

Attachment 2 Detailed route approval

Section 2A Status of all detailed route processes and decisions

Detailed route hearings

Hearing	Hearing granted to	SOO Withdrawn	Oral portion completed	Decision released
Segment 1				
MH-003-2017	Harvey, Sharon, and Blaine Wild	•		
Segment 2				
MH-004-2017	Asini Wachi Nehiyawak Traditional Band (Mountain Cree)	•		
MH-005-2017	Cody Baker and Stacey Fehr	•		
MH-006-2017	Michael Bembeneck	•		
MH-007-2017	Shawn Berry		•	•
MH-008-2017	Tom and Lucille Booker	•		
MH-009-2017	Trudy Challborn	•		
MH-010-2017	Cribb Construction		•	•
MH-011-2017	Elite Modarba Group Ltd.	•		
MH-012-2017	Dan Gottert	•		
MH-013-2017	Tim Gylander	•		
MH-014-2017	Dan Harris	•		
MH-015-2017	John Homeniuk	•		
MH-016-2017	Sharon McGuire	•		
MH-017-2017	Dianne Murray		•	•
MH-018-2017	Stuart Palk and Wendy Bailer-Palk		•	•
MH-019-2017	Keelan Petterson ¹	•	•	
MH-020-2017	Lynn Petrin	•		
MH-021-2017	Linda Pinette	•		

¹ Following the oral portion of the hearing, the Board reserved its decision and directed Trans Mountain to file further information. Mr. Petterson subsequently withdrew his SOO prior to the Board issuing its final decision.

Hearing	Hearing granted to	SOO Withdrawn	Oral portion completed	Decision released
MH-022-2017	Erich Ploentzke		•	•
MH-023-2017	Dale and Lorna Plummer and Carly Morin		•	•
MH-024-2017	Rainbow Beach Developments Inc.	•		
MH-025-2017	Janet and Lyle Russell		•	•
MH-026-2017	Javier and Annmarie Sarango		•	•
MH-027-2017	Calvin and Susan Shantz	•		
MH-028-2017	Jesse Smith	•		
MH-029-2017	Lehigh Hanson Materials Limited	•		
MH-030-2017	Gerald Stroud		•	•
MH-060-2017	Victoria Maitland and John Gordon MacKay		•	•
MH-050-2018	Alice Kalinowski	in progress		
Segment 3				
MH-062-2017	BC Transportation Financial Authority	•		
MH-067-2017	Intrawest ULC Inc.	•		
MH-069-2017	Maria Lerch	•		
MH-073-2017	Ross McMath	•		
MH-074-2017	Lisa Morash and Terrance Power	•		
MH-075-2017	Brian Morrow	•		
MH-076-2017	Gerhard Oberauer	•		
Segment 4				
MH-061-2017	682253 BC Ltd.	•		
MH-063-2017	Louisa Capostinsky	•		
MH-064-2017	Steve Capostinsky	•		
MH-065-2017	Bill and Mary Elhers	•		
MH-066-2017	Denika Heaton	•		
MH-068-2017	Carol Jensen	•		

Hearing	Hearing granted to	SOO Withdrawn	Oral portion completed	Decision released
MH-070-2017	Little Fort Herefords ²		•	
MH-071-2017	Heather and Warren MacLennan	•		
MH-072-2017	Lynda MacLennan	•		
MH-077-2017	Lorne Purcha	•		
MH-078-2017	John Richardson and Robert McMahon		•	•
MH-079-2017	Bernard Uster ³	•		
MH-080-2017	Williewin Ranch Ltd.	•		
Segment 5				
MH-001-2018	Diane and Grant Hoffman	•		
MH-002-2018	Nestlé Canada Inc.		•	•
MH-003-2018	1054408 BC Ltd.		•	•
MH-004-2018	Eleonora Anderson	•		
MH-005-2018	Compulogic Systems Inc. (Black Diamond Ranch)	•		
MH-006-2018	89 Cattle Co. Ltd.	•		
MH-007-2018	Pembina Pipeline Corporation	•		
MH-008-2018	Sugarloaf Ranches Ltd.		•	
MH-009-2018	KGHM Ajax Mining Inc.		•	
MH-010-2018	Westcoast Energy Inc.	•		
MH-011-2018	Noela Champagne and Douglas Bain	•		
MH-012-2018	Ildeberto Jose and Shelley Ann Kathrine Demelo ⁴	•		
MH-013-2018	Coldwater Indian Band		•	
MH-014-2018	Stk'emlupsemc te Secwepemc of the Secwepemc Nation		•	

² Following the oral portion of the hearing, the Board reserved its decision and directed Trans Mountain to file further information. A final decision was not released.

³ The Board considered Mr. Uster's SOO to be withdrawn as a result of him not showing up to the oral portion of the hearing.

⁴ The Board considered the Demelos' SOO to be withdrawn as a result of them not showing up to the oral portion of the hearing.

Hearing	Hearing granted to	SOO Withdrawn	Oral portion completed	Decision released
MH-015-2018	Juliann Kimoff	•		
MH-016-2018	Rosanne Kimoff	•		
MH-046-2018	Agnes Jackson	•		
MH-051-2018	Debbie and Greg Dixon	•		
Segment 6				
MH-017-2018	Ken Blankstein	•		
MH-018-2018	Sabina and Yvonne Blieberger		in progress	
MH-019-2018	Robert Breckenridge		in progress	
MH-020-2018	City of Chilliwack		in progress	
MH-021-2018	Ian Cooke	•		
MH-023-2018	Martha Drennan		in progress	
MH-024-2018	Rachel Drennan		in progress	
MH-025-2018	Rudolf and Debra Enns		in progress	
MH-026-2018	G.A.N.M. Farms & Investments Ltd.	•		
MH-027-2018	Barbara Gard		in progress	
MH-028-2018	Hugh and Barbara Gray		in progress	
MH-029-2018	Keith Hewitt		in progress	
MH-030-2018	Natalie Jones		in progress	
MH-031-2018	Ernest and Christina Kehler	•		
MH-032-2018	Nicholas Kleider		in progress	
MH-033-2018	Marta McIntosh and Charles Morton		in progress	
MH-034-2018	Kirsten Pudas		in progress	
MH-035-2018	Red Head & Freckles Holdings Inc.		in progress	
MH-036-2018	Matthew Redekop		in progress	
MH-037-2018	Suzanne Hale		in progress	
MH-038-2018	Trimac Transportation Services Inc.		in progress	
MH-039-2018	Ts'elxwéyeqw Tribe Management Ltd.	•		
MH-040-2018	Redwoods Golf Course Ltd.		in progress	
MH-041-2018	Township of Langley		in progress	
MH-042-2018	Wade Wade	•		
MH-043-2018	Orrin and Carol Staplin		in progress	

Hearing	Hearing granted to	SOO Withdrawn	Oral portion completed	Decision released
MH-044-2018	Tamara Witzel		in progress	
MH-045-2018	Carl Janzen		in progress	
Segment 7				
MH-032-2017	AG Hair Ltd.	•		
MH-033-2017	City of Burnaby ⁵		•	•
MH-034-2017	City of Coquitlam		•	•
MH-035-2017	City of Surrey	•		
MH-036-2017	Fraser Heights Community Association		•	•
MH-037-2017	Fraser Mills Properties Ltd., Inc. No. 704848	•		
MH-038-2017	Habitat for Humanity Greater Vancouver	•		
MH-039-2017	Katzie First Nation	•		
MH-040-2017	King Edward Holdings Ltd. Inc. No. BC1097093	•		
MH-041-2017	Lafarge Canada Inc.	•		
MH-042-2017	Ministry of Technology, Innovation and Citizens' Services (Real Property Division, Asset Management Branch)	•		
MH-043-2017	The Nature Trust of British Columbia	•		
MH-044-2017	Solid Rock Holdings Inc.	•		
MH-045-2017	South Coast British Columbia Transportation Authority	•		
MH-046-2017	Underhill Lands Ltd.		•	•
MH-047-2017	Vesta Properties Ltd.	•		
MH-048-2017	Leoran and Marion Anhorn	•		
MH-049-2017	Holly Chan		•	•
MH-050-2017	Steve Cook		•	•
MH-051-2017	Karim and Anar Dossa		•	•
MH-052-2017	Lily and Frank Fan		•	•

⁵ Two decision documents were released for MH-033-2017; one for the Tunnel Section and one for all other lands opposed by the City of Burnaby.

Hearing	Hearing granted to	SOO Withdrawn	Oral portion completed	Decision released
MH-053-2017	Min Guo		•	•
MH-054-2017	Reg Handford	•		
MH-055-2017	David John Huntley		•	•
MH-056-2017	Lili Jia	•		
MH-057-2017	Claudia Leung		•	•
MH-058-2017	Michael Radano		•	•
MH-059-2017	Berend and Greetje Steunenberg	•		
MHW-002-2018	Musqueam Indian Band ⁶	in progress		

Substituted service orders issued

Order	Owner
MO-007-2017	Robert Pooli
MO-008-2018	Julia Ewashko and John Edward Ewashko
MO-009-2018	Joyce Eleanor Van Veelen
MO-010-2018	Darlene Sharon Grandbois
MO-011-2018	Richard Francis Calcutta
MO-012-2018	Alice Kalinowski
MO-013-2018	Janet May Jacqueline Kunka
MO-014-2018	Su-Chuan Chan and Chun-Chang Hung
MO-015-2018	James C. Kavanagh
MO-018-2018	Theresa McMahan
MO-065-2018	Balwinder Kaur Ghag, Swarn Singh Ghag, and Gurnit Kaur Ghag

⁶ Detailed Route Hearing MHW-002-2018 was designed to be a written process only.

PPBoR orders issued

Order	Applies to lands in Segment(s)						
	1	2	3	4	5	6	7
For opposed lands subject to detailed route hearings (including buffer lands)							
OPL-T260-002-2018							•
OPL-T260-003-2018		•					
OPL-T260-004-2018		•					
OPL-T260-006-2018		•					
OPL-T260-007-2018		•					
OPL-T260-008-2018		•					
OPL-T260-010-2018		•					
OPL-T260-012-2018							•
OPL-T260-013-2018							•
OPL-T260-014-2018							•
OPL-T260-017-2018				•			
OPL-T260-018-2018		•					
OPL-T260-019-2018		•					
For unopposed lands							
OPL-T260-002-2017			•	•			
OPL-T260-003-2017 ⁷	•	•					
OPL-T260-001-2018					•		
OPL-T260-005-2018		•					
OPL-T260-009-2018 ⁸		•					
OPL-T260-011-2018			•	•			
OPL-T260-015-2018							•
OPL-T260-016-2018	•	•	•	•			

⁷ Subsequently amended by [AO-001-OPL-T260-003-2017](#), and then by [AO-002-OPL-T260-003-2017](#)

⁸ PPBOR Amendment (deviation) application received [20 August 2018](#) (Tract 533; Homeniuk).

Section 2B Details of the proposed approach for detailed route processes and decisions

Trans Mountain would not be required to seek approval of the form of PPBoR or publication plan unless a change from the previously approved documents is proposed. Trans Mountain would, however, be required to refile PPBoRs for the pipeline and personally serve and publish newly approved notices for its entire length. The Board would issue notices to potentially affected Indigenous peoples. This service and publication will be referred to as the “New Notice,” while the service and publication conducted in 2017-18 will be referred to as the “Original Notice.”

Substituted service orders

The likelihood that personal service could be effected and how documents could reasonably be brought to a person’s attention may have changed since Trans Mountain attempted to serve the Original Notice. Previously issued substituted service orders would therefore be rescinded and Trans Mountain would need to file new applications where personal service cannot be effected.

PPBoR orders and PPBoR amending orders

Since opposition to different parts of the refiled PPBoR could occur in response to the New Notice, previously issued PPBoR orders and PPBoR amending orders would be rescinded. If the proposed approach is adopted, Trans Mountain would withdraw the deviation application in process and, instead, include the revisions in its refiled PPBoR. The Board would issue new PPBoR orders for unopposed lands and following any detailed route processes, as set out below.

Detailed route decisions and processes underway

Landowner opposition

Issued detailed route decisions would stand if no SOO is filed. In that case, the Board would issue PPBoR orders for the lands, subject to any conditions imposed in the detailed route decision. Accordingly, no action on the part of a landowner would be required to ensure that Trans Mountain continues to be bound by those conditions.

The Board would conduct a review of any detailed route decision issued where a SOO raises valid concerns with respect to changes in Trans Mountain’s plans (i.e., changes to the route, or the method or timing of construction) or in relation to the lands themselves (i.e., different circumstances on the lands).

For detailed route hearings that were in progress, landowners would need to register their continued objection by filing a SOO within 30 days of service or publication of the New Notice. If the SOO does not raise a change in Trans Mountain’s plans or the lands, the Board would rely on the prior record and complete any remaining process steps before issuing a decision.⁹ If valid

⁹ Oral hearings had concluded and the decision issuance is the only remaining process step for MHW-070-2017 (Little Fort Herefords) and MH-008-2018/MH-009-2018 (Sugarloaf Ranches Ltd. and KGHM Ajax Mining Inc.). Should SOOs be filed in response to the New Notice, the Board may seek comments on process specific to these hearings as the Board Panel that heard the oral evidence is no longer available to make the decision.

concerns are raised with respect to changed circumstances, the Board would add process steps, as necessary, to obtain and test any new evidence.

Landowners that did not previously file a SOO or that withdrew their filed SOO in relation to the Original Notice may file a SOO in response to the New Notice. The Board would hold a hearing for any such SOOs that relate to detailed routing issues, are filed on time, and raise matters that could not have been raised in response to the Original Notice.

The scenarios can be summarized as follows:

Landowners	SOO on Original Notice – Detailed route decision issued	SOO on Original Notice – Process underway but not completed	No SOO on Original Notice or SOO withdrawn
SOO on New Notice – changed circumstances	Hearing held for SOO as a review of the prior decision	Remaining process steps and any required additional steps completed before decision issued	Hearing held for SOO
SOO on New Notice- no changed circumstances	SOO rejected, decision stands; PPBoR order can be issued	Remaining process steps completed before decision issued	SOO rejected; PPBoR order can be issued
No SOO on New Notice	Decision stands; PPBoR order can be issued	Treat SOO as withdrawn; PPBoR order can be issued	PPBoR order can be issued

Trans Mountain would be required to explain the approach in its sample notices. Trans Mountain could prepare separate sample notices for service in respect of each category of landowner (i.e., those subject to a detailed route decision, those with a hearing in process, and those that did not previously participate). Board approval of these notices is required. The Board would also make its Process Advisors available to assist landowners.

SOOs from Indigenous peoples

Canada has redone its Phase III consultation process. The Board is of the view that this would be a change in circumstance applicable to all potentially affected Indigenous peoples.

No detailed route decisions had been issued in respect of Indigenous peoples at the time the *Tsleil-Waututh* judgment was released, but three were in progress.¹⁰ Should these groups file SOOs in response to the New Notice, the Board would consider the evidence already on the record and add any required process steps before issuing a decision. For example, additional

¹⁰ MH-013-2018 (Coldwater Indian Band), MH-014-2018 (Stk'emlupsemc te Secwepemc of the Secwepemc Nation), and MHW-002-2018 (Musqueam Indian Band).

process could be held to hear evidence on new accommodation measures to be implemented by Canada and/or Trans Mountain as a result of the Phase III consultations. Note that the Board may consider condition filings in respect of Condition 39 in conjunction with any detailed route hearing related to the same lands.

Indigenous peoples that did not previously file SOOs may do so in response to the New Notice. Detailed route hearings would be granted where the SOO is filed on time and relates to detailed routing issues.