

Information Request To: Trans Mountain Pipeline ULC

From: Ken Klakowich

Question 1

Application Reference:

Trans Mountain Expansion Project Volume 1

Volume 1 – Summary Page 1-4

13. Trans Mountain plans to minimize the potential environmental and negative socio-economic effects of the Project through parallelling existing linear facilities, where possible. Over the entire length of new buried pipeline segments associated with the Project, the proposed pipeline corridor is adjacent to Trans Mountain Pipeline (ULC) the existing TMPL easement for 722 km (73 per cent of the total length) and parallels other existing rights-of-way for a total of 170 km (17 per cent of the total length). Only 98 km (10 per cent of the total length) will be within a new pipeline corridor. Efforts to delineate a specific pipeline right-of-way within the applied-for corridor are continuing with ongoing community, landowner, and Aboriginal input.

31. During construction and installation of the Project, land rights will be required along the pipeline route and for the new above-ground facilities. Along the pipeline route, the average width of the construction footprint will typically be 45 m (includes an 18.3 m permanent right-of-way and temporary workspace [TWS]). The width of TWS will vary depending on the nature of terrain, construction season and on the specific features encountered or crossed by the pipeline. No additional permanent land is expected to be required at the four TMPL terminals (Edmonton, Kamloops, Sumas, and Burnaby). For the Westridge Marine Terminal, an expansion of the foreshore is expected to be needed, which will be approximately 1.4 hectares. In addition, acquisition of approximately 2.25 hectares of land for a new pump station and a small (less than 1 hectare in total) extension at each of the three existing pump station sites will also be required.

Preamble: The foregoing notwithstanding, it is my understanding that the existing and additional right-of-way for the pipeline work space, and facilities will be acquired by way of easements granted by the Government of Canada across provincial, municipal and private land for the sole benefit of Kinder Morgan, and possibly without Kinder Morgan being required to pay full compensation by way of full market value to the freehold land owners.

Question: If Kinder Morgan were required to purchase, at full market value, existing and additional right-of-way for the pipeline, work space, and facilities , as well as the safety buffer zone on either side;

(1) How would this effect the viability of the project?

(2) How would this effect the route of the pipeline?

Question 2.

Application Reference:

MARINE SEDIMENT AND WATER QUALITY
DISCUSSION AND MITIGATION RECOMMENDATIONS
December 2013

6.1 Westridge Marine Terminal

The key issues for marine sediment and water quality are related to potential adverse effects on sediment and water quality, associated with construction, and on water quality, associated with operation of the Terminal, given the potential for release of contaminants. Dredging for construction could release existing contaminants from the sediment to the water and would require evaluation of disposal options for the dredged materials. Release of treated stormwater from hydrocarbon storage areas during operations has the potential to introduce hydrocarbons into Burrard Inlet.

Preamble: The Application indicates there is a possibility of the need to dredge portions of the Burrard Inlet for the sole benefit of the tanker route from English Bay to the Westridge Loading Facilities.

Question: If this is indeed the case, what percentage of the costs of this project will be born by Kinder Morgan directly? How will Kinder Morgan ensure Burrard Inlet waterway and neighbouring businesses and residents do not suffer negative effects as a result of the works associated with the dredging including, but not limited to, potential negative effects noted in above?

Question 3.

Application Reference:

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Project Design and Operations

25. The Project will be designed, constructed and operated in accordance with the Onshore Pipeline Regulations (OPR) and Canadian Standards Association (CSA) Z662-11. If there are inconsistencies between the OPR and CSA Z662-11, the OPR will govern. In addition, the requirements of the latest version of industry codes, standards, specifications, and recommended practices will, where applicable, be incorporated into the design, construction, operation, and maintenance of the expanded TMPL system and its associated

facilities

Preamble: The preliminary report of the NEB does not requiring explicit facts and disclosures of many aspects of the Kinder Morgan project until 4 months before construction is to begin (which would be after approval of the pipeline), leaving little, if any time for an adequate independent professional review of these aspects of the pipeline project.

Question: The above notwithstanding:

- (1) what design changes and improvements will be implemented in the design, fabrication of the materials used that will prevent failure of the pipeline in any populated area?
- (2) how will the construction phase include practices, technics, materials, devises, or other means, beyond the current practice of non-permanent surface markers, to prevent inadvertent damage to the existing pipeline as occurred on Inlet Drive in 2007?
- (3) As noted above, ***If there are inconsistencies between the OPR and CSA Z662-11, the OPR will govern.*** Given that there are regulations, not directly dealing with pipeline, but may refer to other standards, why would not the more restrictive regulation apply to ensure the public interest is best protected?

Question 4:

Application Reference:

Trans Mountain Pipeline (ULC)

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Project Benefits

23. There will be a total of 58,000 person-years of employment generated across Canada during construction of the Project, with approximately 36,000 in BC and 15,000 in Alberta. There will also be an overall boost to employment of 50,000 to 65,000 person-years during the first 20 years of operations, with 60 per cent of the jobs being created in BC and 20 per cent in Alberta.

Preamble: In recent history, large projects (like the Canada Line in Vancouver) were constructed employing off-shore consultants, designer, engineers, suppliers, contractors, sub-contractors, and workers. In your December 16th application, while making vague promises to prioritize local workers, Kinder Morgan comes up short of committing to hire only Canadian workers.

Question: Will Kinder Morgan commit to using local professionals, contractors and/or tradesman in the design, construction and operation of the pipeline and associated infrastructure? As noted above:

(1) 58,000 person-years of employment generated during construction of the Project. 36,000 in BC and 15,000 in Alberta, Where are the other 7,000 jobs created?

(2) 50,000 to 65,000 person-years during the first 20 years of operations, with 60 per cent of the jobs being created in BC and 20 per cent in Alberta. Where are the other 20% of the jobs created?

(3) there is no mention of the materials and equipment to be used. What percentage of the equipment and materials will be Canadian made, and if not all, why not.

Question 5.

Application Reference:

https://docs.neb-one.gc.ca/ll-eng/llisapi.dll/fetch/2000/90464/90552/548311/956726/2392873/2451003/2434443/14-03-20_Trans_Mountain_Pipeline_ULC_Consultation_Update_No1_Errata_Part1_Appendices_Pt03_-_A3V3Q3.pdf?nodeid=2435230&vernum=1

Preamble: In illustrations provided by Kinder Morgan, (attached) I have seen existing and proposed pipeline routes that appear to show a connection with a facility in Washington State.

Question: Why would Kinder Morgan not route the new line totally to Washington State facility and ship the oil from there?

Question 6.

Application Reference:

Trans Mountain Pipeline (ULC)

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Constructing one new dock complex, with a total of three Aframax-capable berths, as well as a utility dock (for tugs, boom deployment vessels, and emergency response vessels and equipment) at the Westridge Marine Terminal, followed by the deactivation and demolition of the existing berth.

Preamble: Even with the dredging of portions of the tanker route from English Bay to the Westridge Loading Facilities, there are many tankers currently in use today that will not be able to access the loading facilities due to their size. Given the history of the development of marine transport vessels over the past 20 years, there is every likelihood that access to the Westridge Loading Facilities will preclude the use of the larger and more efficient vessels.

Question: To what extent has Kinder Morgan explored this likelihood, and has Kinder Morgan done a cost benefit analysis that includes the relocation of the port facilities to another location that is more accessible to larger ships.

Question 7.

Application Reference:

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Trans Mountain currently has \$750 million of spill liability insurance, the first \$2 million which is covered by self insurance. Trans Mountain intends to maintain this level of spill liability insurance throughout the life of the TMPL asset.

Preamble: The 2007 oil spill in the Kalamazoo River, is considered the worst on-land spill in US history at about 22,000 barrels. Cleanup from that spill is ongoing and to date has exceeded one billion dollars. According to the Trans Mountain's spill records, the existing pipeline has spilled over 40,000 barrels over its period of operation. Costs of clean up, rehabilitation, and compensation to injured parties is increasing year by year.

Question: How will Kinder Morgan guarantee compensation to the residents, home owners, businesses and communities that could be effected by a significant spill event if cost exceeds Kinder Morgan's current liability insurance?

Sheilagh MacDonald <sheilagh@sfu.ca>
regulatory@transmountain.com,
kkswt@shaw.ca,
amazingalmonds@shaw.ca,
kmckay@ratcliff.com,
kpozniak@ratcliff.com,
stan morgan <stan.morgan@shaw.ca>,
elisa@brlaw.ca,
bram@brlaw.ca,
kwristen@livingoceans.org,
kcampbell@ecojustice.ca,
brobinson@ecojustice.ca,
nathan a baines <nathan.a.baines@esso.ca>,
dietmar j kohlmann <dietmar.j.kohlmann@esso.ca>,
beth lau <beth.lau@capp.ca>,
nick schultz <nick.schultz@capp.ca>,
scott benton <scott.benton@bcgrasslands.org>,
jimwhite@telus.net,
andrew weaver mla <andrew.weaver.mla@leg.bc.ca>,
Gina Aitchison <Gina.Aitchison@tc.gc.ca>,
adele cooper <adele.cooper@tc.gc.ca>,
Francie Connell <Francie.Connell@vancouver.ca>,
jhunter@litigationchambers.com,

shadowchaser@telus.net,
jfretz@kamloops.ca,
gfarrow@kamloops.ca,
rlambright@kamloops.ca,
mdoll@kamloops.ca,
sheliza ladha <sheliza.ladha@bp.com>,
luunguy@sfu.ca,
mkirchner@ratcliff.com,
mskeels@ratcliff.com,
paveyj@dnv.org,
rbittel@dnv.org,
abak@tsawwassenfirstnation.com,
blue wilow <blue_wilow@hotmail.com>,
Kathy McPherson <Kathy.McPherson@nrcan-rncan.gc.ca>,
krista friesen <krista.friesen@huskyenergy.com>,
matthennig@yahoo.com,
a hennig <a_hennig@telus.net>,
lisa@ngariss.com,
khenry@lheidli.ca,
jbrown@lheidli.ca,
tinskip@telus.net,
dustininskip@gmail.com,
artjackson@alpineart.ca,
contactpotvin@gmail.com,
asam@lnib.net,
leesa@lnib.net,
lacsteannemetis@zoho.com,
jenny@woodwardandcompany.com,
kate parsons <kate.parsons@kghm.com>,
warner uhl <warner.uhl@kghm.com>,
ConnieT@telus.net,
tracy campbell <tracy.campbell@calliougroupp.com>,
astewart@fvr.bc.ca,
pgipps@fvr.bc.ca,
ruths@penelakut.ca,
shelina sidi <shelina.sidi@metrovanancouver.org>,
Roger Quan <Roger.Quan@metrovanancouver.org>,
Ralph Hildebrand <Ralph.Hildebrand@metrovanancouver.org>,
Carol Mason <Carol.Mason@metrovanancouver.org>,
KMhearings@wildernesscommittee.org,
Referral Coordinator <Referral.Coordinator@cowichantribes.com>,
holly@woodwardandcompany.com,
noam@noamdolgin.com,
shazell@naturecanada.ca,
enviro@uvic.ca,
grahamsimpson@telus.net,

lily ford2 <lily.ford2@gmail.com>,
michael grassie <michael.grassie@aadnc-aandc.gc.ca>,
calvin@taplay.org,
patbert@telus.net,
rniemzik@telus.net,
lx41vp@bctf.ca,
sgoettler@telus.net,
robyn@robynallan.com,
raulakh32@yahoo.com,
christopher h jones <christopher.h.jones@gov.bc.ca>,
jdioszeghy@coquitlam.ca,
sjames@coquitlam.ca,
thomas fung <thomas_fung@yahoo.com>,
cao@hope.ca,
astow@mac.com,
mikipipeline@gmail.com,
Dipak Dattani <Dipak.Dattani@burnaby.ca>,
gmcdade@ratcliff.com,
boecking@shaw.ca,
iamcathyj@gmail.com,
Kitsonpipeline@gmail.com,
quadbuds@xplornet.com,
liangclz@yahoo.com,
malfonso@shaw.ca,
Sikpipeline@gmail.com,
aquinn@alib.ca,
nleon@alib.ca,
garryf@gmail.com,
mfenger@telus.net,
marilyn Lambert1@gmail.com,
communityoffice4658@gmail.com,
julietacbanerjee@gmail.com,
suzannelife@montanafirstnation.com,
dicknsita@verizon.net,
www leighann ward <www.leighann_ward@live.ca>,
willier9@icloud.com,
vmilillo@shaw.ca,
ken mcdonald <ken.mcdonald@shaw.ca>,
teresa milillo <teresa.milillo@yahoo.com>,
angelika hackett <angelika_hackett@hotmail.com>,
bobhackett2010@hotmail.com,
lynne@mandellpinder.com,
brenda@mandellpinder.com,
f sylvestris <f.sylvestris@gmail.com>,
chris annette <chris.annette@telus.net>,
Dsvezina@yahoo.com,

info@powerstripsolar.com,
licraig@sfu.ca,
legs@telus.net,
g carr <g.carr@shaw.ca>,
hannahvarto@yahoo.ca,
jblack@telus.net,
tomearle@shaw.ca,
creativeculinary@telus.net,
mkre@chevron.com,
csanderson@lawsonlundell.com,
tscheer@lawsonlundell.com,
jennythemoon@gmail.com,
Disco50@hotmail.com,
adr@alaskancopper.com,
jmdeano@me.com,
annabelyoung@shaw.ca,
dysonf2f@telus.net,
twongpipeline@gmail.com,
imvr@telus.net,
brianv17@gmail.com,
barbara gard <barbara_gard@hotmail.com>,
rsmacvic@sfu.ca,
angelese hood <angelese.hood@cnrl.com>,
davidlane@bucksuzuki.org,
momeniho@telus.net,
hsyme@telus.net,
frances hawes <frances.hawes@gmail.com>,
shauna dennert <shauna_dennert@shaw.ca>,
MikeDPipeline@gmail.com,
edberezia1@hotmail.com,
Director@nicolatribal.org,
susan@katzie.ca,
jennifer griffith <jennifer_griffith@aboriginal-law.com>,
sheila@waterwealthproject.com,
daniel ingram <daniel.ingram@ec.gc.ca>,
phil wong <phil.wong@ec.gc.ca>,
emay@magma.ca,
katabasic1234@gmail.com,
mzhabibi@hotmail.com,
carlinhayden@hotmail.com,
ditaylor1946@gmail.com,
bruce lauerman <bruce.lauerman@waters.nestle.com>,
moes@shaw.ca,
sandrews@victoria.ca,
tzworski@victoria.ca,
erin radloff <erin.radloff@cenovus.com>,

don davies <don.davies@nortonrosefulbright.com>,
paul kahler <paul.kahler@cenovus.com>,
paul dayson <paul_dayson@telus.net>,
dave pehl <dave.pehl@dfo-mpo.gc.ca>,
renny talbot <renny.talbot@dfo-mpo.gc.ca>,
Tanya Alvaro <Tanya.Alvaro@dfo-mpo.gc.ca>,
John K Ford <John.K.Ford@dfo-mpo.gc.ca>,
apantusa@telus.net,
Peter Russell <Peter.Russell@richmond.ca>,
pjohnstone@richmond.ca,
CCFollette@gmail.com,
planning@tnrd.ca,
dossa@sfu.ca,
ghungerford@hungerfordproperties.com,
jlehmman@hungerfordproperties.com,
stephen@cosbc.ca,
vchungbc@live.com,
judywilson@neskonlith.net,
schabus@telus.net,
aldelisle@shaw.ca,
stipud@stipud.com,
Catherine Douglas <Catherine.Douglas@ubc.ca>,
tumia knott <tumia.knott@seyemqwantlen.ca>,
acapuccinello@surrey.ca,
sneuman@surrey.ca,
jirobertson@surrey.ca,
peter@cpawsbc.org,
nicola@cpawsbc.org,
carol@erminekin.ca,
broe@mlt.com,
RJeerakathil@mlt.com,
rskolber@spectraenergy.com,
gcwasney@spectraenergy.com,
eGeorge@twnation.ca,
scott smith <scott.smith@gowlings.com>,
Eugene Kung <Eugene_Kung@wcel.org>,
maya stano <maya.stano@gowlings.com>,
garth parker <garth.parker@total.com>,
janw@telus.net,
drummond@shaw.ca,
maryhatch@shaw.ca,
kdanderf@shaw.ca,
corr@telus.net,
kathleen johnnie <kathleen.johnnie@lyackson.bc.ca>,
arussell@ranalaw.com,
gtmoonsign@telus.net,

thea144@gmail.com,
banjomamapat@gmail.com,
vwmorden@gmail.com,
loukev mathias <loukev.mathias@gmail.com>,
peter@prinsgreenhouses.com,
dstander@standerandcompany.ca,
philip@icba.ca,
joyce@nooaitch.com,
berry@woodwardandcompany.com,
bandmanager@musqueam.bc.ca,
jreynolds@musqueam.bc.ca,
1-vp@surreyteachers.org,
pres@surreyteachers.org,
sshrybman@sgmlaw.com,
diane cameron <diane_cameron@nexeninc.com>,
sue schulli <sue_schulli@nexeninc.com>,
lfloyd@belcarra.ca,
rdrew@belcarra.ca,
jross@belcarra.ca,
jennifer natland <jennifer.natland@portmetrovanancouver.com>,
dean readman <dean.readman@portmetrovanancouver.com>,
jim crandles <jim.crandles@portmetrovanancouver.com>,
matthew ely <matthew.ely@portmetrovanancouver.com>,
carrie brown <carrie.brown@portmetrovanancouver.com>,
chris wellstood <chris.wellstood@portmetrovanancouver.com>,
dpavy@telus.net,
Alan Martin <Alan_Martin@shaw.ca>,
chris d amy <chris.d.amy@gmail.com>,
lgroulx@docbc.ca,
bchydroregulatorygroup@bchydro.com,
TerryK58@shaw.ca,
elling@corpuscc.ca,
justin@corpuscc.ca,
cgalandie@shaw.ca,
tarthur@whiterockcity.ca,
gstlouis@whiterockcity.ca,
rzwaag@tol.ca,
giltrow@lidstone.info,
andhraaze@gmail.com,
kokomrose@yahoo.ca,
jrkoessler@shaw.ca,
daa@cwilson.com,
cmarcand@gmail.com,
caroline@odriscoll.ca,
mamarracha@hotmail.com,
porterg02@telus.net,

jmwilson121@shaw.ca,
aatherton@valkyrielaw.com,
sheilagh@sfu.ca,
bonniemoncada@hotmail.com,
luciodegrassi@gmail.com,
jaywalk@shaw.ca,
jlroche@shaw.ca,
rdeshaies@shaw.ca,
Mleon4275@gmail.com,
cristinapaule@yahoo.com,
merlethepearl@shaw.ca,
cyk700@hotmail.com,
eastsidegirl2169@yahoo.com,
sarah@frasersturgeon.com,
kramsay@portmoody.ca,
mclay@portmoody.ca,
brahm@imperio.ca,
sdj2@sfu.ca,
ghallson@hotmail.com,
peternix@shaw.ca,
colin king <colin.king@gov.ab.ca>,
Sylvia tang <Sylvia_tang@yahoo.com>,
aldutton@gmail.com,
Olavjosok@gmail.com,
sabmajid@telus.net,
wendywang gvtta <wendywang_gvtta@yahoo.ca>,
SSartori@shaw.ca,
info@imagecultivation.com,
byron@imagecultivation.com,
doug oakey <doug.oakey@shaw.ca>,
dcauduro@shaw.ca,
shansen@telus.net,
Percy Joe <Percy.Joe@shackan.ca>,
dale jensen <dale.jensen@ecy.wa.gov>,
leslies@atg.wa.gov,
Ecyolyef@atg.wa.gov,
SimonChenVancouver@gmail.com,
dengtm1026@gmail.com,
gmurray@abbotsford.ca,
linping39@hotmail.com,
alangrove@shaw.ca,
john@devlingailus.com,
matthew@devlingailus.com,
Juststeen@hotmail.com,
tmceachen@rdffg.bc.ca,
robinbettylau@yahoo.ca,

heritagedatabank@gmail.com,
chbrett@suncor.com,
jvanheyst@suncor.com,
hpunnett@shaw.ca,
june@kwikwetlem.com,
ron@kwikwetlem.com,
ppaquet@baudoux.ca,
maricallah@shaw.ca,
alison6zheng@gmail.com,
MattLau@live.com,
nosmid@telus.net,
lisa@ngariss.org,
rfreedman@jfkllaw.ca,
jshockey@jfkllaw.ca,
jleslie@edmontonchamber.com,
jcumming@edmontonchamber.com,
aikman@shaw.ca,
pjwebb@shaw.ca,
hhills@shaw.ca,
herbert hb lee <herbert_hb_lee@yahoo.com>,
beili127@hotmail.com,
johnlee2220@yahoo.ca,
naomel2002@yahoo.ca,
paulshomebase@yahoo.ca,
mrfishing@telus.net,
kelly izzard999 <kelly.izzard999@gmail.com>,
tonyandclo@telus.net,
mich3277@telus.net,
mylittleempire@hotmail.com,
helenlluk@gmail.com,
karenleelarson@hotmail.com,
christycunningha@yahoo.com,
info@mountroubsonranch.com,
peter julian <peter.julian@parl.gc.ca>,
kvn mathias <kvn.mathias@gmail.com>,
jaymie@aseniwuche.com,
rachel@aseniwuche.com,
lshaw@mnhc.ca,
cgall@mnhc.ca,
llambert@mnhc.ca,
sabarclay@shaw.ca,
michael lebourdais <michael.lebourdais@gmail.com>,
dominique@woodwardandcompany.com,
xing568@gmail.com,
chief ian campbell <chief_ian_campbell@squamish.net>,
abruce@ratcliff.com,

nobis@shaw.ca,
mktgregulatory@cdnoilsands.com,
mkeever@foe.org,
mike@wiegele.com,
mwiegele@wiegele.com,
cindyb@wiegele.com,
lfriar@wiegele.com,
rickmcnary@mail.com,
billbingxie@gmail.com,
qingpan219@gmail.com,
mcrane@tealjones.com,
apannu@discovery-corp.com,
edandcathy@mercuryspeed.com,
lihongm99@gmail.com,
conservation@stanleyparkecology.ca,
exec@stanleyparkecology.ca,
gracehguan@hotmail.com,
sleskewich@gmail.com,
stephanepj@gmail.com,
lichuan20@hotmail.com,
dssea@outlook.com,
renzo@stkemlupsemc.ca,
travis@stkemlupsemc.ca,
janiceantoine@gmail.com,
mabaye dia <mabaye.dia@pc.gc.ca>,
steve oates <steve.oates@pc.gc.ca>,
wengbaichang@hotmail.com,
cel@telus.net,
xuehan99@gmail.com,
oilandgas@edmonton.ca,
lindsayandsabrina@telus.net,
abby dorval <abby.dorval@enbridge.com>,
kenneth macdonald <kenneth.macdonald@enbridge.com>,
eamon@woodwardandcompany.com,
jinluting@hotmail.com,
shlun@statoil.com,
mekei@statoil.com,
Popkum@live.ca,
jeff hoff <jeff.hoff@xyolhemeylh.bc.ca>,
ms js esl <ms.js.esl@gmail.com>,
kboyles@earthjustice.org,
jhasselman@earthjustice.org,
tmin33@yahoo.com,
gord2elliott@gmail.com,
vveirs@coloradocollege.edu,
janicetedmonds@hotmail.com,

tim@thowardlaw.ca,
otis@capacityconcepts.ca,
adam@chlaw.ca,
ddidit@shaw.ca,
alexandra@georgiastrait.org,
michael byers <michael.byers@ubc.ca>,
info@tofinochamber.org,
afredette@live.ca,
k english <k.english@outlook.com>,
adam@adamolsen.ca,
brookeo@shaw.ca,
wocean23@gmail.com,
cenio@coachenio.com,
Turbo7@shaw.ca,
farmbiz@telus.net,
doug@redwoods-golf.com,
sjohnston@globalgolfadvisors.com,
gmcgowan@afl.org,
leannechahley@blairchahley.ca,
geoffsen@yahoo.com,
aubrey davelaar <aubrey.davelaar@hotmail.com>,
anita@diya.ca,
mkbcca@hotmail.com,
li sajung <li_sajung@hotmail.com>,
lperrinf@gmail.com,
brouhaha@direct.ca,
tony roberts <tony.roberts@shaw.ca>,
K henry <K.henry@bcmetis.com>,
gtunner@shaw.ca,
carlosayo@gmail.com,
pdodd@ledgeviewgolf.com,
jbhambley@telus.net,
chieftonyalexis@gmail.com,
cardinalt28@gmail.com,
alalji@millerthomson.com,
rmackay-dunn@boardoftrade.com,
iblack@boardoftrade.com,
jfleming@sfu.ca,
daychiefbyron200@gmail.com,
cliff@kinuseo.com,
judy banks <judy.banks@simpcw.com>,
jennifer@brlaw.ca,
detmar@telus.net,
kerriheard@gmail.com,
barron w dowling <barron.w.dowling@tsocorp.com>,
Kristi Schram <Kristi.Schram@tsocorp.com>,

Dave K Kirshner <Dave.K.Kirshner@tsocorp.com>,
Charles A Cavallo <Charles.A.Cavallo@tsocorp.com>,
Mark D Smith <Mark.D.Smith@tsocorp.com>,
mgoldstein@goldstein-law.com,
rbw@bht.com,
dan preston <dan.preston@shaw.ca>,
tedatjamieson@telus.net,
bcex@telux.net,
owen hsu <owen.hsu@gmail.com>,
pero cro <pero_cro@hotmail.com>,
lspitale@newwestcity.ca,
mallison@newwestcity.ca,
patloriepat@netscape.net,
Cedricchan@telus.net,
sven@forestethicsadvocacy.org,
johnw@snuneymuxw.ca,
erralynt@snuneymuxw.ca,
voykinpaul@gmail.com,
dfinamore8@hotmail.com,
bmstwr@shaw.ca,
lctmpline2014@gmail.com,
nakcowinewak@gmail.com,
bmcelhanney@ackroydlaw.com,
mchan@westvancouver.ca,
director@syilx.org,
jpepper@syilx.org,
darryl steinhauer <darryl.steinhauer@gmail.com>,
ryanwhite7010@gmail.com,
george assaf mossomcreek <george.assaf.mossomcreek@gmail.com>,
mossomchum@hotmail.com,
claytoncunningham@scfn.ca,
resource development <resource.development@northernhealth.ca>,
newusaid@gmail.com,
vernj@tseycum.ca,
loringkuhanga@gmail.com,
rbolivar@shaw.ca,
bowechop chad <bowechop.chad@centurytel.net>,
aaron higinbottom <aaron.higinbottom@williamslakeband.ca>,
ericpipeline7095@gmail.com,
sunfolk02@gmail.com,
murray rankin c1 <murray.rankin.c1@parl.gc.ca>,
l riddle <l.riddle@hotmail.com>,
tsigurdson@bcbuildingtrades.org,
bunderwood@pauquachin.com,
danny@pauquachin.com,
kec cel <kec.cel@telus.net>,

zrwon@telus.net,
vtg@telus.net,
drobinson@ashcroftband.ca,
gblain43715@yahoo.ca,
cporter88@telus.net,
rgentleman@ccec.bc.ca,
crbrooke@shaw.ca,
artaine@shaw.ca,

sea1919@hotmail.com,
jdportillo@gmail.ca,
nancy bart sfu <nancy.bart.sfu@gmail.com>,
pchatler@yahoo.com,
farmer davidm <farmer.davidm@gmail.com>,
bcmlytaylor@gmail.com,
sunfolk@gmail.com,
wes regan <wes.regan@hxbia.com>,
joni olsen <joni.olsen@icloud.com>,
burtonvet@shaw.ca,
Heritage658@pacheedaht.ca,
rkyle@jfkllaw.ca,
norinesaddleback9@gmail.com,
shonda day <shonda.day@dvn.com>,
lucusano@torys.com,
d chalmers <d.chalmers@delcan.com>,
ted farquhar <ted.farquhar@gmail.com>,
denisewithers@me.com,
Krishna Klear <Krishna.Klear@gov.bc.ca>,
Elisabeth Graff <Elisabeth.Graff@gov.bc.ca>,
marc eliesen <marc.eliesen@gmail.com>,
tdickson@farris.com,
Barry Jeffrey1 <Barry.Jeffrey1@ec.gc.ca>,
neilchantler@chantlerlaw.ca,
david@nooaitch.com,
fthomson@ecojustice.ca,
rplamont@shaw.ca,
kbearrobe@millerthompson.com,
hana boye <hana_boy@aboriginal-law.com>,
michael thackray <michael.thackray@mcmillan.ca>,
andrew stead <andrew.stead@mcmillan.ca>,
ycheng@ackroydlaw.com,
rsecond@ackroydlaw.com,

Whittney@woodwardandcompany.com,
jmorrisson@telus.net,
aldyen@gemco.org,
julia@ngariss.com,
ian@waterwealthproject.com,
tim archer <tim.archer@nrcan-rncan.gc.ca>,
Alain Magnan <Alain.Magnan@dfo-mpo.gc.ca>