

National Energy
Board



Office national
de l'énergie

Statement of Opposition 2019 Trans Mountain Expansion Project Detailed Route

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

Please read carefully Important Information to know in completing this Form

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

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

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

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

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

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

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

Process Advisors can also be reach by email at: TMX.ProcessHelp@neb-one.gc.ca.

Part A – Notice of the 2019 Detailed Route Application

Check one:

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

OR

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

Check:

☒ Registered owner ☐ Tenant ☐ Lease Holder ☐ Occupier of lands

☐ Indigenous community

Part B – Description of Lands for this Statement of Opposition

(a) **2019 TMEP Detailed Route Segment(s) and Tract Number(s) (if known):** Segment 6; PC 7494

(b) **Property Identifier(s) of the land(s):** 017-856-639

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

Lot 1 Except: Part Road on Plan LMP7201, Part Subdivided by Plan BCP22225 Section 31 Township 11

New Westminster District Plan LMP5406

Part C – About You

Name	Doug Hawley	Property address	22011 88 Ave
Title/position	Managing Director	City/town	Langley (City)
Organization	Redwoods Golf Course Ltd.	Province	British Columbia
Telephone	604-882-5130	Postal code	V1M 3SB
Facsimile	604-882-5153	Email	dhawley@redwoods-golf.com

Part D – If you have an Authorized Representative

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

Name	Brad Martyniuk	Property address	1800 - 401 West Georgia
Title/position	Partner	City/town	Vancouver
Organization	Lindsay Kenney LLP	Province	British Columbia
Telephone	604-687-1323	Postal code	V6B 5A1
Facsimile	604-687-2347	Email	bmartyniuk@klaw.ca

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

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

- (a) ☐ I did **not** file a Statement of Opposition – Complete **Part F**
- (b) ☒ I **filed** a Statement of Opposition (check appropriate box below):
- i. ☐ I **withdrew** my statement of opposition – Complete **Part F**
 - ii. ☐ I was **not** granted a detailed route hearing – Complete **Part F**
 - iii. ☒ I was **granted** a detailed route hearing (Hearing # MH-040-2018) (check appropriate box below):
 - ☒ The Board did **not** make a decision in my detailed route hearing – **Part F** is Optional
 - ☐ The Board **made** a decision in my detailed route hearing – Complete **Part F**

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

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

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

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

- (a) Describe your reasons for opposing the proposed route, including the circumstances that you believe have materially changed since 2017.

See attached Schedule A

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

See attached Schedule A

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

See attached Schedule A

Part G – Appropriate Dispute Resolution (ADR)

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

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

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

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

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

The Board does not accept filings by email.

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

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

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

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

Print Name: Brad Martyniuk, Counsel

Signature: 

Date of this Statement of Opposition (DD MM YYYY): 02/10/2019

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1800, 401 West Georgia Street
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Founded in 1980

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REPLY TO: Brad Martyniuk
EMAIL: bmartyniuk@lklaw.ca
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October 2, 2019

BY REGULAR MAIL
BY SUBMISSION

National Energy Board
517 Tenth Avenue SW
Calgary, AB T2R 0A8

Attn: Acting Secretary

Trans Mountain Pipeline ULC
c/o Progress Land Services Ltd.
12831 – 163rd Street NW
Edmonton, AB T5V 1M5

Attn: Trans Mountain Expansion Project

Dear Sirs/Mesdames:

Re: Trans Mountain Pipeline Project – Notice of Opposition to Proposed Detailed Route

We are counsel for Redwoods Golf Course Ltd. ("Redwoods").

Please accept this letter as a formal statement of opposition pursuant to section 34(3) of the *National Energy Board Act* (the "Act") by Redwoods to the Notice Pursuant to Section 87(1) of the National Energy Board Act, issued by Trans Mountain Pipeline ULC ("TransMountain") regarding a proposed detailed route of a pipeline (the "Notice").

Please note that this is Redwoods' third formal statement of opposition pursuant to section 34(3) of the Act as TransMountain has, on or about August 14, 2019, prepared a revised proposed detailed route of a pipeline (the "August 14 Proposal"). The August 14 Proposal was served on Redwoods' counsel on or about September 9, 2019.

We advise that the Redwoods has also received a notice pursuant to section 87(1) of the Act with respect to the September 19, 2019 proposal. However, it appears that the August 14 Proposal has been posted to the National Energy Board's website.

Terence A. Dunn
Angela E. Thiele*
Timothy J. Delaney*
Paul G. Kent-Snowsell*
Bradley T. Martyniuk*
Trevor S. Fowler*
Joel R. Hagyard*
Timothy N. Grier*
Christopher D. Martin*
Timothy D. Goepel*
Erin J. Easingwood*
Perminder S. Tung*
Paul Kennedy
Tamara Dewar*
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J. Reilly Pollard
Cassandra Drake
Pamela Lindsay
Matthew Stainsby
Fanda Wu
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Associate Counsel:
Dennis B. Peterson*
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Robert B. Kearn*
Jamie Gopaulsingh*

*Law Corporation
▲Registered Trademark Agent
●also of the Law Society
of England & Wales
■also of the Washington and California Bar
"also of the Illinois Bar"

Redwoods is the registered owner of, and has a Right to Purchase agreement in place with the Township of Langley for, lands located at 22011 – 88th Avenue in Langley, British Columbia, legally described as:

PID: 017-856-639

Lot 1 Except: Part Road on Plan LMP7201 Part Subdivided by Plan BCP22225

Section 31 Township 11 New Westminster District Plan LMP5406

(the "Lands")

Redwoods and TransMountain have continued to work cooperatively and in good faith in an effort to address issues of concern relating to the pipeline. However, there has been no agreement to date on the issues outstanding that impact Redwoods' ability to use the Lands along the proposed pipeline route.

The Lands are the location of the Redwoods Golf Course (the "Golf Course"). As compared to undeveloped bare land or farming areas, for example, the pipeline's impact on the Lands / Golf Course is significantly greater. The following is a non-exhaustive list of objections that Redwoods has compiled with respect to the proposed location of the pipeline. New objections are underlined below:

1. The proposed location of the pipeline unreasonably interferes with, or will materially impact, the continuous operation of the Golf Course. In particular, the proposed route will necessitate construction over and destruction of tee boxes, fairways and possibly mature greens. Despite reasonable attempts at restoration of these lands, the pipeline construction and resulting removal of various tree stands will have a lasting effect on the quality of the Golf Course and will raise increased public safety issues.
2. The proposed location of the pipeline will, for the duration of construction and for a number of years following construction, adversely affect the economic viability of the Golf Course. This impact will likely have an effect for multiple seasons into the future and, depending on the impact to the greens, tee boxes and fairways, could take significantly longer.
3. The proposed location of the pipeline would adversely affect the Golf Course's ten watercourses, seven ponds and other wetted areas, including fish habitats.
4. The proposed location of the pipeline would require the removal of a number of forested areas that would likely not be able to be re-grown, or could take decades to do so. This could also impact the waterways within the forested areas, including an impact to their temperature regulation. This will also negatively impact the aesthetics of the Golf Course and alter its playability.
5. Environmental indemnification of Redwoods resulting from activities related to construction and the disturbances of soil, potential regulatory impacts etc. Additionally, the issue of environmental indemnification as it pertains to the use of the pipeline after completion has not been resolved satisfactorily.
6. There are engineering, design and proposed easement wording issues, matters of ingress and egress, including the safe crossing by vehicles, especially large trucks, and other economic disruptions during construction. In particular, the new proposed route includes a

new access road that will cross golf-cart bridges that cannot support crossing by vehicles, large trucks and other construction vehicles. The proposed access roads will not be supportable as currently designed as a result.

7. The adverse impact on Redwoods and the Golf Course could also be minimized through a change in the construction methodology. Redwoods proposes an off-season trenchless cross, subject to geotechnical conditions. This would minimize surface disruption, including to the various ecological features present on the lands. In particular, trenchless crossing of Redwoods would minimize the remove of specimen trees. This is consistent with the approach taken for other projects where golf courses were successfully crossed.
8. The adverse impact on Redwoods and the Golf Course could be minimized through a minor variation in the pipeline route.

We also note that there are costs relating to the Golf Course restoration including environment issues, irrigation issues and public safety issues regarding which no agreement has been reached to date.

Accordingly, Redwoods objects to the proposed location of the pipeline on the Lands and requests that a Detailed Route Hearing be held in accordance with section 35 of the *Act*.

Yours truly,

Lindsay Kenney LLP



Per:
Brad Martyniuk

BTM:ms