

National Energy  
Board



Office national  
de l'énergie

## Statement of Opposition 2019 Trans Mountain Expansion Project Detailed Route

**YOU HAVE 30 CALENDAR DAYS TO FILE YOUR STATEMENT OF OPPOSITION  
AFTER BEING SERVED WITH NOTICE OR AFTER NOTICE IS PUBLISHED**

Please read carefully Important Information to know in completing this Form

This Form and any future documents you file with the Board will appear in the Board's online public registry, meaning that your personal information and the documents themselves can be accessed and viewed by the public.

This Detailed Route Process will not reconsider the need for or the merits of the Trans Mountain Expansion Project (TMEP). This process will also not consider any compensation matters, such as land acquisition and/or damages.

The only matters to be considered in a Detailed Route Process are:

- (a) the best possible detailed route of the pipeline;
- (b) the most appropriate methods of construction of the pipeline; and
- (c) the most appropriate timing of construction of the pipeline.

If you oppose the Trans Mountain Expansion Project Detailed Route, you **must** complete this form and file it within the 30 calendar day deadline, regardless of whether you submitted a Statement of Opposition in the 2017 TMEP Detailed Route process. See **Parts E and F** of this Form.

This Form can be completed electronically or you can print a copy of the Form and complete it legibly in writing. See **Part H** for contact information if you need help with this Form and instructions on how to file your completed form.

If you have process questions, contact us Toll Free at 1-800-899-1265 and from the message menu options, select the **TMX Detailed Route Project** and your call will be transferred to the Process Advisor Team.

Process Advisors can also be reach by email at: [TMX.ProcessHelp@neb-one.gc.ca](mailto:TMX.ProcessHelp@neb-one.gc.ca).

**Part A – Notice of the 2019 Detailed Route Application**

**Check one:**

(a)  I am an owner of lands who was served with a detailed route notice.

**OR**

(b)  I am a person who anticipates that my lands may be adversely affected by the proposed detailed route of the pipeline, and I am not an owner of lands described in (a).

**Check:**

Registered owner    Tenant    Lease Holder    Occupier of lands

Indigenous community

**Part B – Description of Lands for this Statement of Opposition**

(a) **2019 TMEP Detailed Route Segment(s) and Tract Number(s) (if known):** See Attachment

(b) **Property Identifier(s) of the land(s):** See Attachment

(c) **Short description of the lands to assist in locating your lands in relation to the proposed detailed route:**  
See Attachment

**Part C – About You**

<b>Name</b>	Rod Sanderson	<b>Property address</b>	8550 Young Road
<b>Title/position</b>	Deputy Director of Engineering	<b>City/town</b>	Chilliwack
<b>Organization</b>	City of Chilliwack	<b>Province</b>	British Columbia
<b>Telephone</b>	604-793-2907	<b>Postal code</b>	V2P 8A4
<b>Facsimile</b>	604-793-2756	<b>Email</b>	sanderso@chilliwack.com

**Part D – If you have an Authorized Representative**

If you will allow someone to file or present information in the Detailed Route Process on your behalf (i.e., an authorized representative, such as a lawyer), provide their information below. Otherwise, leave **Part D** blank.

<b>Name</b>	James Yardley	<b>Property address</b>	1300-128 West Pender Street
<b>Title/position</b>	Lawyer	<b>City/town</b>	Vancouver
<b>Organization</b>	Lidstone & Company	<b>Province</b>	British Columbia
<b>Telephone</b>	604-899-2269	<b>Postal code</b>	V6B 1R8
<b>Facsimile</b>	604-899-2281	<b>Email</b>	yardley@lidstone.ca

### Part E – In relation to the 2017 TMEP Detailed Route Process

Trans Mountain filed for approval of its detailed route in 2017 and was required to serve notice of its application on all landowners along the Project route, and to place notices in various publications in Alberta and British Columbia. With respect to the 2017 TMEP Detailed Route process, please check the appropriate boxes below:

- (a)  I did **not** file a Statement of Opposition – Complete **Part F**
- (b)  I **filed** a Statement of Opposition (check appropriate box below):
- i.  I **withdrew** my statement of opposition – Complete **Part F**
  - ii.  I was **not** granted a detailed route hearing – Complete **Part F**
  - iii.  I was **granted** a detailed route hearing (Hearing # MH-020-2018) (check appropriate box below):
    - The Board did **not** make a decision in my detailed route hearing – **Part F** is Optional
    - The Board **made** a decision in my detailed route hearing – Complete **Part F**

### Part F – Reasons for Opposition in Relation to the 2019 TMEP Detailed Route Process

If you checked "*The Board did not make a decision in my detailed route hearing*" in Part E, this Part is optional.

This Part of your Statement of Opposition is important to inform the decision to be made as to whether or not to conduct a review of a prior detailed route decision, add additional process steps to a detailed route hearing underway or hold a new detailed route hearing. Attach additional pages as needed, as well as any additional relevant documentation (such as a site map or property sketch).

If your Statement of Opposition is accepted, there will be instructions provided to you and the company on what additional information might be required and when it will need to be submitted.

- (a) Describe your reasons for opposing the proposed route, including the circumstances that you believe have materially changed since 2017.  
See Attachment
- (b) Describe your reasons for opposing the proposed methods of construction, including the circumstances that you believe have materially changed since 2017.  
See Attachment
- (c) Describe your reasons for opposing the proposed timing of construction, including the circumstances that you believe have materially changed since 2017.  
See Attachment

### Part G – Appropriate Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) services – such as mediation and facilitation – are available from the Board to help parties resolve disputes outside of the Board's hearing processes. You can read more about ADR on the Board's website (<http://www.neb-one.gc.ca/bts/pblctn/ltrntvdsptsltn/index-eng.html>).

The Board will establish and communicate a process for ADR services for the TMX Project. If you would like the Board to contact you about the possibility of using ADR, please check the box below:

- Yes, please contact me about the Board's ADR services.

If you would like information about ADR prior to the announcement of the Board's ADR process, please contact the Board at 1-800-899-1265 (toll-free) or by email at [ADR-MRD@neb-one.gc.ca](mailto:ADR-MRD@neb-one.gc.ca).

Part H – Filing Your Completed Statement of Opposition and Available Help

**The Board does not accept filings by email.**

Here are the options you can use to file your completed Statement of Opposition. A reminder that your completed Statement of Opposition **must** be received by the Board within 30 calendar days after being served with a Notice or publication of a Notice.

1. The preferred method for filing your form is online through the Board's e-filing tool (<https://apps.neb-one.gc.ca/efile/ElectronicDocumentSubmission.aspx>). Step-by-step instructions are provided in the e-filing tool itself. Documents filed through the e-filing tool must be in PDF format. Please select "2019 - Trans Mountain Detailed Route" when e-filing. Once a filing is made through the e-filing tool, you will receive a filing receipt via email with instructions regarding providing the Board with a signed copy of your receipt and form.
2. You can print this form and you can send a copy to the Board by fax at 403-292-5503 or 1-877-288-8803 (toll-free).
3. You can mail or courier to the following:

Secretary of the Board  
National Energy Board  
Suite 210, 517 Tenth Avenue SW  
Calgary, AB T2R 0A8

For any questions about this form, filing it, or the detailed route hearing process, please contact a Process Advisor by phone at 1-800-899-1265 (toll-free) or by email at [TMX.ProcessHelp@neb-one.gc.ca](mailto:TMX.ProcessHelp@neb-one.gc.ca).

Print Name: Rod Sanderson

Signature: "Rod Sanderson"

Date of this Statement of Opposition (DD MM YYYY): 16/09/2019

## Attachment

### Part F – Reasons for Opposition to the 2019 TMEP Detailed Route Process

The following statement is supplemental to the City's 2017 statement of opposition (A87113) which included letters from the City dated March 29, 2017, April 27, 2017, and by reference, August 18, 2015 (collectively, the "2017 SOO"). It reflects changes that have occurred since August 30, 2018, and should also be read in conjunction with the separate Statement of Opposition the City is filing at this time.

In August 2019, the City received notices (the "2019 Notices") from Trans Mountain in relation to the proposed detailed route for the TMEP (the "Project"). The City has also reviewed Trans Mountain's 2019 Plan, Profile and Book of Reference (A6W8H2, A6W8H3, A6W8H4) (the "2019 PPBoR") in relation to that part of the Project that is proposed to be in the City's boundaries.

Wells that are used to pump groundwater from the Sardis-Vedder Aquifer (the "Aquifer") are located on the following lands that the City owns or has a legal interest in:

- PID 013-574-728  
Parcel "A" (Reference Plan 4168) Legal Subdivision 10 Section 12 Township 23 Except:  
Firstly: Parcel "2" (Reference Plan 12110)  
Secondly: Parcel "One" (Reference Plan 14175)  
Thirdly: Part Subdivided by Plan 47876  
Fourthly: Parcel "One" (Bylaw Plan 84834);  
New Westminster District
- PID 016-781-864  
Lot 1 Section 12 Township 23 New Westminster District Plan NWP87465  
Except: Plan EPP44588  
  
(together, the "City Lands").

The Project routing proposed by Trans Mountain in the City between Watson Road and Silverthorne Road (generally located in Segment 6.3) is within the capture zone for City's wells that supply potable water from the Aquifer. The Aquifer provides excellent quality water, but is unconfined and is categorized in the BC Aquifer Mapping System as highly vulnerable.

While Trans Mountain set out some proposed general strategies for mitigating the impacts of construction on aquifers in its Groundwater Management Plan (A99066-9, A99066-10), Trans Mountain also recognized in Route Realignment Hearing OH-001-2017 that the Aquifer is "unique" and that there are challenges arising from the Aquifer's transmissivity and the proximity of the capture zones for City wells to the routing proposed by Trans Mountain.

The City believes that the routing, timing, and method of constructing of that part of the TMEP that passes through the capture zones for City wells in the Aquifer will result in material and irreversible harm to the Aquifer, the City's potable water supply, and will affect the City Lands.

The City further believes that Trans Mountain has not, in its routing proposal, addressed those matters. For example, the City believes that the construction of the proposed works should incorporate the use of trench lining within that part of the Project routing that is within the capture zone for the City water wells. This is especially important since Trans Mountain has not identified any leak detection and leak response systems, or how it would mitigate damage to the City's water supply.

In late 2018 and 2019, the City asked Trans Mountain if trench lining could be incorporated into the method of construction for that part of the TMEP in the Aquifer. While Trans Mountain gave the City initial feedback that appeared to support the City's concerns, Trans Mountain has not confirmed any commitment in that regard. Thus, the City remains concerned that the proposed location, timing and method of construction of the Project will harm the City Lands and its water supply.

Accordingly, the City is opposed to the proposed routing, timing and methods of construction for the Project for the reasons noted in the 2017 SOO, except to the extent varied in this Statement of Opposition with respect to matters that have occurred since August 30, 2018 and, pursuant to section 34(4) of the *National Energy Board Act* and section 36 of the *Act to Enact the Impact Assessment Act and the Canadian Energy Regulator Act, to Amend the Navigation Protection Act and to Make Consequential Amendments to other Acts*, seeks a hearing in relation to the detailed route proposed by Trans Mountain in relation to the City Lands.

The City expects to make submissions, provide evidence, and challenge the evidence of Trans Mountain about the most appropriate routing, timing and method of construction of the Project in the Aquifer with respect to its impact on the City Lands.