

**IN THE MATTER OF THE *ENVIRONMENTAL ASSESSMENT ACT* S.B.C. 2002,
c.43 (ACT)**

AND

**IN THE MATTER OF
ENVIRONMENTAL ASSESSMENT CERTIFICATE #E17-01
HELD BY TRANS MOUNTAIN PIPELINE ULC (Trans Mountain)**

**FOR THE
TRANS MOUNTAIN EXPANSION PROJECT (PROJECT)**

**AMENDMENT #1
TO CERTIFICATE # E17-01**

WHEREAS:

- A. On January 10, 2017, the Minister of Environment and the Minister of Natural Gas Development issued Environmental Assessment Certificate #E17-01 (Certificate) to Trans Mountain;
- B. On May 19, 2016, the National Energy Board (NEB) released its report with respect to the Project (2016 NEB Report) which recommended 157 conditions to be attached to a certificate of public convenience and necessity;
- C. On November 29, 2016 the Governor in Council (GIC) directed the NEB to issue a certificate of public convenience and necessity for the Project, subject to the conditions recommended by the NEB;
- D. On December 1, 2016 the NEB issued Certificate OC-064 (CPCN OC-064) for the Project with the 2016 NEB Report conditions attached;
- E. On August 30, 2018, the Federal Court of Appeal ordered that Order in Council P.C. 2016-1069 should be quashed, rendering CPCN OC-064 a nullity;
- F. On September 20, 2018, the GIC referred the recommendations and all terms or conditions relevant to Project-related marine shipping set out in the 2016 NEB Report back to the NEB for reconsideration;
- G. On February 22, 2019, the NEB issued its 2019 Reconsideration Report which recommended 156 conditions to be attached to a certificate of public convenience and necessity;
- H. On June 21, 2019 the NEB issued Certificate OC-065 for the Project with the 2019 Reconsideration Report conditions attached;
- I. Trans Mountain has requested amendments to the Certificate as a consequence of the issuance of CPCN OC-065;
- J. Pursuant to section 4 of the Act, the Executive Director has delegated to the undersigned powers and duties under the Act, including the power to consider requests for certificate amendments.

NOW THEREFORE,

I amend the Certificate as follows:

1. The definition of “NEB Condition” in Schedule B to the Certificate is rescinded and replaced with the following:

Reference to a NEB Condition is a reference to a condition in Certificate OC-065 dated June 21, 2019.

2. Condition 11 in Schedule B to the Certificate is rescinded and replaced with the following:

Aboriginal Marine Outreach Program

The Holder must develop and implement an Aboriginal marine outreach program in consultation with Aboriginal Groups – Marine Shipping that must include the means by which the Holder will:

- a) communicate with Aboriginal Groups – Marine Shipping regarding relevant marine-related initiatives, programs, and research that the Holder is directly or indirectly involved in to address the impacts of increased Project-related tanker traffic in the Salish Sea;
- b) consult with Aboriginal Groups – Marine Shipping to identify potential activities and actions that the Holder may undertake to support safe Aboriginal traditional marine use and to support on-going education and planning related to spill preparedness and response, in consideration of the increased Project-related tanker traffic; and
- c) inform Aboriginal Groups – Marine Shipping of opportunities to participate in activities and actions or be informed of the marine-related initiatives, programs, and research activities referred to in paragraphs (a) and (b).

The Holder must provide reports on the completed activities and results of the marine outreach program to EAO and Aboriginal Groups – Marine Shipping at least three months prior to the planned commencement of Operations, and at one year and five years after commencement of Operations. The reports must also include:

- a) a summary of Trans Mountain’s consultation with the Pacific Pilotage Authority regarding the scope of work and activities to be undertaken through the program, including:
 - i. the resources and information that the Holder has provided or will provide to the Pacific Pilotage Authority to address the impacts of increased Project-related tanker traffic in the Salish Sea;
 - ii. the activities or actions that the Holder will undertake to communicate applicable information on Project-related vessel

- timing and scheduling to fishing industry organizations, commercial and recreational vessel operators, Aboriginal groups, and other affected, in conjunction with the Pacific Pilotage Authority's activities; and
- iii. any issues or concerns raised by the Pacific Pilotage Authority and how the Holder has or will address them;
 - b) a description of the actions or activities that the Holder has or will undertake to incorporate into its own public engagement efforts the activities of the Pacific Pilotage Authority and Transport Canada regarding enhanced safe boating practice education for small vessel operators;
 - c) a plan and schedule for all ongoing and future activities and actions under the program, including anticipated completion dates; and
 - d) a summary of its consultations with Transport Canada, the Canadian Coast Guard, the Chamber of Shipping for British Columbia, commercial and tourism associations and potentially affected Aboriginal Groups – Marine Shipping.



Scott Bailey
Assistant Deputy Minister, Environmental Assessment Operations
Environmental Assessment Office

Issued this 28th day of August 2019