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July 16, 2014

File No. 120005
Reply to: Aaron Bruce
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BY ELECTRONIC FILING

National Energy Board
517 10th Ave SW
Calgary, AB T2R 0A8

Attention: Sheri Young, Secretary of the Board

Dear Ms. Young:

**Re: Trans Mountain Pipeline ULC (Trans Mountain)
Trans Mountain Expansion Project (the "Project") – File OF-Fac-Oil-T260-2013-03
02 – Hearing Order OH-001-2014 (the "Hearing Order")
Reply to the Response of Trans Mountain to the Notice of Motion of the Squamish
Nation dated July 4, 2014 (the "Notice of Motion")**

We are legal counsel for the Squamish Nation (Squamish) in respect of their intervention in the hearing for the Project. The following represents the reply on behalf of Squamish to the response of Trans Mountain to the Notice of Motion concerning the failure of Trans Mountain to provide full and adequate responses to Information Request No. 1 of Squamish.

Trans Mountain's response to the Notice of Motion does not provide the requested information, or provide sufficient grounds for not providing the information, with the exception of one response to information request 1.6(g) where the additional information provided is sufficient to satisfy the original request. Trans Mountain responds to 42 of the 46 requests of Squamish for a full and adequate response with the exact same formulated response, which states that the requested information has been provided and Trans Mountain's response is full and adequate. Trans Mountain's formulaic response does not engage with the substance of Squamish's request or Squamish's submissions as to why the original response was not full or adequate.

Further, the few responses where Trans Mountain does not use the formulaic response either refer to materials in the application, which Squamish have already determined do not provide the requested information, refer to responses to other intervenors that do not provide the requested information or state that the request is not relevant to the review of the Project. As such, Squamish submits that the National Energy Board (the "NEB") should grant the relief sought in the Notice of Motion and direct Trans Mountain to provide full and adequate responses to the information requests, which it has failed to fully and adequately respond to in the original response and now refused to address in the response to the Notice of Motion. Squamish provides

specific responses to Trans Mountain's four non-formulaic responses to the Notice of Motion in **Attachment A** to this letter.

The Squamish Nation relies on its submissions set out in the Notice of Motion in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project, including to the List of Issues set out in the Hearing Order and the factors set out in s. 19(1) a to h of the *Canadian Environmental Assessment Act*, 2012. Further, Squamish submits that the information is relevant to the constitutional duty of the NEB to consider the potential impacts of the Project on Squamish's Aboriginal rights and title.

The Project would run directly through Squamish traditional territory and would have the potential to severely impact Squamish's rights and title interests. Squamish submits that the information provided by Trans Mountain in the application and in response to the Notice of Motion is insufficient for the NEB to be able to undertake an assessment of the extent of the potential impacts of the Project on Squamish's interests. In addition, the information currently before the NEB is woefully inadequate for the Crown, to the extent it is able, to rely on this process to discharge the duty to consult (which Squamish does not concede is possible or appropriate). Further, Squamish submits that it lacks the Squamish-specific information needed to understand the potential impacts of the Project on their interests and to present their case fully.

As previously noted, given that the lack of cross-examination in this process severely hinders the ability to review the evidence of Trans Mountain, and thus assess any potential impacts of the Project on Squamish, the NEB must ensure that information requests are fully and adequately responded to, if the hearing is to satisfy the requirements of procedural fairness and natural justice. It is not sufficient justification for not responding to the information requests, as submitted by Trans Mountain,¹ that there will be a second round of information requests and an opportunity to voice concerns on the lack of information provided in final argument (at which point there will be no further opportunity to provide information). Squamish needs this information now in order to know the case to be met and to be able to ask follow-up questions on the information provided in the second round of information requests.

If the information requested from Trans Mountain is not available, the NEB must grant the relief sought in the Notice of Motion and stay the statutory timeline in order to allow Trans Mountain the time to provide the requested information. In light of the inadequacy of the information in Trans Mountain's application in terms of the impacts on Squamish, Trans Mountain's failure to respond to the Notice of Motion and the limited opportunities for the review of the evidence in this proceeding, Squamish submits that it would be unreasonable to deny that relief.

Yours truly,
RATCLIFF & COMPANY LLP



Aaron Bruce
AB:lw

¹ Trans Mountain Response to Squamish Nation Notice of Motion dated July 4, 2014 at p. 3.

ATTACHMENT “A”

Hearing Order OH-001-2014
Trans Mountain Pipeline ULC (Trans Mountain)
Application for the Trans Mountain Expansion Project (Project)
Procedural Direction No. 3 – Process for hearing motions to compel full and adequate responses to information requests (IRs)
Organizational chart for comments on inadequacy of IR responses (Round 1 Intervenor IRs to Trans Mountain)

IR #	IR Wording ¹	Trans Mountain’s response to IR ²	Intervenor’s explanation for claiming IR response to be inadequate ³	Trans Mountain’s response to motion	Squamish Nation’s reply to Trans Mountain
1.1(a)	What is Trans Mountain’s understanding of how the Crown’s duty to consult will be discharged with respect to the Project?	<p>Please refer to the response to Tsleil-Waututh Nation IR No. 1.3.1a for a discussion on Crown consultation and the duty to consult.</p> <p><u>Tsleil-Waututh Nation IR No. 1.3.1a</u></p> <p>The Crown has a duty to consult with potentially affected Aboriginal groups when the government has knowledge, real or constructive, of the potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely affect it. Trans Mountain notes that a proponent may carry out the procedural aspects of consultation on behalf of the Crown. The Crown’s process for Aboriginal consultation for the Trans Mountain Expansion Project (Project) is set out in a letter from Natural Resources Canada which is Attachment 4 to National Energy Board (NEB) letter to Aboriginal groups dated August 12, 2013, available on the NEB’s public registry.</p> <p>In addition, Trans Mountain is required by the NEB to engage with Aboriginal groups who may be affected by the Project. Utilizing an inclusive approach beginning in 2011, Trans Mountain worked in collaboration with the federal and provincial governments to identify Aboriginal groups that might have an interest in the Project or have Aboriginal interests potentially affected by the Project. Trans Mountain interprets “interests” in this context to be broad and includes proven and asserted Treaty and</p>	<p>Trans Mountain does not answer the question in relation to its understanding of how the duty to consult will be discharged in relation to the Project. Instead, Trans Mountain just refers Squamish initially to a response given to Tsleil-Waututh Nation and then within that response to a letter from the Crown, which does not answer the question of <u>Trans Mountain’s understanding</u> of how the duty to consult will be discharged with respect to the Project.</p> <p>Ensuring that First Nations are meaningfully consulted in relation to the Project is relevant to the review of the Project by the NEB, particularly to Issue 9 - Potential impacts of the project on Aboriginal interests in the List of Issues to be considered during the review process. Since the Crown has indicated that it will attempt to rely on the National Energy Board process, to the extent possible, to discharge the duty to consult, First Nations have the right to know what role, if any, Trans Mountain purports to have in discharging that duty.</p>	<p>Trans Mountain provided its understanding of the Crown’s duty to consult in the referenced responses.</p> <p>The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.</p>	<p>Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.</p>

¹ In this column, insert the relevant text of the IR that was asked. If the entire question is relevant to your submission, insert the full text. The references and preambles can be omitted (removed), unless they are essential to your submission.

² In this column, insert the relevant text of Trans Mountain’s response to the IR. If the entire response is relevant to your submission, insert the full text.

³ In this column, explain why you consider the IR response to be inadequate.

IR #	IR Wording ¹	Trans Mountain’s response to IR ²	Intervenor’s explanation for claiming IR response to be inadequate ³	Trans Mountain’s response to motion	Squamish Nation’s reply to Trans Mountain
		Aboriginal rights, title and interests. Correspondence with Aboriginal Affairs and Northern Development Canada (AANDC) on October 11, 2011 provided baseline information to Trans Mountain regarding Aboriginal groups located in the vicinity of the Project, which is noted in Volume 3B. On August 13, 2012 correspondence with the Major Projects Management Office (MPMO) provided further guidance on the early identification of Aboriginal groups for engagement and on August 8, 2013 correspondence with the MPMO provided the Crown consultation list for Aboriginal groups for engagement on the Project. In addition, the list of Aboriginal groups that might have an interest in the Project or have Aboriginal interests potentially affected by the Project has increased as a result of additional groups being identified by Trans Mountain or by groups self-identifying to Trans Mountain. The result of this approach is that Trans Mountain has made efforts to engage with all identified potentially affected Aboriginal groups.			
1.1(b)	Is it Trans Mountain’s understanding that the Crown has delegated the procedural aspects of consultation with First Nations to Trans Mountain?	Please refer to the response to Tsleil-Waututh Nation IR No. 1.3.1a for a discussion on Crown consultation and the duty to consult, as well as Trans Mountain’s approach to engaging with potentially affected Aboriginal groups.	<p>Trans Mountain does not answer the question of whether procedural aspects of consultation have been delegated to it. Instead, Trans Mountain just refers Squamish initially to a response given to Tsleil-Waututh Nation and then within that response to a letter from the Crown, which does not answer whether Trans Mountain has been delegated the procedural aspects of consultation.</p> <p>Whether First Nations have been adequately consulted is a relevant consideration in determining whether the Project is in the public interest. In order for consultation to be meaningful, First Nations need to know when they are engaging in consultation. The danger of not communicating to First Nations whether procedural aspects of the duty to consult have been delegated to proponents (which Squamish does not concede that they have or can be in relation to the Project) is that industry representatives may engage in discussions with First Nations that might later be portrayed as part of a consultation process, with the First Nation not even being aware that</p>	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.

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			consultation has begun. The courts have held that this worry can be overcome by consultation roles being set out explicitly (<i>Halalt First Nation v. British Columbia (Environment)</i> , 2011 BCSC 945 at para. 73). Therefore, Squamish requests that the NEB direct that Trans Mountain provide a full and adequate answer to the question concerning its understanding of its role in relation to the procedural aspects of consultation.		
1.1(d)	What specific Aboriginal rights has Trans Mountain identified that are held by the Squamish Nation.	Please refer to the response to Squamish Nation IR No.1.1c. Additionally, as filed in the Aboriginal Engagement Logs (Volume 3B, Appendix A and Consultation Update No. 1) Squamish Nation has not shared information about specific Aboriginal rights with Trans Mountain.	<p>Trans Mountain does not answer the question of what specific Aboriginal rights has Trans Mountain identified that are held by the Squamish Nation. The question does not ask whether the Squamish Nation has shared any information with Trans Mountain. It asks whether <u>Trans Mountain has identified</u> any Aboriginal rights held by Squamish.</p> <p>If Trans Mountain has not independently identified any Aboriginal rights held by the Squamish Nation, or does not intend to identify those rights, then that intention needs to be expressly stated. The information about Aboriginal engagement in IR No. 1.1c is not relevant to the question. Therefore, this question remains unanswered.</p>	<p>Part of Trans Mountain's approach is to engage with the Squamish Nation and identify potential adverse impacts and mitigation options through meaningful dialogue.</p> <p>The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.</p>	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.1(f)	What methodology is being used by Trans Mountain to assess potential adverse impacts to Squamish Nation's interests from the Project?	Part of the methodology used by Trans Mountain is to engage with Aboriginal groups and through meaningful dialogue, communication and sharing of information, identify potential adverse impacts and discuss mitigation options. Trans Mountain continues to want to initiate further dialogue with the Squamish Nation to more fully understand their traditional land or marine resource use activities in the pipeline and marine shipping corridor.	Trans Mountain does not fully answer the question. In the response, Trans Mountain provides a vague answer by stating that part of the methodology used is to engage with Aboriginal groups, but then fails to specify what other methodology is used. Squamish requests a full answer to this information request.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request

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					for a full and adequate response to this information request.
1.1(g)	What is Trans Mountain's assessment of potential adverse impacts to Squamish Nation's rights and interests from the project, including economic; employment; community services and infrastructure; individual family and community well-being; human health; traditional culture; section 35 rights to fish, hunt and gather; governance; visual and aesthetic resources; and species and habitats required for the exercise of the activities listed above including: marine vegetation, marine invertebrates, marine fish, marine mammals and marine birds?	Trans Mountain's assessment of potential adverse effects of the Project on valued components that support Aboriginal rights and interests including economic; employment; community services and infrastructure; individual family and community well-being; human health; traditional culture; section 35 rights to fish, hunt and gather; governance; visual and aesthetic resources; and species and habitats required to maintain a traditional lifestyle can be found in Section 7.2 of Volume 5A and Section 7.2 of Volume 5B.	Trans Mountain did not answer the question. The question asks for the specific potential adverse impacts to the Squamish Nation's rights and interests from the Project. The response to the question just refers Squamish to portions of the application that generally discuss the potential impacts of the Project. This is not adequate. If these sections of the application adequately provided an assessment of the potential adverse impacts to Squamish's interests, then Squamish would not have asked the question. Squamish needs to know how the Project would potentially impact their specific interests. Without this information, Squamish is unable to assess the impact of the Project on their traditional territory and rights.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.1(h)	What is Trans Mountain's assessment of potential adverse impacts to, or infringements of, Squamish Nation's Aboriginal title and rights from the project in the event of an oil or fuel spill? In particular, what is Trans Mountain's assessment of the potential adverse impacts of an oil or fuel spill in relation to the specific Aboriginal rights referred to in (e) above?	Trans Mountain considered the potential effects of spills on elements of the environment that support Aboriginal rights and interests including traditional land and resource use as per Sections 6.2 – Volume 7 of the Application.	Trans Mountain did not answer the question. The question asks for the specific potential adverse impacts to the Squamish Nation's rights and title of an oil spill. The response to the question just refers Squamish to portions of the application that generally discuss the potential impacts of a spill on the environment, but do not answer Squamish's request. This is not adequate. Squamish needs to know how a spill would potentially impact their specific interests. Trans Mountain does not list Squamish's rights that could be potentially impacted or set out specific impacts. Without this information, Squamish is unable to assess the impact of the Project on their traditional territory, rights and interests. Squamish requests a specific response to IR 1.1(h).	Trans Mountain's assessment of potential adverse impacts to, or infringements of Aboriginal Rights and Title in the event of an oil spill is discussed in Section 6.2, 6.3.2 and 6.3.3 of Volume 7 (Filing ID A3S4V6), as well as Section 3.2 of Volume 5B (Filing ID A3S1R5), which considers the environmental effects/residual effects of spills on traditional land and resource use, social and cultural well-being, and human occupancy and resource use. In the Application, Volume 7.0 provides a comprehensive overview of risk assessment and management of pipeline and facility spills. The risk assessment methodology is provided in Section 3.1.1 of Volume 7.0. A qualitative evaluation of potential environmental and socio- economic consequences based on evidence from past oil spills as documented in scientific reports and studies is provided in Section 6.0 of Volume 7.0. More in-depth assessments of pipeline credible worst case oil spill scenarios are provided in Section 7.0 to	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The referenced sections of the application do not provide Squamish specific information or an analysis of the impacts of an oil spill on Squamish rights and title. This information is directly relevant to Issue 9 for the review of the Project - Potential impacts of the project on Aboriginal interests. The Squamish Nation, therefore, maintains its request for a full and adequate response to this information request.

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				<p>supplement the qualitative evaluation of pipeline and facility spill effects provided in Section 6.0 of Volume 7.0. The in- depth assessments include scenarios of spills in appropriate areas for credible worst case scenarios, i.e., the Upper Athabasca, North Thompson and Lower Fraser Rivers (Section 7.1 in Volume 7.0).</p> <p>Fate and transport of hypothetical releases, ecological and environmental effects and long term recovery of the freshwater environment were assessed for each of the scenarios.</p>	
1.1(i)	How has Squamish Nation’s community and traditional knowledge been incorporated into the application?	<p>To date, Squamish Nation has not presented any information to Trans Mountain regarding their current use of lands and resources for traditional purposes near the Project or any interests they may have in the Project. A desktop review consisting of: publicly available harvest data, ATK and TLU reports; open houses and community gatherings; meetings and conversations with Aboriginal community representatives; environmental assessments for projects with a similar socio-cultural context or regulatory context; published reports from regulatory authorities involved in administering or regulating a specified area or resource (e.g., integrated resource plans, land and resource management plans, etc); and GIS tools to determine spatial relationships of source data to the Project, was conducted for Squamish Nation.</p> <p>Trans Mountain will continue to engage Aboriginal communities through all phases of the Project. Traditional resource use information received from participating communities will be reviewed in order to confirm literature results and mitigation measures including those found in the Environmental Protection Plans (Volume 6B, 6C and 6D). Any additional site-specific mitigation measures resulting from these studies will be provided in the updated Environmental Protection Plans to be filed with the NEB 90 days prior to construction as per NEB Draft</p>	<p>Trans Mountain does not adequately answer the question. Trans Mountain lists materials that were part of a desktop review conducted for the Squamish Nation, but does not state what these materials revealed, whether the desktop review has been incorporated into the application, or provide a copy of the desktop review to Squamish in its response.</p> <p>If these materials have not been incorporated into the application that needs to be expressly stated. It is not adequate to put off answering how Squamish interests will be incorporated into the Project, and what mitigation measures will be implemented, until 90 days prior to construction of the Project. The Squamish Nation needs to be able to review this information before the next round of information requests to Trans Mountain to be able to have an opportunity to question Trans Mountain about it. Providing this information after any opportunity to comment has passed is unfair and does not serve the public interest.</p> <p>Further, this response conflicts with information provided by Trans Mountain in response to IR 2(a), where it states that “Trans Mountain has consulted with the Squamish First Nation to discuss the details of the Expansion as it transits the traditional territory and to learn of Squamish’s concerns and interests.”</p> <p>Squamish requests a full answer to the request with specific references to the results of the desktop review and how it has been incorporated into the application. Squamish further requests a copy of the</p>	<p>The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.</p>	<p>Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.</p>

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		Conditions No. 29 to 31 of the NEB's Letter – Draft Conditions and Regulatory Oversight.	desktop review.		
1.1(j)	What information and professional knowledge were used to determine the nature and scope of Squamish Nation's Aboriginal rights?	Trans Mountain does not presume to define the rights of Aboriginal groups. Rather, through the Aboriginal Engagement Program, Trans Mountain engages with Aboriginal groups to provide comprehensive information to them and seek feedback from them on the Project and to identify potential impacts of the project on the assertion of Aboriginal rights and title governing traditional and cultural use of the land and marine environment.	Trans Mountain does not answer the question. Trans Mountain does not indicate whether any information or professional knowledge has been used to determine the nature and scope of the Squamish Nation's rights. If no such information or knowledge has been used, then that needs to be stated expressly.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.1(k)	What information and professional knowledge were used to identify and understand potential effects of the project on Squamish Nation's traditional lands, waters, resources and activities and in providing mitigation recommendations for those effects?	Traditional territory maps were reviewed to determine the Squamish Nation's traditional lands and waters and how they overlapped or are shared with other First Nations. Also refer to the response to Squamish Nation IR No. 1.1 f.	Trans Mountain does not adequately answer the question. Trans Mountain refers to traditional territory maps that were reviewed, but fails to provide these maps to Squamish or reference where in the application they are located. The referenced response to IR No. 1.1.f is not relevant to the request. See the comments on the inadequacy of the response to IR No. 1.1.f above.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.1(l)	Trans Mountain references a meeting between Trans Mountain representatives and Squamish Nation representatives dated March 26, 2013 where concerns over marine	"Specific" marine life and habitat impact concerns were not discussed at the meeting on March 26, 2013 rather, the concerns raised by representatives of the Squamish Nation were of a high level as noted in the meeting minutes shared	Trans Mountain does not answer the question. Trans Mountain does not provide a summary of the concerns, which it considers were of a "high level", or set out what Trans Mountain has done to address those concerns. Squamish needs to know how its	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions

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	life and habitat impact, as well as emergency response measures were discussed. Please provide a detailed summary of the specific marine life and habitat impact concerns discussed and steps taken by Trans Mountain, to date, to address and respond to those concerns.	with the letter sent from Ian Anderson, President, KMC to Chief Bill Williams, Squamish Nation and Chief Ian Anderson, Squamish Nation on May 29, 2013. Please refer to Squamish Nation IR No. 1.1e – Attachment 1 for meeting minutes.	concerns are being incorporated into the design of the Project in order to evaluate the impact of the Project on Squamish's interests. Squamish, therefore, requests the NEB direct Trans Mountain to provide a full answer to this request.	required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.1(m)	Please provide a detailed summary of the emergency response measure issues raised at the March 26, 2013 meeting and what specific steps Trans Mountain has taken, to date, to respond to and address those concerns.	<p>“Specific” emergency response measure issues were not discussed at the meeting on March 26, 2013 rather, the topic was raised by Squamish Nation at a high level as noted in the meeting minutes shared with the letter sent from Ian Anderson, President, KMC to Chief Bill Williams, Squamish Nation and Chief Ian Anderson, Squamish Nation on May 29, 2013.</p> <p>Squamish Nation was also invited to take part in emergency preparedness field work, most recently in studies taking part in June and July, 2013, Squamish Nation did not attend.</p> <p>Trans Mountain is committed to take immediate action to protect public health in the event of a spill. As part of its emergency response planning and preparedness, as described in Section 6.3.2 of Volume 7, in the event of a spill, the Trans Mountain Emergency Response Plan (ERP) will be activated (refer to Section 4.0 of Volume 7) and municipal, provincial and federal authorities responsible for the protection of public health will be notified.</p> <p>Wildlife management procedures will go into effect on site and evacuation of affected areas will occur if health and safety of the public is threatened. This will limit opportunities for short-term exposure to hydrocarbon vapours and potential for acute effects.</p>	Trans Mountain does not answer the question. Trans Mountain does not provide a summary of the concerns, which it considers were of a “high level”, or set out what Trans Mountain has done to address those concerns. Squamish needs to know how its concerns are being incorporated into the design of the Project in order to evaluate the impact of the Project on Squamish's interests. Squamish, therefore, requests the NEB direct Trans Mountain to provide a full answer to this request	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.2(a)	Please indicate whether Trans	Trans Mountain has consulted with the Squamish	Trans Mountain does not answer the question. Even	The requested information has been provided	Trans Mountain's response does not

IR #	IR Wording ¹	Trans Mountain's response to IR ²	Intervenor's explanation for claiming IR response to be inadequate ³	Trans Mountain's response to motion	Squamish Nation's reply to Trans Mountain
	Mountain will seek the consent of the Squamish Nation to build this project within their traditional territory.	First Nation to discuss the details of the Expansion as it transits the traditional territory and to learn of Squamish's concerns and interests. Trans Mountain will take into account those concerns and interests in its mitigation plan for the Expansion. Ultimately, consent of whether the Expansion proceeds through the traditional territory is a matter for the National Energy Board and the Government of Canada, taking into account the public interest as a whole and the specific concerns and interests of the Squamish First Nation, ascertained via Crown and proponent consultation.	if the NEB and the Government approve the Project, the ultimate decision on whether to go forward with the Project, or to apply for a different terminus for the Project, rests with Trans Mountain. If Trans Mountain does not intend to seek the consent of the Squamish Nation for the Project to go through their traditional territory then Trans Mountain should expressly state that. It is critical for the Squamish Nation to know whether Trans Mountain will respect their jurisdiction over their traditional territory in order to evaluate the potential impacts of the Project on the Squamish Nation's interests. The NEB must require Trans Mountain to answer the question.	and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.2(b)	Will Trans Mountain proceed with the project without the consent of the Squamish Nation?	Please refer to the response to Squamish Nation IR No. 1.2a.	Trans Mountain does not answer the question. Even if the NEB and the Government approve the Project, the ultimate decision on whether to go forward with the Project, or to apply for a different terminus for the Project, rests with Trans Mountain. If Trans Mountain does not intend to seek the consent of the Squamish Nation for the Project to go through their traditional territory then Trans Mountain should expressly state that. It is important for the Squamish Nation to know whether Trans Mountain will respect their jurisdiction over their traditional territory in order to evaluate the potential impacts of the Project on the Squamish Nation's interests.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.2(c)	Please indicate whether Trans Mountain will commit to amending the project if the Squamish Nation objects to the project.	Please refer to the response to Squamish Nation IR No. 1.2a.	Trans Mountain does not answer the question. Even if the NEB and the Government approve the Project, the ultimate decision on whether to go forward with the Project or amend the Project application rests with Trans Mountain. If Trans Mountain does not intend to incorporate the concerns of the Squamish Nation into the Project design and application then Trans Mountain should	The response indicates that Trans Mountain will take into account the Squamish Nation's concerns and interests in mitigation plans for the Project. The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. Merely stating in

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			expressly state that. It is important for the Squamish Nation to know whether their concerns in relation to the Project will be taken into account by Trans Mountain at the application stage, not at the mitigation stage, once the Project has been approved.	response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	<p>the response to the Notice of Motion that Trans Mountain will take into account the Squamish Nation’s concerns in mitigation plans for the Project, is not a commitment to amend the Project. Further, the response does not indicate how the concerns will be taken into account in mitigation plans.</p> <p>The information sought is both relevant and necessary to the NEB's review of the Project and remains outstanding. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.</p>
1.2(d)	Please indicate whether Trans Mountain will commit to moving the project outside Squamish traditional territory if the Squamish Nation objects to the project being located within their traditional territory.	Please refer to the response to Squamish Nation IR No. 1.2a.	<p>Trans Mountain does not answer the question. Even if the NEB and the Government approve the Project, the ultimate decision on whether to go forward with the Project or amend the Project application rests with Trans Mountain. The question specifically asks whether Trans Mountain will commit to moving the Project outside Squamish traditional territory if the Squamish Nation objects to the Project. The answer to question 1.2(a) that concerns and interests will be taken into account in its mitigation plan and that the ultimate decision rests with the NEB and Canada does not answer the question. This is a deliberate evasion of the question by Trans Mountain, and does not represent a full or adequate answer.</p> <p>If Trans Mountain does not intend to make such a commitment then Trans Mountain should expressly state that. It is important for the Squamish Nation to know whether Trans Mountain will respect their jurisdiction over their traditional territory in order to evaluate the impacts of the Project. The NEB must require Trans Mountain to answer the question.</p>	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.2(e)	Please indicate whether Trans Mountain will attempt to proceed with the project within Squamish	Please refer to the response to Squamish Nation IR No. 1.2a.	Trans Mountain does not answer the question. Even if the NEB and the Government approve the Project, the ultimate decision on whether to go forward with	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not

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	traditional territory over the objection of Squamish members.		<p>the Project or amend the Project application rests with Trans Mountain.</p> <p>The question asks whether Trans Mountain will proceed with the Project within Squamish traditional territory if Squamish objects. The answer to question 1.2(a) that the ultimate decision rests with the NEB and Canada does not answer the question. Trans Mountain has the power to amend the application and apply for a different location for the terminus of the Project. This is a deliberate evasion of the question by Trans Mountain, and does not represent a full or adequate answer. If Trans Mountain does not intend to respect a decision of the Squamish Nation then Trans Mountain should expressly state that.</p>	with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.2(f)	If the Squamish Nation rejects this project from being constructed within their traditional territory, please indicate what lengths Trans Mountain will go to impose this project on the Squamish Nation.	Please refer to the response to Squamish Nation IR No. 1.2a.	Trans Mountain does not answer the question. There is no reference in the response to IR 1.2(a) to the steps that Trans Mountain would take to impose the Project on the Squamish Nation if they reject it. Trans Mountain completely evaded the question by referring to the response to IR 1.2(a). Any engagement with Squamish cannot be meaningful unless Squamish knows the extent to which Trans Mountain is willing to take into account and accommodate its decisions in relation to its traditional territory.	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.3 (g)	Trans Mountain has noted that the Squamish Nation identified preliminary interests to Trans Mountain prior to the filing of the Project application. Please explain how Trans Mountain has responded to these preliminary interests.	The preliminary interests received by Trans Mountain to date from Squamish Nation have been limited. Trans Mountain interprets “interests” in this context to be broad and includes proven and asserted Treaty and Aboriginal rights, title and interests. Refer to Squamish Nation IR No 1.1c, a Letter of Understanding has not been executed between Trans Mountain and Squamish First Nation and interests have not yet been shared formally by	Trans Mountain’s answer is not adequate. Trans Mountain states that “the preliminary interests received by Trans Mountain to date from Squamish Nation have been limited”. However, the question does not ask Trans Mountain to place a value judgment on the interests received from Squamish, but asks how Trans Mountain has responded to these interests. If Trans Mountain has not responded or incorporated the preliminary interests of Squamish into the application, then Trans Mountain should set	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without

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		Squamish Nation.	that out directly. The question of how Squamish's interest are incorporated into and addressed in the application is directly relevant to the NEB's review, specifically Issue 9 - Potential impacts of the project on Aboriginal interests in the List of Issues. The NEB must demand a better answer to the question.	through evidence or final argument.	this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.3(h)	Are there any types of vessels or cargo in the project area that could ignite surface oil spilled from a tanker during a vessel collision or other type of accident?	The probability of an oil spill in the marine RSA is a low likelihood event (Termopol 3.15) and the probability of spilled oil igniting is lesser still. In order for spilled oil to ignite the vapour concentration on the oil surface has to be within flammability limits and a source of ignition has to be present. Test conducted to assess in-situ burning of typical diluted bitumen showed that after 12-24 hours of weathering surface spilled oil would not sustain combustion (Volume 8C TR 8C-12 S7). Trans Mountain cannot speculate about any types of vessels or cargo in the RSA. Please refer to Volume 8A (Marine Transportation), specifically pages 8A-33 and 8A-34, Section 1.4.1.7, and Sections 1.42, 1.4.4, 2.1 and 2.2.	Trans Mountain does not adequately answer the question. The question does not ask about the probability of a vessel or cargo igniting spilled surface oil, but whether there are vessels or cargo in the area that could ignite surface oil. It is not adequate to state that Trans Mountain cannot speculate about the types of vessels. If Trans Mountain has not considered, and will not consider, the types of vessels travelling in the RSA and the implications during an oil spill then that needs to be expressly stated.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.3(j)	By what percentage would vessel traffic increase in the RSA as a result of the project?	Information about current traffic levels and the Project-related increase in marine vessel traffic is provided in Technical Report 8C-2 of Volume 8C, TERMPOL 3.2 Origin, Destination and Marine Traffic Volume Survey (Moffatt & Nicholl December 2013).	Trans Mountain does not answer the question. The referenced materials do not provide the percentage by which the vessel traffic would increase in the RSA as a result of the Project.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this

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					information request.
1.4(a) and 1.4(b)	<p>What specific steps would Trans Mountain take to ensure that the tankers will be operated in an environmentally responsible manner?</p> <p>What specific requirements would Trans Mountain require tanker owners or operators to meet? Please provide detailed information on these requirements, including specifics of any design, maintenance or operational requirements.</p>	<p>(a) Every tanker has to operate under a safety management system and have to meet all local and international regulations through certification.</p> <p>Amongst such specific certificates are ones that deal with prevention of oil pollution and air pollution, and sewage and garbage handling. In addition, the vessel has to carry approved procedures that help manage and control cargo handling and control emission of volatile organic compounds (gases) from the cargo into the atmosphere. Aquatic invasive species management regulations have to be met with the use of antifouling paint and ballast water management. The newer vessels are designed to meet EEDI (Energy Efficiency Design Index) standards and all vessels have to have established practices to operate the vessel in accordance with a SEEMP (Ship Energy Efficiency Management Plan).</p> <p>In addition, Trans Mountain's Tanker Acceptance Standards have to be met before the vessel can be accepted and a loading master is assigned to each vessel to ensure operations are carried out in accordance with industry best practice.</p> <p>(b) Please refer to the response to Squamish Nation IR No. 1.4a.</p> <p>Also refer to Volume 8A (Marine Transportation) – refer to Section 1.4 (page 8A-37) and specifically section 1.4.1.5 (beginning on page 8A-40). Also refer to Section 1.4.2.9 (beginning on page 8A-51).</p>	<p>Trans Mountain's response does not answer the question. The question asks the specific steps and requirements that <u>Trans Mountain will take or impose</u> in relation to tanker operation. In the response Trans Mountain just refers Squamish to regulatory standards and evades providing steps that Trans Mountain will specifically take to ensure tankers operate in an environmentally responsible manner and providing requirements that Trans Mountain will insist operators meet. Trans Mountain generally refers to their Tanker Acceptance Standards, but does not provide any information on what these standards require or why these standards ensure that the tankers are operated in an environmentally responsible manner.</p> <p>The degree to which Trans Mountain will regulate the tankers to service the expanded capacity at the Westridge Marine Terminal is directly relevant to Issue 5 on the List of Issues to be considered by the NEB in the hearing. Without knowing the degree of oversight of and responsibility for tankers that Trans Mountain will assume, it will not be possible for Squamish to effectively evaluate the risks associated with the Project and the potential environmental and socio-economic effects.</p>	<p>The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.</p>	<p>Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.</p>
1.4(d)	<p>What will the training requirements be for tanker crew members?</p>	<p>Information on training requirements is provided in Volume 8A (Marine Transportation). Please refer to:</p> <ul style="list-style-type: none"> • Section 1.4, and specifically page 8A-43. • Section 3.2.2.2, and page 8A-528. 	<p>Trans Mountain does not adequately answer the question. The referenced material provides information on the general requirements for training for tanker crews, but does not provide Project specific information, or information on how compliance with the training requirements will be</p>	<p>The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original</p>	<p>Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the</p>

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			monitored for the Project.	response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.4(e)	What oversight will be provided for tanker crew members?	Information in oversight of tanker crew members is provided in Volume 8A, Section 1.4. Please also refer to the response to Squamish Nation IR No. 1.4d.	Trans Mountain does not adequately answer the question. Trans Mountain just refers Squamish to a general section of the application that does not address the Trans Mountain specific oversight of tanker crews. If Trans Mountain is taking the position that oversight of tanker crews is the responsibility of the tanker operators then it should state that specifically in response to the request. The answer to 1.4(d) also does not specify the degree of oversight provided to tanker crews when operating tankers to service the expanded capacity at the Westridge Marine Terminal.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.5(a)	What information is available in relation to oil spills from double-hulled tankers? Please provide detailed information, including age of tankers, date of spills, amounts spilled, locations of spills and causes of spills.	Please refer to Volume 8C TR 8C-12, Termopol 3.15, Section 9.1.5 for an analysis of past oil spills. Trans Mountain believes that its Application contains appropriate and credible information to allow informed decision making in accordance with the National Energy Board's Letter, "Filing Requirements Related to the Potential Environmental and Socio-Economic Effects of Increase Marine Shipping Activities, Trans Mountain Expansion Project" dated 10 September, 2013.	Trans Mountain does not answer the question. Trans Mountain just refers to a section of the application that addresses oil spills generally, and does not specifically address oil spills from double-hulled tankers or provide information on the age of tankers, date of spills, amounts spilled, locations of spills and causes of spills. Squamish submits that information concerning spills from double-hulled tankers is relevant to the review of the Project, specifically Issue 5 - the potential environmental and socio-economic effects of marine shipping activities that would result from the proposed Project, including the potential effects of	Please see the response to Tofino_Long_Beach_CoC_IR_No.1.7, a, b, c (Filing ID (A3Y3T4)). The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. Trans Mountain just refers Squamish to the response to another intervenor. However, this response does not provide the details on the spills from double-hulled tankers as requested, it just comments on a report on spills referred to by the intervenor. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought

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			accidents or malfunctions that may occur, and, if double-hulled tankers are going to service the expanded capacity at the Westridge Marine Terminal, then Trans Mountain should be required to provide information on their past performance, including past accidents.	response, it may contest the information through evidence or final argument.	and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. The Squamish Nation, therefore, maintains its request for a full and adequate response to this information request.																																																								
1.5(b)	What information is available in relation to the types of incidents, accidents and malfunctions that can occur with escort tugs and tethered tugs?	The information request is not relevant to one or more of the issues identified in the National Energy Board’s List of Issues for the Trans Mountain Expansion Project. Trans Mountain believes that appropriate and credible information on oil spill modeling has been included with the application to enable the appropriate level of risk assessment to have been conducted and risk informed decision making in accordance with the National Energy Board’s Letter, “Filing Requirements Related to the Potential Environmental and Socio-Economic Effects of Increase Marine Shipping Activities, Trans Mountain Expansion Project” dated 10 September, 2013. No additional information is provided in this respect.	Trans Mountain refuses to answer the question. Squamish submits that information concerning accidents from escort and tethered tugs is relevant to the review of the Project, specifically Issue 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. In the application, Trans Mountain proposes to use tugs to escort tankers through Burrard Inlet, but has provided no information or statistics on the effectiveness of tugs in preventing accidents. If tugs are going to be used in Burrard Inlet, Squamish submits that the types of incidents, accidents and malfunctions that can occur with escort tugs and tethered tugs is a matter of significant concern for the review and for determining whether the Project is in the public interest. Therefore, Squamish requests that the NEB direct Trans Mountain to answer the request.	The requested information goes beyond what is relevant, given the scope of the defined Project and the Board’s List of Issues. Requests should be limited to matters relevant to the application. Where an IR seeks information that extends beyond the scope of the Project, and the response from the Intervenor is limited to matters relevant to the application, Trans Mountain notes that the Board has previously held that the proponent is not obligated to provide a response beyond what has been submitted. ¹ Therefore, this information would not assist the Board with the determinations it must make in this proceeding.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. Trans Mountain maintains its positions that the information is not relevant to the review of the Project, and does not substantively engage with the Squamish Nation’s submissions as to relevance. The Squamish Nation relies on its previous submissions that the request is relevant to Issue 5 of the List of Issues in the Hearing Order and further submits that it is also relevant to the factors to be considered in the environmental assessment, particularly to s. 19(1)(a) of the <i>Canadian Environmental Assessment Act</i> , 2012 - the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project. The Squamish Nation, therefore, maintains its request for a full and adequate response to this information request.																																																								
1.5(c)	How does the likelihood of spills vary in different locations along the proposed tanker routes?	Please refer to Volume 8C TR8C-12, TERMPOL 3.15, Section 7.3.2.	Trans Mountain does not answer the question and just refers Squamish to a section of the application, which does not provide details or a comparison of how the likelihood of a spill varies in different locations along the proposed tanker routes. The spill risk along the tanker route is relevant to the review of the Project and to the safety requirements to be imposed along the tanker route. The NEB must require a better answer to the request.	Table 18, which clearly shows the probability of an oil spill in the various route segments (shown in Figure 1). <div>Table 18 - Accidental Oil Cargo Spill return periods (in years) by Segment and Accident Type for Trans Mountain Tankers - Case 1b (2018 with Project)</div> <table><tr><th>Return period (years)</th><th>Seg 1</th><th>Seg 2</th><th>Seg 3</th><th>Seg 4</th><th>Seg 5</th><th>Seg 6</th><th>Seg 7</th></tr><tr><td>Collision</td><td>81,157</td><td>2,664</td><td>86,225</td><td>46,685</td><td>2,192</td><td>96,038</td><td>1,286</td></tr><tr><td>Structural failure</td><td>148,104</td><td>24,965</td><td>172,712</td><td>109,890</td><td>5,894</td><td>337,838</td><td>1,286</td></tr><tr><td>Fire / Explosion</td><td>74,477</td><td>12,554</td><td>118,624</td><td>75,415</td><td>4,210</td><td>258,398</td><td>14,667</td></tr><tr><td>Powered grounding</td><td>185,874</td><td>47,030</td><td>7,949</td><td>N*</td><td>1,605</td><td>N*</td><td>782</td></tr><tr><td>Drift grounding</td><td>1,212,121</td><td>165,153</td><td>15,408</td><td>15,267</td><td>7,463</td><td>31,546</td><td>619</td></tr><tr><td>Overall</td><td>25,836</td><td>1,914</td><td>4,619</td><td>9,151</td><td>617</td><td>20,432</td><td></td></tr></table> <div>Note: N* = Negligible frequency</div>	Return period (years)	Seg 1	Seg 2	Seg 3	Seg 4	Seg 5	Seg 6	Seg 7	Collision	81,157	2,664	86,225	46,685	2,192	96,038	1,286	Structural failure	148,104	24,965	172,712	109,890	5,894	337,838	1,286	Fire / Explosion	74,477	12,554	118,624	75,415	4,210	258,398	14,667	Powered grounding	185,874	47,030	7,949	N*	1,605	N*	782	Drift grounding	1,212,121	165,153	15,408	15,267	7,463	31,546	619	Overall	25,836	1,914	4,619	9,151	617	20,432		Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The information provided by Trans Mountain only shows the spill risk at particular segments along the route, not at each location on the route. The Squamish Nation requests that Trans Mountain provide the detailed information requested.
Return period (years)	Seg 1	Seg 2	Seg 3	Seg 4	Seg 5	Seg 6	Seg 7																																																						
Collision	81,157	2,664	86,225	46,685	2,192	96,038	1,286																																																						
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1.5(d)	Have the different likelihoods of spills in different locations along the proposed tanker route been used to formulate emergency response plans and, if so, specifically how have those likelihoods been used and how have they affected the response plans?	Trans Mountain engaged Det Norske Veritas, a classification society and provider of risk management services, to conduct a risk analysis of the shipping route between Westridge Marine Terminal and the Pacific Ocean (please see: A3S5F4 Tempol 3.15-General Risk Analysis and Intended Methods for Reducing Risks). This Risk Analysis identified five locations where a tanker faced an elevated risk of an accident that could potentially lead to an oil spill. This data was subsequently used for both stochastic and deterministic drift modeling. The results of this exercise served as a foundation to develop proposals for response times, shoreline cleaning standards, base locations and equipment that appear in the report: A3S5I9, Application Volume 8C, TERMPOL Reports, TR 8C-12 S12 – Review of Trans Mountain Expansion Project Future Oil Spill Response Approach Plan Recommendations on Bases and Equipment (“Future Plan”). Additionally, an oil spill simulation study (A3S5J0, Trans Mountain Expansion Project Oil Spill Response Simulation Study Arachne Reef and Westridge Marine Terminal) was used to challenge and validate the proposed base and equipment concepts detailed in the Future Plan. The development of a response plan is an evolutionary process that will undergo future refinements should the Trans Mountain Expansion Project be approved.	Trans Mountain does not fully answer the question. Trans Mountain does not specify how the likelihoods have been incorporated into the emergency response plans, which differ from the plan on recommendations on bases and equipment. It merely states that the “development of a response plan is an evolutionary process that will undergo future refinements”. It is not sufficient for Trans Mountain to defer providing this information. Squamish needs this information now to understand the potential impacts of the Project.	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.5(f)	Please provide specific information regarding the number of Panamax tankers to be loaded at the Westridge Marine Terminal per month.	Please refer to Section 2.2.1 of Volume 8A for a discussion of expected vessel types and traffic volume and Section 3.1.1 of Volume 8C TR8C-5, Tempol 3.7 for a discussion of vessel size distribution.	Trans Mountain does not answer the question. Information concerning the number of panamax tankers potentially to be loaded at the Westridge Marine Terminal is not found in the material referenced. The number of panamax tankers to be serviced at the Westridge Marine Terminal is relevant, as increasing the number of tankers may increase spill risk. Squamish needs this information in order to properly evaluate and respond to the application.	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better

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					response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.6(a)	What are the potential navigational hazards along the proposed tanker routes? Please identify these on a map and characterize them in terms of the nature of the hazard.	<p>Please refer to Volume 8C TR 8C-10 TERMPOL 3.5 /3.12 for an assessment of potential navigational hazards along the tanker route.</p> <p>Although maps are provided please refer to the relevant CHS charts for specific details.</p> <p>Please also refer to Volume 8C — TERMPOL 3.5 + 3.12, section 6 (page 546 of PDF) and Volume 8A — Marine Transportation — Reference on 8A-382.</p>	<p>Trans Mountain does not answer the question. In the response Trans Mountain does not provide maps with the nature of the navigational hazards along the proposed tanker routes identified. The parts of the application referenced do not contain the requested maps. Further, it is inappropriate to reference the CHS charts, which are not included in Trans Mountain's application.</p> <p>The hazards along the tanker route directly impact the potential risks of the marine shipping activities associated with the Project. The NEB, therefore, must require that this information is collected and provided.</p>	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.6(b)	Please identify and list the parameters for wind speed, wave height, daylight hours and geographical distance used in the application to determine spill likelihood. Please indicate how higher winds, waves and/or shorter daylight hours will affect spill likelihood and/or spill response.	The analysis of weather conditions, including wave conditions, used in the risk assessment by DNV can be found in Volume 8C TR8C-12, TERMPOL 3.15, Section 3.5 and is based on historical records and provides sufficient information to enable risk informed decisions to be made regarding tanker safety and spill preparedness.	Trans Mountain does not adequately answer the question. Trans Mountain does not respond to the second part of the request to indicate how higher winds, waves and/or shorter daylight hours will affect spill likelihood and/or spill response. The referenced section of the application does not provide this information. Squamish requests that the NEB direct Trans Mountain to provide a response to its request.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.6(g)	What type of and how much emergency response equipment would be carried on the tankers?	Tankers carry equipment onboard to deal with oil spills onboard. In case of an oil spill to the water, all ships are required to notify authorities, ensure	Trans Mountain does not answer the question. Trans Mountain just generally states that "[t]ankers carry equipment onboard to deal with oil spills onboard",	In addition to the normal generators and pumps, all ships are required to be fitted with emergency batteries and generator that will	Information request addressed.

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	Please provide specifics, such as the type of equipment, the number of pieces of equipment, such as skimmers, and the length of the boom that would be stored on each tanker.	safety of the crew, evaluate the continued safety and stability of the ship, undertake actions that assist in reducing the outflow of oil from the vessel and as the Responsible Party (RP) arrange for clean up. Tankers would therefore not be carrying skimmers and booms. Under the Canada Shipping Act tankers are required to have an arrangement with WCRMC.	but does not list the specific equipment that the tankers will be required to carry as requested. Without this information Squamish is unable to properly evaluate or respond to Trans Mountain’s application. The Board must require a better response to this question.	<p>maintain power to essential services and lighting in case of a total power failure. Amongst other equipment, emergency power will operate certain equipment including the ship’s alarms, radios, intercom, emergency fire pump to provide fire fighting water and foam service, fire smothering system, steering and bridge navigation equipment, etc. Personal protection equipment (PPE) available onboard to deal with emergencies include self contained breathing apparatus, gas meters, gas masks, etc. Life boats, life rafts and other life saving equipment are carried as mandated by regulations (SOLAS). The following is a list of equipment typically carried by tankers for dealing with small oil leaks and spills onboard, this does not include equipment and materials carried as part of the normal inventory for equipment or vessel maintenance:</p> <ul style="list-style-type: none">• 200 litres Oil Spill Dispersant (200 litres of Oil Spill Dispersant is the minimum amount to be maintained on board. Existing quantities can remain on board, for use, until quantities are reduced to 200 litres). Local Authorities and the Ship’s Management will be consulted before OSD can be used.• 1000 Oil Absorbent Pads• 1250 lbs Absorbent Pellets• Empty Oil Drums (some cut to size to fit under manifolds)• 6 long-handled stiff Deck Brooms• 6 large long handled Shovels• 12 Buckets plus Bailers• Various size Wooden Plugs as a first measure in sealing pipe leaks• Pipe Clamps (at least 2 for each size of cargo/COW/Bunker line to be clearly marked for which line it is intended.	

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				<ul style="list-style-type: none">• Rubber Sheeting for use with clamps;• One box of Devcon / Cordobond / Stop-it-type Sealant• One set of Spanners to fit clamps/dresser couplings/flanges• 2 Hammers and Spikes• 6 G-Clamps• 2 bags of Quick-Drying Cement• Wilden Pumps. There should be two Wilden pumps placed aft (one on each side). On those vessels fitted with drain valves to the slop tanks the valves are to be kept free and clearly marked as to method of operation.• 1 Eductor for use with O.S.D. (This is not intended for use with foam compound)• Long handled rubber squeegees• 12 pcs UVEX9301 standard eye goggles• 4 sets of eye irrigation sets• 1 chemical resistant apron• 6 pairs of chemical resistant gloves.	
1.6(h)	Would the crew on the tankers be trained in oil spill emergency response? If so, how many of the crew on the tankers would be so-trained? Would this be a requirement for the tankers and, if so, how and by whom, would that requirement be enforce?	Tanker crews are trained in accordance with The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) requirements. As part of their curriculum of training requirements oil spill emergencies onboard are covered. Please refer to Vol 8A, Page 8A–43.	Trans Mountain does not fully answer the question. Trans Mountain does not indicate and the referenced material does not provide information on how and by whom oil spill emergency response training would be enforced. Squamish requests a full answer to this request.	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.

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1.6(i)	How many individuals trained in oil spill emergency response will be physically located in the RSA and other locations along the tanker route? Please specify the numbers in each location.	For a detailed discussion of response bases and resources along the tanker route, please refer to A3S5I9, Application Volume 8C, TERMPOL Reports, TR 8C-12 S12 – Review of Trans Mountain Expansion Project Future Oil Spill Response Approach Plan Recommendations on Bases and Equipment. The specific number of individuals trained in oil spill emergency response is not available at this time but will be based on information in the cited report.	Trans Mountain does not answer the question. Trans Mountain just states that the requested information is not available at this time, but will be based on the information in the report cited. This is not acceptable. Squamish needs this information to evaluate and respond to Trans Mountain's application. Since the NEB has determined that there will be no opportunity to cross-examine Trans Mountain, Squamish needs this information before the next round of information requests to Trans Mountain. If this information is not available now, then the NEB should direct that Trans Mountain provide the requested information and that the time required to obtain the information be excluded from the calculation of the time limit pursuant to s. 52(5) of the <i>National Energy Board Act</i> .	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.6(j)	What are the estimated numbers of people that would be required to respond to an oil spill clean-up operation in the context of various estimated sizes of spills and various estimated amounts of impacted shorelines?	The number of responders employed will depend on a number of factors and vary on a case-by-case basis. For a detailed discussion of response bases and resources along the tanker route, please refer to A3S5I9, Application Volume 8C, TERMPOL Reports, TR 8C-12 S12 – Review of Trans Mountain Expansion Project Future Oil Spill Response Approach Plan Recommendations on Bases and Equipment. The specific number of individuals trained in oil spill emergency response is not available at this time but will be based on information in the cited report. Also note that shoreline cleanup is a complex function managed through the Unified Command based on information developed through the Shoreline Cleanup Assessment Technique (SCAT). Recommendations developed by SCAT will take into account the Net Environmental Benefit of any proposed shoreline treatment before personnel are assigned to cleanup a shoreline segment.	Trans Mountain does not answer the question. Trans Mountain just states that the requested information is not available at this time, but will be based on the information in the report cited. This is not acceptable. Squamish needs this information to evaluate and respond to Trans Mountain's application. Since the NEB has determined that there will be no opportunity to cross-examine Trans Mountain, Squamish needs this information before the next round of information requests to Trans Mountain. If this information is not available now, then the NEB should direct that Trans Mountain provide the requested information and that the time required to obtain the information be excluded from the calculation of the time limit pursuant to s. 52(5) of the National Energy Board Act.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.6(p)	In the event that booms are unavailable or inadequately deployed, please indicate other	Trans Mountain is a member of the certified response organization (RO), Western Canada Marine Response Corporation (WCMRC).	Trans Mountain does not answer the question. Trans Mountain instead states that "it is unlikely resources will be unavailable or inadequately deployed in the	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not

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	response/mitigation measures and equipment that will be available.	WCMRC will be the first responder to a marine oil spill beyond the confines of the Westridge Marine Terminal (WMT). Presently, WCMRC has 13,642 meters of containment boom staged on the South Coast (Burnaby, Vancouver Harbour, Delta Port) with an additional 8,000 meters that can be cascaded from South Vancouver Island. To support the Trans Mountain Expansion Project - and subject to final specification - WCMRC has proposed to increase their containment boom resources in proximity of the shipping route as follows: 1) to the east of Race Rocks, to a total of 30,000 meters; and 2) to the west of Race Rocks, to a total of 25,000 meters. In addition to containment boom resources, WCMRC operates a large contingent of mobile and stationary oil skimmers to support recovery tactics. Finally, WCMRC maintains mutual aid agreements with other response groups for personnel and equipment. Given the volume of these assets, it is unlikely resources will be unavailable or inadequately deployed in the event of a response. For further detail, please refer to A3S4Z0, Application Volume 8C, TERMPOL Reports, TR 8C-12 S12 – Review of Trans Mountain Expansion Project Future Oil Spill Response Approach Plan Recommendation on Bases and Equipment.	event of a response”. However, that is not what the request asked. The request asked Trans Mountain to indicate, in the event that booms are unavailable, what other response/mitigation measures and equipment will be available. This information remains outstanding and is needed by Squamish to properly evaluate and respond to Trans Mountain's application.	with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.6(q)	What challenges, limitations or restrictions exist in relation to British Columbia's or Canada's emergency response capability in the event of an oil spill in the project area?	Information on the response capability of the Province of British Columbia and the Canadian federal government cannot be supplied by Trans Mountain. Accordingly, Trans Mountain encourages the Squamish Nation to contact those entities directly to obtain that information.	Trans Mountain refused to answer the question. The emergency response capabilities of BC and Canada are relevant to the review of the Project, particularly as Trans Mountain is proposing to use third party services in relation to the third tier of emergency situations in its response plans. If this information is not available now, then the NEB should direct that Trans Mountain provide the requested information and that the time required to obtain the information be excluded from the calculation of the time limit pursuant to s. 52(5) of the <i>National Energy Board Act</i> .	As stated in the response, the Squamish Nation can contact the referenced governments regarding this information. The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for

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					a full and adequate response to this information request.
1.7(a)	Sunlight makes some petroleum hydrocarbons, i.e. polynuclear aromatic hydrocarbons, up to a thousand times more toxic through photoactivation. Please provide an insolation record measured hourly throughout the year in order to evaluate the scope for photoenhanced toxicity.	<p>Trans Mountain agrees that under certain circumstances, the toxicity of some PAH compounds within biological tissues can be enhanced by a process identified as phototoxicity, which is caused by ultraviolet light radiation causing photoactivation of certain PAH substances (notably anthracene, fluoranthene and pyrene). However, the ecological relevance of this reaction has been questioned (McDonald and Chapman 2002). While there are cases in the literature of phototoxicity in response to spilled oil, the best known incident involved the Cosco Busan spill in San Francisco Bay (Incardona et al. 2012). The attribution of observed effects on Pacific herring embryos following the Cosco Busan spill has, however, also been questioned (Pearson 2009).</p> <p>The Cosco Busan incident involved Bunker “C” oil, which was acknowledged by Incardona et al. (2012) as having much higher relative levels of many compounds (such as PAHs) than conventional crude oils. The Bunker “C” fuel from the Cosco Busan was a rich source of anthracene, fluoranthenes and pyrene when compared to conventional crude oil, such as Alaska North Slope Crude. Analysis of Cold Lake Winter Blend shows that it is chemically more similar to conventional crude oils with respect to PAH concentrations, and dissimilar to Bunker “C” fuel.</p> <p>Trans Mountain acknowledges the existence of phototoxicity as a mechanism of toxicity, but does not agree that it is a likely cause of significant biological effects in the unlikely event of an oil spill. Therefore, it is not considered necessary to provide a detailed record of solar insolation in the Project area.</p>	<p>Trans Mountain does not adequately respond to the question. Trans Mountain refuses to provide an insolation record for the Project. The toxicity of an oil spill from the Project is relevant to the potential environmental and socio-economic effects of the Project. Trans Mountain’s refusal to provide such a record is unacceptable. Without this information Squamish is unable to evaluate and respond to the potential effects of Trans Mountain’s application.</p> <p>If this information is not available now, then the NEB should direct that Trans Mountain provide the requested information and that the time required to obtain the information be excluded from the calculation of the time limit pursuant to s. 52(5) of the <i>National Energy Board Act</i>.</p>	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.7(c), 1.7(d), 1.7(e) and	c) What are the effects from an oil spill affecting kelp on the marine ecosystem, including species of importance to the exercise of	(c) A description of the inter-tidal and sub-tidal habitats within the Regional Study Area (RSA), including the importance of kelp beds, rockweed, eelgrass, is provided in Sections 4.7.1 and 4.7.2	Trans Mountain does not answer the questions. Squamish asks for the specific effects on kelp, rockweed, eelgrass, sponge and corals, and the subsequent effects on the marine ecosystem,	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish

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1.7(f)	<p>Squamish Nation's Aboriginal rights?</p> <p>d) What are the effects from an oil spill affecting rockweed on the marine ecosystem, including species of importance to the exercise of Squamish Nation's Aboriginal rights?</p> <p>e) What are the effects from an oil spill affecting eelgrass habitat on the marine ecosystem, including species of importance to the exercise of Squamish Nation's Aboriginal rights.</p> <p>f) Deep water sponge and corals, which rely on filter feeding, may be exposed to oil associated with sinking particulate matter resulting from a surface spill. Please characterize the likelihood and effects of this event.</p>	<p>of Technical Report 8B-7 of Volume 8B, Ecological Risk Assessment of Marine Transportation Spills Technical Report (Stantec Consulting Ltd. December 2013). Tables 5.3, 5.4, 5.5 and 5.7 of the Technical Report 8B-7 provide the Biological Sensitivity Factors (BSF) classifications for various receptor groups including the above noted shoreline and nearshore habitats, marine fish, marine birds, marine and terrestrial mammals and their supporting habitats. Salt marshes, eelgrass beds and other sensitive habitats are assigned the highest BSF of 4. The potential exposure of deep water sponge, corals and similar aquatic organisms are considered in the assessment through assignment to a specific BSF category, based on depth of the water in which they are located. BSF categories for other receptors within the marine fish community are assigned as outlined in Section 5.3.2 of Technical Report 8B-7. Data sources used in the evaluation of potential effects to these receptor groups are summarized in Table 4.4 of the Technical Report 8B-7. Technical Report 8B-7 discusses potential effects to each receptor group in terms of the probability of surface or shoreline oiling overlying the corresponding BSF category assigned. Results are presented for credible worst case and smaller spills at each of three hypothetical spill locations along the marine transportation route. This information is provided in Sections 6 to 8 of Technical Report 8B-7, as can maps showing areas with differential probability of oiling to both the water surface and shorelines as determined from stochastic oil spill modeling (Appendix A and B of Technical Report 8B-7).</p> <p>(d) Please refer to the response to Squamish Nation IR No. 1.7c.</p> <p>(e) Please refer to the response to Squamish Nation IR No. 1.7c.</p> <p>(f) Please refer to the response to Squamish Nation IR No. 1.7c.</p>	<p>including species of importance to the exercise of the Squamish Nation's Aboriginal rights. The tables referenced do not provide those specific effects. These are species that support marine ecosystems which the Squamish Nation rely on to exercise their Aboriginal rights. Squamish needs this information to be able to evaluate the potential effects of the Project on their traditional territory and practices.</p> <p>If this information is not available now, then the NEB should direct that Trans Mountain provide the requested information and that the time required to obtain the information be excluded from the calculation of the time limit pursuant to s. 52(5) of the <i>National Energy Board Act</i>.</p>	<p>this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.</p>	<p>Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.</p>

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1.7(j)	What specific longer-term effects could occur for recreational and commercial fish stocks and associated fishing as a result of a major spill?	<p>Socio-Economic effects to commercial and recreational fisheries resulting from oil spills are described generally in Section 5.6.1 of Volume 8A.</p> <p>Please refer to the response to Squamish Nation IR No. 1.7i for a summary of environmental effects to fish and fish habitat resulting from hypothetical spills at various locations along the marine transportation route.</p> <p>Technical Report 8B-7 of Volume 8B, Ecological Risk Assessment of Marine Transportation Spills Technical Report (Stantec Consulting Ltd. December 2013) gives equal weighting to all species of fish, and does not distinguish between those that are fished on a recreational or commercial basis.</p>	<p>Trans Mountain does not answer the question. Trans Mountain just refers Squamish to parts of the application that generally discuss the potential effects of a spill on commercial fishing, but do not specify what these effects would be in terms of the Project or set out which species would be affected. Further, in terms of the long-term effects of a spill on decreasing income from commercial fishing it is just stated in the material referenced that “other factors have influenced this change and discerning what is spill related has been difficult.” This is not adequate.</p> <p>Squamish people continue to fish within their traditional territory and the loss, or a decrease in, recreational and commercial fishing would significantly impact Squamish. Squamish needs specific information on the potential impacts of the Project on commercial and recreational fishing to be able to evaluate and respond to the Project.</p>	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.
1.8(b)	What are the effects of the use of dispersants on the marine ecosystem, including species of importance to the exercise of Squamish Nation’s Aboriginal rights.	<p>Dispersants are not approved for use in Canada. In the event of a spill, response strategies would be developed under an ICS structure and approved by Unified Command. This structure is expected to include Environment Canada and the BC.</p> <p>Trans Mountain Response to Squamish Nation IR No. 1 Ministry of Environment who would provide advice on environmental priorities. Any decision to use dispersants would be based on net environmental benefit analysis and would need approval of the appropriate regulatory authorities.</p> <p>Additionally, results of the Gainford meso-scale tests indicated that dispersants tested were only marginally effective on free-floating diluted bitumen for up to six hours. The dispersants tested were not effective on diluted bitumen that had weathered for over one day. Please refer to A3S5G2, Application Volume 8C, TERMPOL Reports, TR 8C-12 S7, A Study of Fate and Behaviour of Diluted Bitumen Oils on Marine Waters, Section 5 for a discussion on the use of dispersants on diluted bitumen.</p> <p>The effects of dispersed oil on biota is well</p>	<p>Trans Mountain does not answer the question, but instead refers Squamish to a study that is not part of their application. This is unacceptable.</p> <p>If Trans Mountain will be potentially applying to use dispersants for a spill associated with the Project, then it should be required to provide an assessment of the potential effects of dispersants on the marine ecosystem. Further, this study does not provide an assessment of the effects of dispersants on species within the Project area, or on species that are of particular importance to the Squamish Nation. Squamish requests that the NEB direct that Trans Mountain provide a full and adequate answer to this request.</p>	The requested information has been provided and Trans Mountain’s response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.

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		addressed in The National Academy of Sciences report on "Using Oil Spill Dispersants on the Sea." Dispersants would not be applied in areas where there is insufficient water depth to allow for dilution to concentrations that do not pose a risk to human health.			
1.8(c)	What are the potential effects from shoreline clean-up operation options? Please include all potential effects, including to the environment, water, fish, wildlife, marine resources including plants and micro-organisms, and Squamish Nation's Aboriginal rights and interests.	<p>The environmental effects of clean-up actions undertaken in response to an oil spill would depend on a number of factors, including the type of clean-up activity implemented (e.g., low pressure high volume washing, sediment agitation or tilling, physical removal of substrates, application of dispersants, etc.), the type(s) of habitats affected, and the spatial extent of oiling. A decision on clean-up actions undertaken in response to any oil spill would be based on the potential effects to the receiving environment including consideration of factors such as human health, public safety, and environmental endpoints. Endpoints are characteristics of the environment that are considered to be acceptable conditions after clean-up and remediation (e.g., the amount of residual hydrocarbon remaining along shorelines or in sediments, hydrocarbon concentrations in representative biota [e.g., invertebrates], the distribution and/or abundance of key species in the affected habitats, etc.). At a certain point in time, the environmental benefits that would be gained from further removal of residual hydrocarbons would be outweighed by potential damage caused by the clean-up or treatment activities.</p> <p>During and after the clean-up of a large oil spill, the spill command structure (including response team, government authorities, Aboriginal communities and other stakeholders) may review the remediation endpoints for the clean-up in combination with a Net Environmental Benefits Analysis (NEBA). The NEBA assesses the net environmental benefits gained by further clean-up and remediation, in consideration of the environmental injuries caused by those activities, with the objective of enhancing recovery</p>	Trans Mountain does not answer the request. Trans Mountain does not provide the potential effects including to the environment, water, fish, wildlife, marine resources including plants and micro-organisms, and the Squamish Nation's Aboriginal rights and interests. Trans Mountain just provides information on when clean-up is appropriate, which does not answer the request. This request, therefore, remains outstanding.	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.

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		outcomes while minimizing further environmental damage. Each spill situation is unique in this respect; therefore, the specific clean-up actions that would be undertaken, and the environmental effects resulting from these actions, would be specific to the event. However, the goal in every spill situation will be to implement clean-up actions that minimize environmental damage and enhance recovery.			
1.8(d)	What information is available to show how effective oil spill recovery measures have been elsewhere in the world, and what problems have occurred with successful implementation of those measures?	Marine oil spills are individually unique short-lived events making valid comparative analyses among them challenging. Factors such as the type of oil spilled; the fate and effects of the product as it weathers; detection; and response time all combine to significantly affect the success of the recovery measures used on different spills. International organizations such as the International Tanker Owners Pollution Federation (ITOPF), International Petroleum Industry Environmental Conservation Association (IPIECA), Interspil and the International Oil Spill Conference have all published volumes of publicly accessible information on oil spills. Trans Mountain encourages the Squamish FN to review publications from those organizations, as they would apply to the specific area of interest.	<p>Trans Mountain does not fully answer the question. Trans Mountain does not provide information on how effective oil spill recovery measures have been elsewhere in the world, it only cites potential sources for the information, without even referring to particular publications. Trans Mountain also does not answer the question on the problems that have occurred with successful implementation of oil spill recovery measures.</p> <p>These questions are relevant to NEB Issue 11 - contingency planning for spills, accidents or malfunctions, during construction and operation of the project and to NEB Issue 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. Moreover, Squamish needs this information to properly evaluate and respond to Trans Mountain's application.</p>	The requested information has been provided and Trans Mountain's response is full and adequate. The response provides the Board with all necessary information pertaining to this matter. There is no further response required and supplementing the original response will not serve any purpose. Trans Mountain notes that if the Intervenor disagrees with the information contained in the response, it may contest the information through evidence or final argument.	Trans Mountain's response does not provide the requested information, or provide a sufficient rationale for not providing the information. The Squamish Nation relies on its previous submissions in relation to the significance of the information sought and the inadequacy of the original response. The information sought is both relevant and necessary to the NEB's review of the Project. Without this information, the Squamish Nation will not be able to understand, evaluate or respond to the Project. It is, therefore, critical that the NEB demand a better response to this reasonable request. The Squamish Nation maintains its request for a full and adequate response to this information request.