



August 26, 2022

Canada Energy Regulator
ATTN: Ramona Sladic, Secretary of the Commission
Suite 210, 517 10 Ave SW
Calgary, AB T2R 0A8

RE: July 20, 2022 notice of motion relating to wetland WT-724 (BC)

Dear Ms. Sladic,

Thank you for your letter dated August 9, 2022 (C20459-1) responding to our notice of motion dated July 20, 2022 (C20183).

While we appreciate the intention behind transferring our concerns to Canada Energy Regulator (CER) staff to address through the CER's compliance programs, the fact that previous complaints submitted in relation to actions taken by Trans Mountain near the wetland of concern (WT-724) remain unresolved¹ raises fears that action will not be taken by the CER until after the clearing of WT-724 commences.

Since filing our notice of motion, we have endeavoured to collect and review information Trans Mountain used to justify a trenched crossing method for WT-724, including retaining two independent biologists whose initial reports we attach to this letter as Appendices A and B.² We have filed information requests with both the provincial and federal governments, and have directly asked Trans Mountain for information and documentation mentioned in its regulatory filings, including its wetland crossing plan for WT-724.

While we have been able to obtain some of this information, Trans Mountain has refused to acknowledge our request for the wetland crossing plan or any additional information relating to its plans for WT-724, including the timing of when work will commence. Trans Mountain has also refused our request to allow our independent biologists to conduct surveys for barn owls

¹ Peter Vranjkovic filed a complaint on July 4, 2022. Additional information was added to it on July 24, 2022. As of the date of writing, the last communication from CER staff, dated August 16, 2022, was to indicate that they are still determining next steps. To our knowledge, however, clearing activities within WT-724 could commence as soon as August 31, 2022.

² Notably, the report by Aimee Mitchell questions whether salvaging for coastal giant salamanders fits within recovery strategy for the species.

and other nesting birds as well as coastal giant salamanders within WT-724. Interestingly, despite telling us that their refusal is based on the fact they have committed thousands of manhours of environmental professionals' time to the Trans Mountain Expansion Project, their own documentation³ suggests that no survey has been conducted for coastal giant salamanders for the watercourse crossings adjacent to WT-724 and no information is provided as to whether a survey was conducted for WT-724. Furthermore, despite this stated commitment by Trans Mountain to environmental due diligence, as we stated in our notice of motion, the nests of birds in WT-724 would have been destroyed if we had not intervened this past spring.

Ultimately, whether action is taken to address our concerns by the Commission, the CER's Complaint Resolution Process, or informally with dialogue between us and Trans Mountain does not matter to us. We would ask, however, for the Commission to work with the CER to expedite the unresolved complaints relating to WT-724 and order Trans Mountain to provide us with the following information and documentation before clearing and construction work commences within WT-724:

- detailed information about when clearing and construction work will commence within WT-724;
- a copy of the approved wetland crossing plan for WT-724; and
- contact information for the environmental professional who will be on site when clearing and construction work will be taking place within WT-724.

In light of the conclusion of one of our biologists that salvaging of coastal giant salamanders does not align with that species' recovery strategy and the fact that the Least Risk Window for crossing one of the watercourses adjacent to WT-724 (i.e. August 1 to September 15 for BC-706a1) will soon pass, we also implore you to either order Trans Mountain to reconsider its crossing methodology for WT-724 in light of this information or more specifically to apply for a trenchless crossing method for the area.

Additionally, we attach as Appendix D a letter one of this letter's signatories recently had sent to Trans Mountain regarding concerns relating to the potential hydrological impacts of Trans Mountain's planned clearing of WT-724. While this other letter may deal with a distinct issue relating to WT-724 as our notice of motion, we include it because the lack of meaningful responses from Trans Mountain to our attempts to communicate with them have put us in the position where need to try all methods possible to be heard.

Thank you for considering this letter.

Sincerely,
Cara Cornell, Peter Vranjkovic, Lynn Perrin, Director PIPE UP Network

³ See excerpt, attached as Appendix C, from Trans Mountain's amphibian salvage for the area (PERMIT SU20-278103) showing that no survey for coastal giant salamanders was conducted for the watercourse crossings adjacent to WT-724.