v D.D.*, 1000 SCC 43 at paras 49-50.

40 praises. Moreover, parties that have no concerns regarding a project are less likely to take the time  
41 to participate than those who do. The Board's analysis and conclusions must, therefore, be based  
42 on technical and scientific analysis rather than the number of participants sharing common views  
43 either for or against the Project.

## 44 **2. COMMON CONCERNS**

45 A number of concerns contained in the letters of comment were shared among a large portion of  
46 commenters. In general, these concerns were raised by intervenors throughout the regulatory  
47 process, and have therefore been dealt with in the final argument. The following discussion  
48 provides an overview of these common concerns and indicates where Trans Mountain has  
49 addressed them in the final argument.

### 50 **2.2 Accidents and Malfunctions**

#### 51 **2.2.1 Tanker Spills**

52 Many of the commenters wrote about concerns related to accidents and malfunctions arising from  
53 the TMEP. In particular, commenters were concerned about a potential marine spill from an oil  
54 tanker, which some commenters felt was "likely" and even "certain" or "inevitable". If such a  
55 spill were to occur, commenters are concerned about (i) the environmental damage, including  
56 impacts on aquatic animals and sea birds; (ii) the economic harm to property owners, tourism-  
57 dependent businesses, people engaged in fishing and coastal municipalities (through the  
58 expenditure of funds and resources to assist with clean-up efforts); (iii) the negative human health  
59 impacts on nearby residents, recreational users and first responders, including perceptible and  
60 mental health impacts caused by the consequent environmental degradation; and (iv) Trans  
61 Mountain's ability to respond to such spill events, including concerns about response times,

62 response effectiveness (due to the properties of diluted bitumen) and public consultation regarding  
63 Trans Mountain's spill response plan.

64 Trans Mountain responded to these issues as follows:

65 (a) Trans Mountain has assessed the potential likelihood and consequences of a marine  
66 oil spill in accordance with NEB and other federal guidance for emergency  
67 response and contingency planning and proposed extraordinary additional  
68 measures to ensure that incremental risks are mitigated. The detailed analysis  
69 prepared by DNV showed that the probability for a collision causing an oil spill of  
70 any size is very low.<sup>5</sup> A discussion of the risk assessment and associated mitigation  
71 plans can be found at Section 7.2.2 – Increased Marine Shipping to and from the  
72 Westridge Marine Terminal of the final argument (in particular, see Sections 7.2.2.8  
73 – Accidents and Malfunctions and 7.2.2.9 – Oil Spills Resulting from Marine  
74 Incidents). As the evidence shows, a significant marine oil spill is certainly not  
75 inevitable or likely, as postulated by some commenters.

76 (b) Trans Mountain filed expert evidence responding to concerns regarding: the  
77 economic costs of a potential oil spill for ocean dependent activities;<sup>6</sup> Trans  
78 Mountain's adequate financial resources to address its liabilities in the event of a  
79 spill;<sup>7</sup> the impact of the Project on property values (see Section 3.4.2 – Landowner

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<sup>5</sup> Trans Mountain Reply Evidence, Section 45- Human Health Risk Assessment (August 20, 2015), 45-50 – 45-52.

<sup>6</sup> Trans Mountain Reply Evidence, Report 1.06 - Reply to the Potential Economic Impact of a Tanker Spill on Ocean-dependent Activities in Vancouver (August 20, 2015).

<sup>7</sup> Trans Mountain Reply Evidence, Report 1.02 - Reply to Economic Costs and Benefits of TMX for B.C. and Metro Vancouver (August 20, 2015).

80 Engagement of the final argument); and, the economic importance of commercial  
81 fisheries and marine tourism.<sup>8</sup> Trans Mountain stresses that a spill is in nobody's  
82 interest, and spill avoidance remains the best management approach. Even though  
83 a credible worst case tanker spill is unlikely, it is reasonable to identify practicable  
84 mitigation efforts which reduce the likelihood and consequences of any size spill.  
85 The Project's mitigation measures reflect best practice in spill avoidance.

86 (c) Trans Mountain has conducted a HHRA in relation to potential spills, discussed at  
87 Section 8.3.3 - Human Health Risk Assessment. To assess the potential impacts of  
88 an accident or malfunction involving the spillage of oil from a pipeline, facility or  
89 marine vessel associated with the Project on human health, Trans Mountain  
90 conducted four HHRAs, including:

91 (i) Qualitative Human Health Risk Assessment of Westridge Marine Terminal  
92 Spills Technical Report;<sup>9</sup>

93 (ii) Qualitative Human Health Risk Assessment of Marine Transportation Spills  
94 Technical Report;<sup>10</sup>

95 (iii) Human Health Risk Assessment of Pipeline Spill Scenarios Technical  
96 Report;<sup>11</sup> and

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<sup>8</sup> Trans Mountain Reply Evidence, Section 60.1 - Economic Importance of Commercial Fisheries and Marine Tourism (August 20, 2015).

<sup>9</sup> Exhibit B18-18 - V7 TR 73 QHHRA WESTRIDGE (December 17, 2013) ([A3S4X2](#)).

<sup>10</sup> Exhibit B19-39 - V8B TR 8B9 QHHRA MAR SPILL (December 17, 2013) ([A3S4R2](#)).

<sup>11</sup> Exhibit B88-2 – Trans Mountain Response to Surrey Teachers IR No. 1.5a-Attachment1 (June 4, 2014) ([A3X6U1](#)).

97 (iv) Human Health Risk Assessment of Facility and Marine Spill Scenarios  
98 Technical Report.<sup>12</sup>

99 In addition, several of the commenters have criticized Trans Mountain’s credible worst case  
100 marine spill scenario – in particular, the volume of such a worst case spill (16,500 m<sup>3</sup>). Trans  
101 Mountain notes that much of these criticisms are based on erroneous information and fail to  
102 consider the scenarios that may give rise to a credible worst case event. For example, the Friends  
103 of Brooks Point assert that “[a]t present, Aframax oil tankers with capacity up to 800,000 barrels  
104 can transport oil from the Port of Vancouver through the Salish Sea to the open ocean”.<sup>13</sup> However,  
105 tankers from the Burnaby terminal carry a maximum of about 550,000 barrels, not 800,000 barrels,  
106 due to limitations at Second Narrows.<sup>14</sup> The B.C. traffic study referred to by the Friends of Brooks  
107 Point and the reference to a 210,000 m<sup>3</sup> “worst case” spill fails to appreciate that no ship of that  
108 size has ever been recorded in the Strait of Georgia (as stated in that B.C. study).

109 As described in Trans Mountain’s evidence, the likelihood of a spill of a “credible worst case” size  
110 occurring in the Burrard Inlet is very low due to the strong set of risk reducing measures in place  
111 (such as using only modern double hull tankers, the use of harbour master’s launches at the  
112 Narrows, the use of B.C. Coast Pilots, restricting departures to daylight hours, tethering tankers to  
113 multiple tugs, etc.) and the slow speed of tankers and other vessels in the area.<sup>15</sup> The importance

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<sup>12</sup> Exhibit B106-1 – Trans Mountain Pipeline ULC HHRA Facility Spill Scenarios Part 1 (June 16, 2014) ([A3Y1E9](#));  
Exhibit B106-2 – Trans Mountain Pipeline ULC HHRA Facility Spill Scenarios Part 2 (June 16, 2014) ([A3Y1F0](#));  
Exhibit B106-3 – Trans Mountain Pipeline ULC HHRA Facility Spill Scenarios Part 3 (June 16, 2014) ([A3Y1F1](#));  
Exhibit B106-4 – Trans Mountain Pipeline ULC HHRA Facility Spill Scenarios Part 4 (June 16, 2014) ([A3Y1F2](#)).

<sup>13</sup> Friends of Brooks Point – Letter of Comment (July 23, 2015) ([A4R6Y5](#)).

<sup>14</sup> Trans Mountain Reply Evidence, Section 24 – Facility Risk Assessment (August 20, 2015), 24-29.

<sup>15</sup> Trans Mountain Reply Evidence, Section 45- Human Health Risk Assessment (August 20, 2015), 45-50 – 45-52.

114 of considering plausible scenarios in determining a credible worst case is discussed at Section 7.2.2  
115 – Increased Marine Shipping to and from the Westridge Marine Terminal of the final argument.

116 Trans Mountain has also addressed the issue of potential tanker spills, including the prevention,  
117 preparedness and response measures it commits to implementing, in Section 4 – Emergency  
118 Response of the final argument. With support of WCMRC, Trans Mountain has proposed an  
119 enhanced response regime that will be capable of delivering a response capacity that meets or  
120 exceeds existing standards. The Emergency Response section also discusses Trans Mountain’s  
121 extensive public consultation with respect to its emergency response plans, including numerous  
122 workshops. The fate and behaviour of diluted bitumen are addressed in Section 7.2.2 – Increased  
123 Marine Shipping to and from the Westridge Marine Terminal of the final argument (in particular,  
124 see the discussion under the sub-headings beginning with “Fate and Behaviour of Hydrocarbons  
125 in an Accident” under Section 7.2.2.9 – Oil Spills Resulting from Marine Incidents), where Trans  
126 Mountain concludes that, based on a review of relevant studies, higher viscosity oils such as diluted  
127 bitumen do not readily disperse as fine droplets into the water column, and are less likely to form  
128 Oil Mineral Aggregates than light conventional crude oils. This is a difference that facilitates rather  
129 than hinders oil recovery in the unlikely event of a spill.

### 130 **2.2.2 Terrestrial Accidents**

131 Some commenters are concerned about the potential consequences of a pipeline rupture. Letters  
132 from residents with homes near the proposed right-of-way were concerned about the effects on  
133 their health and safety and on the value of their property should such an event occur. Other  
134 commenters expressed concern about evacuation plans for their communities and about the  
135 potential environmental consequences from a rupture. Again, concern was raised about Trans  
136 Mountain’s ability to quickly respond to such an event. The issue of potential spills from the

137 pipeline, including Trans Mountain’s prevention, preparedness and response plans, are discussed  
138 at Sections 7.2.1.12 - Accidents and Malfunctions (Pipelines and Facilities) and 4 – Emergency  
139 Response of the final argument. Trans Mountain’s commitments to conduct routine pipeline  
140 inspections and monitoring for leaks to prevent any sizable releases are discussed at Section 3.14  
141 – Routine Inspection and Leak Detection. As stated in the final argument, the probability of a  
142 significant residual environmental effect arising from accidents and malfunctions as a result of the  
143 construction and operation of the Project is low.

144 In addition, the City of Chilliwack raised specific concerns about potential leaks or spills from the  
145 pipeline that may contaminate it’s underground source of drinking water.<sup>16</sup> Trans Mountain has  
146 been in direct consultation with the City of Chilliwack throughout the regulatory process and has  
147 proposed measures to address these concerns, including the installation of thicker-wall pipes near  
148 the aquifer and a shut off valve at a nearby “upstream” location. Trans Mountain will continue to  
149 collaborate with the City of Chilliwack and to update its “commitment tracking” table accordingly.  
150 In addition, Trans Mountain plans to address some of the very specific concerns of the City of  
151 Chilliwack through the detailed routing process (discussed below). In Trans Mountain’s view, the  
152 City of Chilliwack’s concerns can be effectively mitigated and should not impact a  
153 recommendation by the Board that the Project is in the public interest.

154 In addition, a number of commenters – Burnaby residents in particular – raised concerns about  
155 seismicity and potential accidents or malfunctions at the Burnaby tank farm resulting in the release  
156 of toxic vapours, explosions or fires. Concerns were also expressed regarding the visual impacts  
157 and potential property value decreases from an expanded tank farm in this area. Trans Mountain’s

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<sup>16</sup> City of Chilliwack – Letter of Comment (August 18, 2015) ([A4S4J9](#)).



158 proposed design for the Burnaby Terminal includes a robust fire protection system that exceeds  
159 minimum statutory requirements. Details regarding the proposed tank farm expansions, including  
160 plans for secondary containment and fire protection and response, are discussed at Sections 3.10  
161 – Terminals Design and Location and 3.11 – Terminals Fire Protection of the final argument. In  
162 addition, a detailed discussion of the seismic and natural hazards and other geotechnical risks is  
163 provided in the final argument at Sections 3.15 – Seismic and Natural Hazards and 3.16 –  
164 Geotechnical Considerations. As stated, Trans Mountain has and will continue to research seismic  
165 risk and geohazards to ensure the TMEP is designed and built to minimize risks. Trans Mountain  
166 will also draw upon the expertise it has from operating the TMPL system for over 60 years to  
167 manage risks associated with geohazards and seismic activity.

### 168 **2.3 Tanker Traffic**

169 Another common concern raised in the letters of comment was that the increase in oil tanker traffic  
170 coming into PMV will have negative impacts. In particular, commenters were concerned about  
171 impacts to recreational activities along the coast and on the water, tourism, wildlife, air quality,  
172 climate change, human health, property values and general enjoyment of the coastal areas. Trans  
173 Mountain addressed these and other issues related to tanker transportation in Sections 2.2.1.4 –  
174 Environmental Effects of the Project – Marine Shipping, 7.2.2 – Increased Marine Shipping to and  
175 from the Westridge Marine Terminal and 8.3 – Social Aspects of Marine Shipping ESA.  
176 Ultimately, given the current frequent use of these sea passages by commercial vessels and the  
177 mitigation measures that will be applied, Trans Mountain does not expect that the increase in tanker  
178 traffic will give rise to any of these feared effects to any significant extent.

179 **2.4 Construction and Routing**

180 A number of commenters wrote about the specific impacts the pipeline route would have on their  
181 activities, business or the environment, in particular, during construction. For example, an  
182 association focused on constructing and maintaining biking trails expressed concerns that,  
183 depending on the construction schedule, construction of the pipelines may cut off the trail  
184 network.<sup>17</sup> The City of Chilliwack raised similar concerns.<sup>18</sup> These types of specific concerns will  
185 be addressed by Trans Mountain (and, ultimately, the Board) on a case-by-case basis as part of the  
186 consultation and regulatory processes focused on detailed route planning and construction. The  
187 NEB confirmed this in a letter to a landowner on February 26, 2015.<sup>19</sup> For the purpose of the  
188 Application, Trans Mountain's plans for construction and routing – including timing, impacts and  
189 mitigation measures – is discussed at Sections 3.4 – Routing, 3.5 – Potential Municipal  
190 Infrastructure Impacts and Mitigation and 3.6 – Construction of the final argument.

191 Some commenters have also expressed concern that the construction and associated vehicles will  
192 cause traffic delays and noise. Trans Mountain's Traffic and Access Control Management Plan  
193 will help to mitigate some of these concerns as well as concerns about public access on the  
194 construction right-of-ways. This Plan and other traffic-related mitigation measures are discussed  
195 at Section 3.6 – Construction.

196 In a few cases, concern was expressed regarding specific watercourse crossings, and a desire was  
197 expressed for deep burial and/or horizontal directional drilling. Trans Mountain has discussed the

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<sup>17</sup> Hinton Mountain Bike Association – Letter of Comment (March 16, 2015) ([A4J6T0](#)).

<sup>18</sup> City of Chilliwack – Letter of Comment (August 18, 2015) ([A4S4J9](#)).

<sup>19</sup> Exhibit A139 - National Energy Board - Letter and Appendices - Application for Trans Mountain Expansion Project - Statement of opposition to the detailed route for the proposed Project (February 26, 2015) ([A4I4T8](#)).

198 evidence regarding watercourse crossings, including the rationales for choosing certain crossing  
199 methods, at Section 3.7 – Watercourse Crossings of the final argument.

## 200 **2.5 Aboriginal Interests**

201 Some commenters wrote about their concern for the interests of Aboriginal groups that may be  
202 impacted by the Project. Others expressed agreement with the evidence and views of Aboriginal  
203 interveners. Trans Mountain provided a comprehensive discussion of its consultation efforts and  
204 the evidence regarding impacts on Aboriginal groups in Section 6 – Aboriginal of the final  
205 argument.

## 206 **2.6 Cumulative Effects**

207 In addition to the specific concerns about the Project’s environmental effects discussed above,  
208 several commenters expressed concern about potential cumulative environmental impacts. The  
209 entirety of the ESA demonstrates and describes Trans Mountain’s substantial efforts to gather  
210 information, consult with stakeholders and explore mitigation methods in relation to the potential  
211 environmental (and other) effects of the TMEP. After minimizing all potential Project-related  
212 effects to the extent reasonably practicable, Trans Mountain conducted an assessment of possible  
213 cumulative effects. It concluded that the residual effects of the Project in conjunction with other  
214 projects that have been or will be carried out will not be significant (with the exception of the  
215 southern resident killer whale, as discussed). The methodology and results of this assessment are  
216 discussed at Section 7.2.3 – Cumulative Effects Assessment of the final argument.

## 217 **2.7 Project Benefits and “Need”**

218 A number of commenters wrote that the Project is no longer needed because there is a global shift  
219 towards renewable sources of energy, thus rendering oil and gas “the way of the past”. They also  
220 refer to the currently low price of oil and the glut of oil available on the global market to support

221 their views. Trans Mountain has addressed the need and economic basis of the TMEP in  
222 Section 9 – Economic of the final argument. In particular, Section 9.2 – Purpose and Need for  
223 Project discusses how the evidence before the Board confirms that the TMEP is needed to address  
224 the current demands for transportation services that exceed the current TMPL system capacity and  
225 to ensure that producers and governments obtain the highest value for their petroleum resources.

226 Likewise, commenters state that there are limited to no benefits arising from the TMEP. Concerns  
227 were raised about whether Project-related jobs would be given to Canadians and about the  
228 “exporting” of upgrading jobs. Others believed that the benefits would only go to oil and gas  
229 companies through enhanced profits. Contrary to these beliefs, the tested evidence demonstrates  
230 that the benefits of the TMEP will be far-reaching and in the overall interest of Canadians. As  
231 stated above, this includes an increase to Canada’s GDP by approximately \$4.9 billion during  
232 construction and by at least \$13.3 billion over the first 20 years of operations. The Project will also  
233 generate an additional \$1.4 billion in additional federal tax revenue and \$1.1 billion in provincial  
234 taxes during operations. This evidence and related issues (such as Canadian upgrading capacity)  
235 are discussed in Section 9 – Economic of the final argument.

## 236 **2.8 NEB Process**

237 A number of commenters have expressed the view that the NEB and this regulatory process are  
238 “corrupted” and “biased” in favour of Trans Mountain. Some cite the fact that they were not  
239 permitted to orally cross-examine Trans Mountain and its experts or the fact that the Board has  
240 agreed with Trans Mountain on procedural matters and scoping issues as support for this  
241 conclusion. Trans Mountain disagrees, and need only refer to the thousands of information requests  
242 that the Board asked of Trans Mountain and the more than 400 intervenors and 1250 commenters  
243 that have been permitted to submit their views in this proceeding to demonstrate that the Board

244 has taken its responsibility to carefully review the TMEP and the supporting evidence very  
245 seriously. As stated in the final argument, the scrutiny and rigour of the review which the Project  
246 has undergone has been one of the most extensive in NEB history or any other regulatory review  
247 in the country. A further discussion of the NEB's process in relation to its review of the TMEP  
248 can be found in the final argument at Section 1.2 – The NEB Process.

## 249 **2.9 Out-of-Scope Concerns**

250 Some of the letters of comment raised concerns related to upstream development and the  
251 downstream use of the crude oil with particular emphasis on GHG Emissions and climate change.  
252 As specified in NEB Ruling No. 25, these issues are beyond the scope of this proceeding.<sup>20</sup> Trans  
253 Mountain has included a discussion of the Board's previous rulings on the scope of this proceeding  
254 (and court decisions that upheld those rulings) at Sections 1.3 – Issues outside of the NEB's  
255 Jurisdiction and 7.2.1.6 – Greenhouse Gas Emissions.

## 256 **3. COMMENTS IN SUPPORT OF THE PROJECT**

257 In contrast to the letters expressing concerns with the TMEP, some commenters wrote to the Board  
258 to express their support for the Project and to provide information within their areas of knowledge  
259 and experience. Letters in support of the Project were filed by Aboriginal groups, businesses,  
260 industry associations, chambers of commerce, government entities (including municipalities and  
261 a Crown corporation), local organizations and individuals.

262 Many of the commenters in support of the Project indicated that it would have significant positive  
263 economic impacts on them, their members and employees, British Columbians, Albertans and

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<sup>20</sup> Exhibit A63 - National Energy Board - Letter and Appendices - Application for Trans Mountain Expansion Project - Motions requesting that the Board include in the List of Issues the environmental and socio-economic effects associated with upstream activities and downstream use, Ruling No. 25 (July 23, 2014) ([A3Z514](#)).

264 Canadians. For example, Calgary Economic Development (a subsidiary of the City of Calgary)  
265 concluded that the Project “provides infrastructure and an opportunity for innovation that is critical  
266 to the [energy] industry’s future growth in Canada.”<sup>21</sup> Business associations – collectively  
267 representing thousands of Canadian businesses – indicated that that the Project would help  
268 businesses succeed in B.C. and Alberta. The range of industries represented is wide: from oil and  
269 gas explorers, producers and engineers, to marine trades, new car dealers and hotels. The B.C.  
270 Chamber of Commerce, which represents nearly 32,000 businesses in B.C., concluded that the  
271 Project “will serve as an important source of near and long-term job creation, and generate lasting  
272 benefits for the country, provinces and municipalities.”<sup>22</sup> The Alberta Chambers of Commerce  
273 made similar comments.<sup>23</sup> Likewise, the Canadian Chamber of Commerce, which speaks on behalf  
274 of 200,000 businesses of all sizes in all sectors of the economy and all regions of Canada, stated  
275 that a lack of access to global markets continues to result in losses to the Canadian economy of  
276 more than \$7 billion per year and that “[o]ne key piece of infrastructure to unlock the forfeited  
277 wealth of our landlocked oil resources by providing greater access to tidewater that allows our oil  
278 to be moved to new markets that pay world prices, is the [TMEP].”<sup>24</sup> Aboriginal groups with  
279 commenter status agreed that there will be positive effects as a result of the Project.<sup>25</sup>

280 Commenters in support of the Project also expressed concern regarding the information relied on  
281 by members of the public who are opposed to the Project. In particular, some commenters wrote

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<sup>21</sup> Calgary Economic Development – Letter of Comment (July 14, 2015) ([A4R4V3](#)).

<sup>22</sup> B.C. Chamber of Commerce – Letter of Comment (July 16, 2015) ([A4R5H3](#)).

<sup>23</sup> Alberta Chambers of Commerce – Letter of Comment (August 18, 2015) ([A4S4G1](#)).

<sup>24</sup> Canadian Chamber of Commerce – Letter of Comment (August 17, 2015) ([A4S3G7](#)).

<sup>25</sup> Canim Lake Band – Letter of Comment (October 20, 2014) ([A4G7F0](#)); Paul First Nation – Letter of Comment (April 10, 2014) ([A3W1J4](#)).

282 that the public discussion is based on sensationalized and inaccurate information and overlooks  
283 the stringent safety regulations and the foundational role that oil pipeline infrastructure plays in  
284 the Canadian economy. In some instances Trans Mountain agrees.

285 In this regard, the Association of Consulting Engineering Companies of B.C. stated that “it is  
286 important for the NEB to recognize, and for the public to understand, that [based on current  
287 research] the risk factor for a loss-of-containment incident for a modern pipeline is only a fraction  
288 of the risk factor for a pipeline built without modern technology” and that “[t]he oversight,  
289 permitting and internal quality control measures associated with the project, along with Canada’s  
290 prominence as an international leader in pipeline development, should give the NEB and the public  
291 confidence that the Trans Mountain Expansion Project can be built, operated and maintained in an  
292 environmentally responsible manner.”<sup>26</sup>

293 Another commenter wrote about the importance of the TMPL and the Project to the supply of  
294 Canadian hydrocarbons to the B.C. market now and in the future.<sup>27</sup> The relative (greater) risks and  
295 environmental impacts associated with the transport of crude oil by rail or truck was another reason  
296 why commenters supported the Project.<sup>28</sup> Commenters in support of the Project recognize Trans  
297 Mountain’s safe and sustainable operation of the TMPL for more than 60 years.<sup>29</sup>

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<sup>26</sup> Association of Consulting Engineering Companies of B.C. – Letter of Comment (July 16, 2015) ([A4R5G8](#)).

<sup>27</sup> Mr. Bud Smith – Letter of Comment (July 17, 2015) ([A4R5Q0](#)).

<sup>28</sup> Mr. Bud Smith – Letter of Comment (July 17, 2015) ([A4R5Q0](#)); British Columbians for International Prosperity – Letter of Comment (July 22, 2015) ([A4R6G0](#)); City of Fort St. John – Letter of Comment (July 20, 2015) ([A4R5Z3](#)); City of Merritt – Letter of Comment (August 18, 2015) ([A4S4F6](#)).

<sup>29</sup> The Explorers and Producers Association of Canada – Letter of Comment (June 16, 2015) ([A4Q6L5](#)); Southern Interior Construction Association – Letter of Comment (July 7, 2015) ([A4R2H7](#)); Mr. Bud Smith – Letter of Comment (July 17, 2015) ([A4R5Q0](#)); Mr. Chris Ferronato – Letter of Comment (August 17, 2015) ([A4S3G5](#)); City of Merritt – Letter of Comment (August 18, 2015) ([A4S4F6](#)).

298 In addition, some commenters from Burnaby made the point that “not all residents of our  
299 community oppose the [TMEP]” and expressed their support for the Project on the basis that it  
300 will (i) provide significant contribution to local tax revenues, far outweighing any associated  
301 infrastructure costs to the Municipality; (ii) employ local workers and businesses; (iii) cause  
302 indirect or “spinoff” effects on the local economy; and (iv) enable Canadian businesses to ship  
303 their products around the world.<sup>30</sup> Businesses from Coquitlam, Port Coquitlam and Port Moody,  
304 which are immediately adjacent to Burnaby, agree that, with proper risk mitigation, the benefits  
305 outweigh the risks the Project poses.<sup>31</sup>

306 Other commenters with certain focused areas of knowledge and experience provided information  
307 about the safety of the Project, and concluded that they had no concerns. This includes impacts on  
308 human health,<sup>32</sup> the ability to construct and operate the Project and TMPL pipelines safely and  
309 without loss of containment<sup>33</sup> and the ability of tankers to safely navigate the marine pathways  
310 associated with the Project.<sup>34</sup> Some of these letters and those referred to above are further discussed  
311 in the appropriate sections of the final argument.

312 Finally, we note that several of the commenters expressed their support for approval of Trans  
313 Mountain’s Application and stated that, ultimately, the Project should only proceed to construction

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<sup>30</sup> Dr. Daren E. Hancott – Letter of Comment (August 5, 2015) ([A4R9Y0](#)); Mr. Randy Rinaldo – Letter of Comment (August 10, 2015) ([A4S0K9](#)); Mr. Chris Ferronato – Letter of Comment (August 17, 2015) ([A4S3G5](#)).

<sup>31</sup> Tri-Cities Chamber of Commerce – Letter of Comment (August 17, 2015) ([A4S3A1](#)).

<sup>32</sup> Interior Health Authority – Letter of Comment (November 4, 2014) ([A4E3Z1](#)); Health Canada – Letter of Comment (August 11, 2015) ([A4S0Z6](#)).

<sup>33</sup> Association of Consulting Engineering Companies of B.C. – Letter of Comment (July 16, 2015) ([A4R5G8](#)); International Union of Operating Engineers – Letter of Comment (August 18, 2015) ([A4S4V7](#)).

<sup>34</sup> Pacific Pilotage Authority – Letter of Comment (June 18, 2015) ([A4Q7T1](#)); Smit Marine Canada Inc. – Letter of Comment (July 16, 2015) ([A4R5H7](#)).



314 if the B.C. Government's five conditions are satisfied. As discussed at Section 2.4 – Provincial  
315 Considerations of the final argument, Trans Mountain has endeavoured to meet all of these  
316 conditions. As demonstrated by the evidence, if the Project is approved by the NEB, its  
317 construction and long-term operation (including the associated marine activities) will be done to  
318 the highest standards of environmental performance, support Aboriginal communities and benefit  
319 British Columbians, Albertans and Canadians.