

February 26, 2021

FILED ELECTRONICALLY

Canada Energy Regulator
 Suite 210, 517 10 Ave SW
 Calgary, AB T2R 0A8

Attention: Mr. Jean-Denis Charlebois
 Secretary of the Commission of the
 Canada Energy Regulator ("**Commission**")

Dear Mr. Charlebois:

Re: Trans Mountain Pipeline ULC ("**Trans Mountain**")
 Trans Mountain Expansion Project ("**TMEP**" or "**Project**")
 File OF-Fac-Oil-T260-2013-03 60
Combined Section 211 and Section 208 Application for Burnaby Lands

1. Trans Mountain applies to the Commission (i) under Section 211 of the *Canadian Energy Regulator Act* ("**CER Act**") for approval of a deviation to, and (ii) under Section 208 of the CER Act for approval of corrections to certain omission, misstatements or errors ("**Errata**") in, the approved Plan, Profile and Book of Reference ("**PPBoR**") for Segment 7 of the Project, on the following lands:

TABLE 1 – SECTION 211 DEVIATION LANDS

| Tract | Legal | Landowner | PPBoR Page | CER Order |
|--------------|---|---|-------------------------|-------------------------|
| PC 7722 | 009-006-206 | City of Burnaby | M002-PM03028- 002 R3 | AO-001-OPL- 004-2020 |
| PC 7723 | 015-282-121 | New Life Community Church (" Church ") | M002-PM03028- 002 R3 | AO-001-OPL- 004-2020 |
| PC 7755 | 008-994-773 | City of Burnaby | M002-PM03028- 003 R2 | AO-001-OPL- 004-2020 |
| | (collectively, " Deviation Lands ") | (collectively, " Deviation Landowners ") | | |

TABLE 2 – SECTION 208 ERRATA LANDS

| Tract | Legal | Landowner | PPBoR Page | CER Order |
|---------------|-----------------------------|--|-------------------------|-------------------------|
| PC 8101.03 | Park 9 | Brunette River Conservation Area (City of Burnaby) | M002-PM03028- 002 R3 | AO-001-OPL- 004-2020 |
| | (“Errata Lands”) | (“Errata Landowner”) | | |

2. As described in Table 1 and Table 2 above, the Deviation Lands and the Errata Lands appear on the same PPBoR Sheets. Accordingly, Trans Mountain is submitting all PPBoR changes required in respect of these PPBoR Sheets in this combined application. The application is divided as follows:
 - a. Appendix A includes information and drawings pertaining to the deviations on the Deviation Lands, as required under Section 211 of the CER Act and the CER Filing Manual.
 - b. Appendix B includes information pertaining to the PPBoR corrections in respect of the Errata Lands, as required under Section 208 of the CER Act and the CER Filing Manual.
 - c. Appendix C includes associated mapping (i.e. revised PPBoR Sheets illustrating all PPBoR changes on the Deviation Lands and the Errata Lands and differences maps showing the deviations).

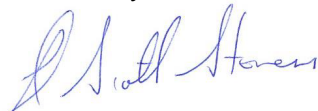
3. As required in Guide U.3 of the CER Filing Manual, Trans Mountain confirms that, pursuant to Section 208(3) of the CER Act, if this application is approved, Trans Mountain will deposit copies of the permit to be issued by the Commission in the land registry office for the area in which the affected lands are situated.

Relief Sought

4. On the basis of the foregoing, Trans Mountain requests approval of the PPBoR changes detailed herein. Trans Mountain submits that it has fulfilled all relevant requirements of the CER Act and CER Filing Manual that are applicable to this application.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned.

Sincerely,



Scott Stoness
 Vice President, Regulatory and Compliance
 Trans Mountain Canada Inc.

Enclosures
 cc: Deviation Landowners and Errata Landowner

Appendix A

Requirements in Respect of the Deviation Lands

Background

5. On February 22, 2019, the National Energy Board (“**NEB**”) issued its Reconsideration Report recommending that the Governor in Council (“**GIC**”) approve the TMEP, subject to 156 conditions ([A98021](#)).
6. On June 18, 2019, the GIC re-approved the TMEP and directed the NEB to issue a new Certificate of Public Convenience and Necessity (“**CPCN**”) and CPCN Amending Orders (Order in Council P.C. 2019-0820). On June 20, 2019, the NEB issued to Trans Mountain CPCN OC-065 and Amending Orders AO-005-OC-2 and AO-004-OC-49 in respect of the TMEP.
7. On July 19, 2019, the NEB issued a decision which, among other things, required Trans Mountain to file a new PPBoR for the TMEP ([C00593-1](#)) (“**NEB Decision**”).
8. Following the NEB Decision, on August 13, 2019, Trans Mountain submitted to the NEB pursuant to Subsection 33(1) of the *National Energy Board Act* (“**NEB Act**”), a PPBoR for Segment 7 of the Project. This included PPBoR Sheet M002-PM03028-002 (“**Sheet 2**”) and PPBoR Sheet M002-PM03028-003 (“**Sheet 3**”) ([C00965-8](#), PDF 8-11).
9. On June 4, 2020, the Commission issued Order OPL-004-2020 approving the PPBoR for certain lands within Segments 5, 6 and 7 of the Project, including Sheet 2 and Sheet 3 ([C06676](#)).
10. On October 15, 2020, Trans Mountain filed two applications under Section 211 of the CER Act for deviations in respect of Tracts PC 7722 and PC 7755 ([C08917](#) and [C08919](#), respectively). On November 25, 2020, the Commission issued Order AO-001-OPL-004-2020 approving the deviation applications filed with respect to Tracts PC 7722 and PC 7755 ([C09883](#)).

CER Filing Manual – Guide D Requirements for Deviation Applications (“CER Filing Manual, Guide D”)

11. The CER Filing Manual, Guide D requires that a deviation application include the rationale for the deviation, as well as information with respect to the proposed route, the landowner's comments (if any), the service of notices on landowners, and the land acquisition process.
12. The revised detailed route (“**Revised Route**”) is shown on the revised PPBoR Sheets attached as Appendix C-1, and the location of the Revised Route in relation to the approved detailed route (“**Approved Route**”) is illustrated in the maps attached as Appendix C-2. The Revised Route is entirely within the corridor approved by CPCN OC-065.
13. As stated above, Trans Mountain previously filed revisions to the original route for this area with the purpose of accommodating requests from the City of Burnaby. The Approved Route reflects these previous revisions.

- 14. Trans Mountain’s rationale for the Revised Route is to accommodate further requests from the City of Burnaby as part of its agreement with Trans Mountain, as described in the City of Burnaby’s letter dated October 22, 2019 ([C02346](#)).
- 15. Further to the City of Burnaby’s requests, the Revised Route seeks to avoid affecting certain Metro Vancouver rights of way. Tract PC 7723 was not affected by the Approved Route and, as a result of the revised design, is now affected by the Revised Route. The other requirements in the CER Filing Manual, Guide D are set out in Table 3 and Table 4 below.

TABLE 3 – CER MANUAL, GUIDE D.1 REQUIREMENTS

| CER Manual, Guide D Requirements | | Trans Mountain Response |
|---|--|---|
| D.1(1) | Provide the order number and date of the approval of the original PPBoR. | Order AO-001-OPL-004-2020 dated November 2, 2020 (C09883). |
| D.1(2) | Provide a PPBoR drawing showing the approved route. | PPBoR Sheet 2 (C08917 , PDF 7-8) and Sheet 3, (C08919 , PDF 7-8). |
| D.1(3) | Provide a PPBoR drawing showing the location of the proposed deviated route for approval. | Attached as Appendix C-1 . |
| D.1(4) | Provide the starting and ending points of the deviation (kilometre post to kilometre post). | For Tracts PC 7722 and PC 7723, KP 1176.34 to KP 1176.70. For Tract PC 7755, KP 1178.61 to KP 1178.79. |
| D.1(5) | Include a map at an appropriate scale that indicates the location of the deviation in relation to both the approved detailed route and the certificated route of the pipeline. Include surrounding natural and man-made features on the map. | Attached as Appendix C-2 . |
| D.1(6) | Describe any new lands required including the status of acquisition of the lands and the status of service of CER Act subsection 322 (1) notices. | Trans Mountain confirms that it served a Section 322 (1) notice regarding the Revised Route, as follows: (i) on the Church on January 20, 2021; and (ii) on the City of Burnaby concurrent with this application. Notwithstanding the above, Trans Mountain notified the City of Burnaby of the Revised Route on February 16, 2021. Tract PC 7723 was not affected by the Approved Route and, as a result of the revised design, is now affected by the Revised Route. |

| CER Manual, Guide D Requirements | | Trans Mountain Response |
|----------------------------------|--|--|
| D.1(7) | Describe any landowner concerns and how those concerns will be addressed, including the date(s) responses will be provided to the landowner(s) or evidence to demonstrate that the affected landowners consent to the deviation. | <p>To date, Trans Mountain has not received any objections from the City of Burnaby in relation to the Revised Route.</p> <p>Trans Mountain initially engaged with the Church in relation to the Revised Route on January 19, 2021, and has since had multiple engagements with the Church. On February 17, 2021, the Church contacted Trans Mountain and inquired about the process for the upcoming deviation application. The Church indicated that it may file comments to the Revised Route. Trans Mountain will continue engaging with the Church to address any landowner concerns.</p> <p>As stated above, the deviation is for the City of Burnaby's benefit. Trans Mountain will update the Commission if it receives any additional feedback from the Landowners.</p> |

16. Trans Mountain submits the following information in Table 4 with respect to the filing requirements for environmental and socio-economic assessment (“**ESA**”) under CER Filing Manual, Guide D:

TABLE 4 – CER MANUAL, GUIDE D.2 ESA REQUIREMENTS

| CER Manual, Guide D Requirements | | Trans Mountain Response |
|----------------------------------|--|---|
| D.2(1) | Describe how the effects have already been considered in an ESA by the CER; or | <p>Potential environmental and socioeconomic effects are similar to those addressed in Volumes 5A and 5B of the Facilities Application (A56004) and related filings (ESA Update [A4F4Z3] and plans prepared in response to CER conditions). No additional studies are required to support this assessment. No new mitigation measures are recommended beyond those identified during the OH-001-2014 and MH-052-2018 proceedings and the subsequent condition compliance filings, which are incorporated within the updated Pipeline Environmental Protection Plan filed pursuant to Condition 72</p> |

| CER Manual, Guide D Requirements | | Trans Mountain Response |
|----------------------------------|--|--|
| | | <p>(“Pipeline EPP”) (C01961).</p> <p>Trans Mountain’s assessment team reviewed the proposed deviation and determined that it will not change the effects assessment criteria or significance conclusions of the original ESA and related filings. The assessment concludes that, with the appropriate mitigation, the predicted Project-related effects, and cumulative effects of the proposed deviation are not significant and are consistent and based on the original study corridor.</p> |
| D.2(2) | If the environmental and socioeconomic effects have not been previously addressed by an ESA, provide the filing requirements outlined in Guide A, Section A.2. | Not applicable. |

TABLE 5 – CONDITION COMPLIANCE

| Condition Compliance | Trans Mountain Response |
|---|---|
| Include references to associated condition and compliance matters, where appropriate. | <p>Trans Mountain confirms that there are no new condition and compliance requirements associated with the Lands as a result of this deviation application.</p> <p>Trans Mountain will continue to follow all planning considerations and mitigation measures outlined in the Pipeline EPP, which is based on applicable condition plans.</p> <p>The proposed deviation will result in a change to the tree clearing footprint within City of Burnaby. Trans Mountain has notified the City of Burnaby of the changes and is engaging with Burnaby on related permitting matters.</p> |

Appendix B

Requirements in Respect of the Errata Lands

| Errata # | Tract | Landowner | Legal | Segment | Original PPBoR Filing ID | CER Order | Update |
|----------|---------------|--|--------|---------|--|-------------------------|---|
| 1. | PC 8101.03 | Brunette River Conservation Area (City of Burnaby) | Park 9 | 7.7 | M002-PM03028-002 R3 (C08917, PDF 7-8) | AO-001-OPL- 004-2020 | Easement for route across the lands is being replaced with a non-easement agreement on the basis that the lands are not titled lands. Trans Mountain notified the City of Burnaby of this correction in advance of filing. |

Appendix C
Mapping

Appendix C-1
Revised PPBoR Sheets

BOOK OF REFERENCE - TRANS MOUNTAIN EXPANSION PROJECT

BURNABY SEGMENT 7.7 SHEET: 2 KP 1175+941 TO KP 1177+477



| TRACT NUMBER | PID | LANDOWNER/OCCUPANT | | PROPOSED NEW EASEMENT | | | |
|--------------|-------------|---|-------------|-----------------------|------------|-----------|------------|
| | | | | WIDTH (m) | LENGTH (m) | AREA (ha) | AREA (Ac.) |
| PC 8101.02 | 024-440-124 | OWNER(S) BNSF Railway Company | OCCUPANT(S) | 10 | 54.60 | 0.055 | 0.13 |
| PC 8105 | 024-440-108 | OWNER(S) BNSF Railway Company | OCCUPANT(S) | 10 | 97.15 | 0.097 | 0.24 |
| PC 7722 | 009-006-206 | OWNER(S) City of Burnaby Attention: Edward Kozak, Director Planning and Building | OCCUPANT(S) | 10 | 84.96 | 0.092 | 0.23 |
| PC 7723 | 015-282-121 | OWNER(S) New Life Community Church Attention: Glen Carlson | OCCUPANT(S) | 10 | 90.67 | 0.091 | 0.22 |

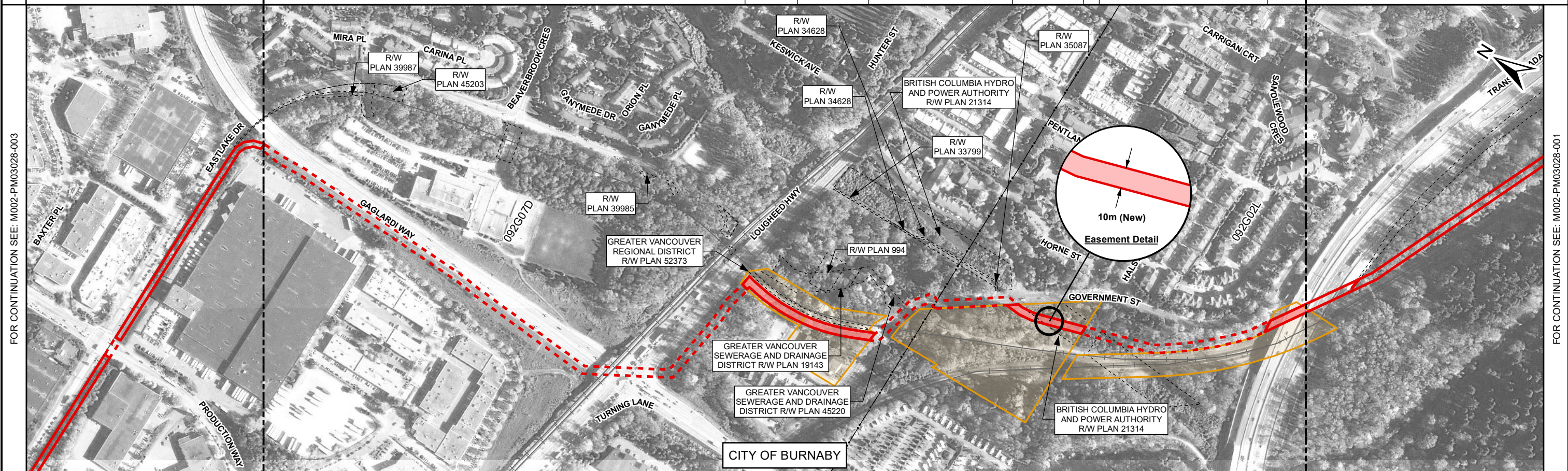
NOTES:

1. Easement lengths are the length of centre line at the easement location. Areas noted represent actual areas, not necessarily length times width.
2. Areas and lengths are calculated in UTM coordinates.
3. Owner/Occupant information is as of 2020/09/28.
4. Unit Conversions:
 - 1 Hectare (ha) = 2.471 Acres (Ac.).
 - 1 Metre (m) = 3.281 Feet (ft).
 - 1 Kilometre (km) = 0.621 Miles (mi).

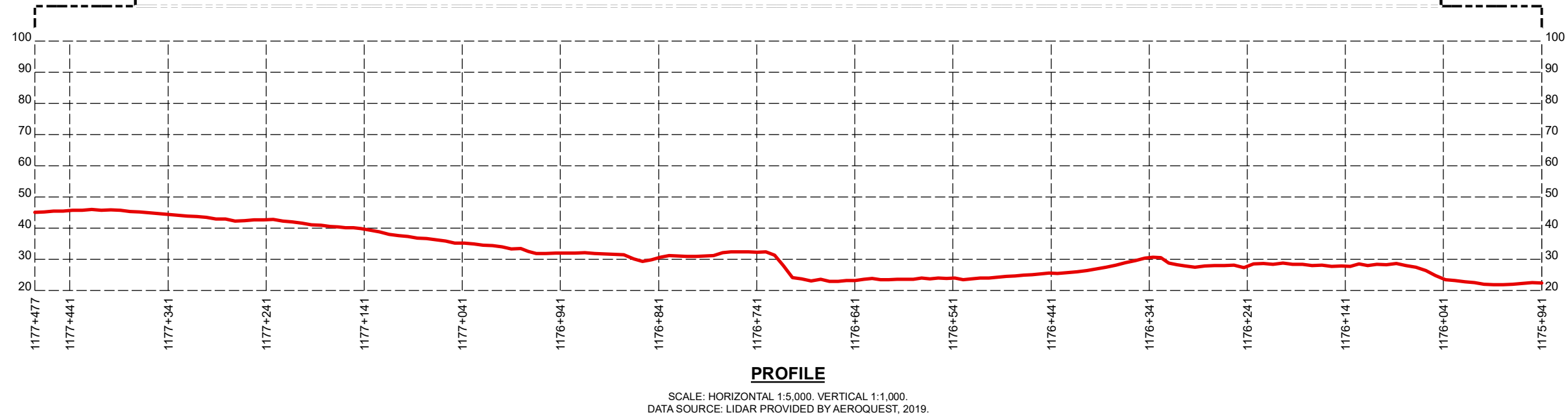
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| M002-PI03028 | 2 | 3 | ISSUED FOR INFORMATION | 2021/02/04 | TK |

TRACT NUMBER

FOR CONTINUATION SEE: M002-PM03028-003



FOR CONTINUATION SEE: M002-PM03028-001



LEGEND

- TMEP KILOMETRE POST (1KM)
- PROPOSED TMEP EASEMENT
- PROPOSED TMEP LAND RIGHTS ACQUIRED THROUGH UTILITY CROSSING OR OTHER NON-EASEMENT AGREEMENT
- OTHER EXISTING EASEMENTS
- LAND PARCEL / TRACT
- BLOCK (NATIONAL TOPOGRAPHIC SYSTEM)

SCALE: 1:5,000
COORDINATE SYSTEM: NAD 1983 UTM ZONE 10N

- NOTES**
- ALL DIMENSIONS ARE IN METRES UNLESS SHOWN OTHERWISE.
 - PARCEL BOUNDARIES ARE AS OF 2020/09/28.
 - TRACT BOUNDARIES SHOWN IN THE BAND ACROSS THE TOP OF THE MAP ARE PROJECTIONS UPWARDS OF THE LOCATIONS WHERE THE PIPELINE CROSSES THE PARCEL BOUNDARIES.
 - UNIT CONVERSIONS:
1 HECTARE (ha) = 2.471 ACRES (Ac.).
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| 4 | ISSUED FOR INFORMATION, AFE 01-13283 | 2021/02/04 | TK | DMC | DMC |
| 3 | ISSUED FOR INFORMATION, AFE 01-13283 | 2020/10/21 | TK | DCL | DMC |
| 2 | ISSUED FOR INFORMATION | 2019/07/16 | TK | BVD | DMC |
| 1 | ISSUED FOR INFORMATION | 2017/05/12 | CAI | KBW | DMM |
| 0 | ISSUED FOR INFORMATION | 2017/03/03 | LPT | KBW | DMM |

TRANS MOUNTAIN

**TRANS MOUNTAIN EXPANSION PROJECT
PLAN AND PROFILE OF TMEP EASEMENT
KP 1175+941 TO KP 1177+477
092G02L & 092G07D**

| DRAWING NUMBER | SHT. NO. | REV. |
|----------------|----------|------|
| M002-PM03028 | 002 | 4 |

SIZE: 11x17

BOOK OF REFERENCE - TRANS MOUNTAIN EXPANSION PROJECT

BURNABY SEGMENT 7.7 SHEET: 3 KP 1177+475 TO KP 1178+803

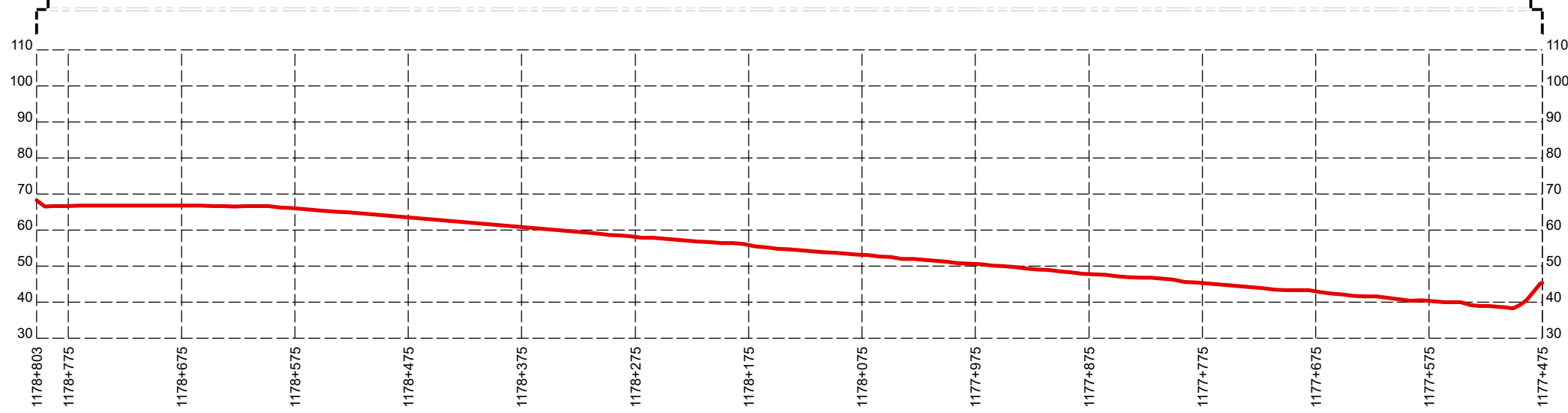
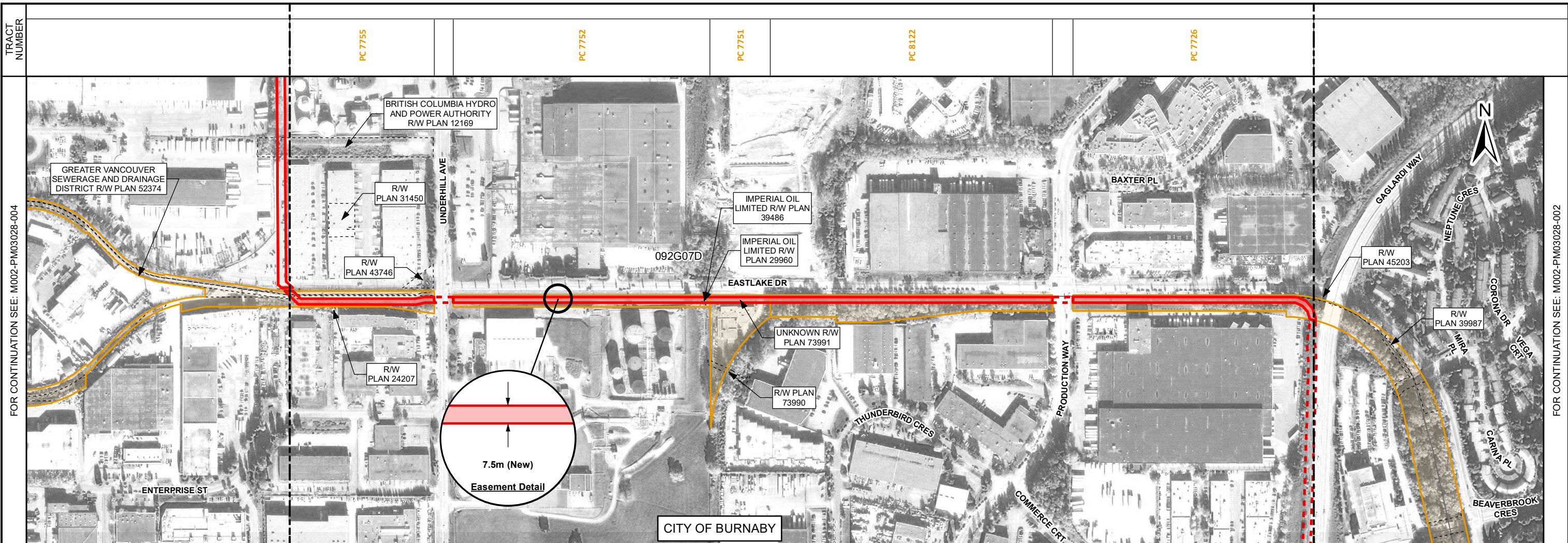


| TRACT NUMBER | PID | LANDOWNER/OCCUPANT | | PROPOSED NEW EASEMENT | | | |
|--------------|-------------|---|-------------|-----------------------|------------|-----------|------------|
| | | | | WIDTH (m) | LENGTH (m) | AREA (ha) | AREA (Ac.) |
| | | OWNER(S) | OCCUPANT(S) | | | | |
| PC 7726 | 006-619-690 | City of Burnaby Attention: Lou Pelletier, Director, Planning and Building | | 7.5 | 322.96 | 0.238 | 0.59 |
| PC 8122 | 006-848-681 | City of Burnaby Attention: Lou Pelletier, Director, Planning and Building | | 7.5 | 360.39 | 0.270 | 0.67 |
| PC 7751 | 006-848-630 | Insurance Corporation of British Columbia Attention: Steve Harrington, Manager, Real Estate Investments | | 7.5 | 76.91 | 0.058 | 0.14 |
| PC 7752 | 006-848-737 | City of Burnaby Attention: Lou Pelletier, Director, Planning and Building | | 7.5 | 327.71 | 0.246 | 0.61 |
| PC 7755 | 008-994-773 | City of Burnaby Attention: Lou Pelletier, Director, Planning and Building | | 7.5 | 189.34 | 0.143 | 0.35 |

NOTES:

1. Easement lengths are the length of centre line at the easement location. Areas noted represent actual areas, not necessarily length times width.
2. Areas and lengths are calculated in UTM coordinates.
3. Owner/Occupant information is as of 2020/09/28.
4. Unit Conversions:
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| DOCUMENT NUMBER | PAGE | REV. | DESCRIPTION | DATE | BY |
|-----------------|------|------|------------------------|------------|----|
| M002-PI03028 | 3 | 3 | ISSUED FOR INFORMATION | 2020/11/03 | TK |



LEGEND

- Ⓚ₂ TMEP KILOMETRE POST (1KM)
- PROPOSED TMEP EASEMENT
- PROPOSED TMEP LAND RIGHTS ACQUIRED THROUGH UTILITY CROSSING OR OTHER NON-EASEMENT AGREEMENT
- OTHER EXISTING EASEMENTS
- LAND PARCEL / TRACT
- BLOCK (NATIONAL TOPOGRAPHIC SYSTEM)

SCALE: 1:5,000
COORDINATE SYSTEM: NAD 1983 UTM ZONE 10N

- NOTES**
- ALL DIMENSIONS ARE IN METRES UNLESS SHOWN OTHERWISE.
 - PARCEL BOUNDARIES ARE AS OF 2020/09/28.
 - TRACT BOUNDARIES SHOWN IN THE BAND ACROSS THE TOP OF THE MAP ARE PROJECTIONS UPWARDS OF THE LOCATIONS WHERE THE PIPELINE CROSSES THE PARCEL BOUNDARIES.
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1 KILOMETRE (km) = 0.621 MILES (mi).

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| 2 | ISSUED FOR INFORMATION, AFE 01-13283 | 2020/10/21 | TK | DCL | DMC |
| 1 | ISSUED FOR INFORMATION | 2019/07/16 | TK | BVD | DMC |
| 0 | ISSUED FOR INFORMATION | 2017/03/03 | LPT | KBW | DMM |

TRANS MOUNTAIN

TRANS MOUNTAIN EXPANSION PROJECT
PLAN AND PROFILE OF TMEP EASEMENT
KP 1177+475 TO KP 1178+803
092G07D

| DRAWING NUMBER | SHT. NO. | REV. |
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| M002-PM03028 | 003 | 3 |

FOR CONTINUATION SEE: M002-PM03028-004

FOR CONTINUATION SEE: M002-PM03028-002

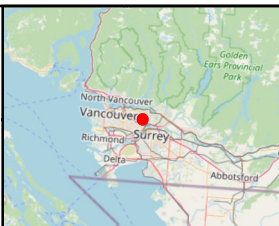
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Appendix C-2
Differences Maps



SIZE: LETTER - VERSION: E

- Kilometre Post (KP)(005.28)
- Current TMEP Centreline (005.28)
- Trans Mountain Pipeline (TMPL)
- CER Approved Corridor
- Revised Route
- Original Easement
- Non-Easement Agreement



COORDINATE SYSTEM: NAD 1983 UTM ZONE 10N
 PROJECTION: TRANSVERSE MERCATOR
 DATUM: NORTH AMERICAN 1983



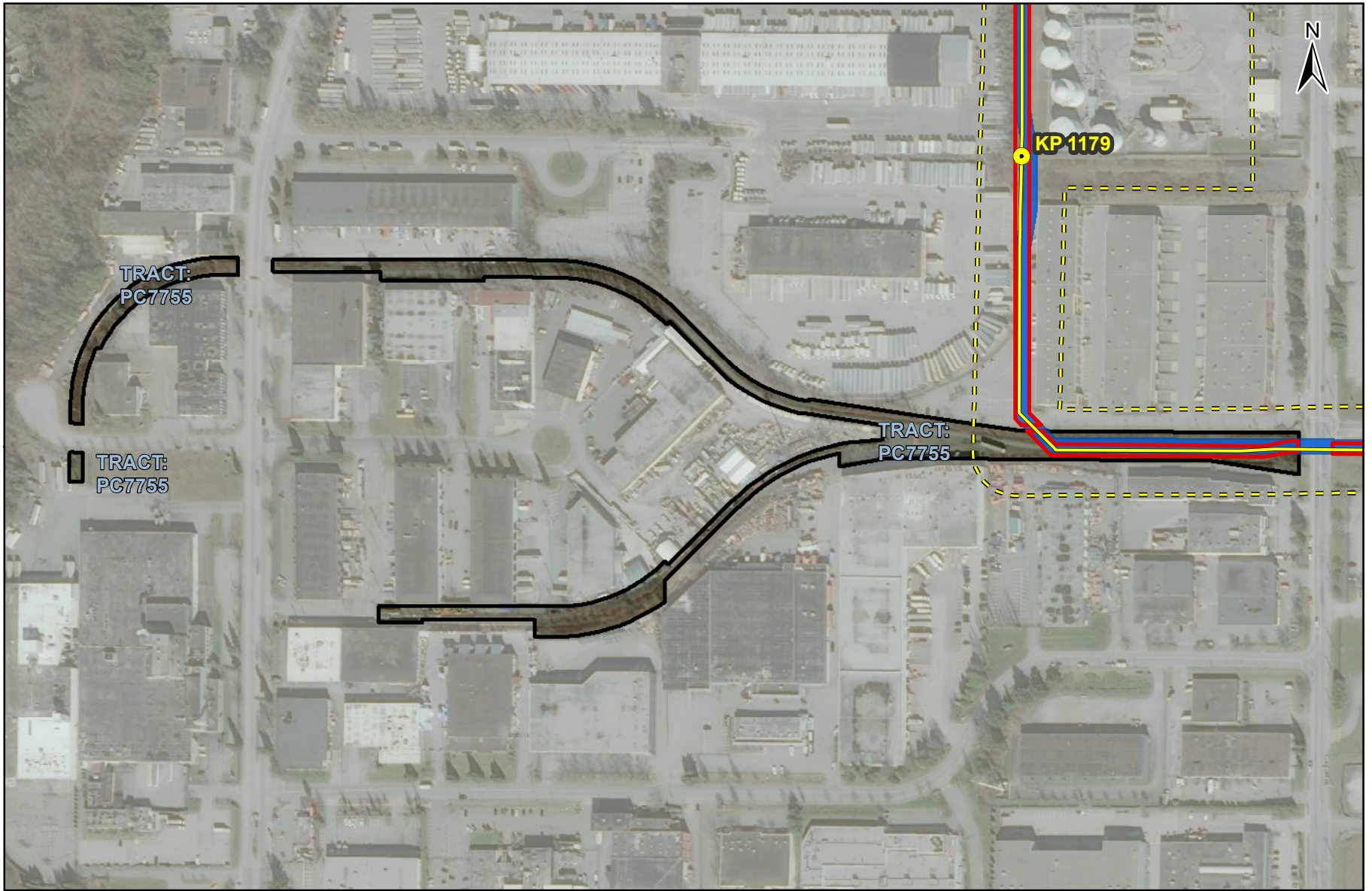
TRANS MOUNTAIN EXPANSION PROJECT

**DETAILED MAP TRACT NUMBERS:
PC 7722 & PC 7723**

| REV | DESCRIPTION | DATE | DRN | CKD | APP |
|-----|---------------------------------|------------|------|-----|-----|
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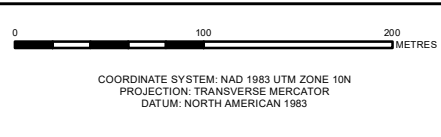
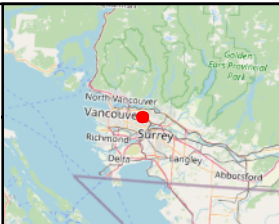
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SIZE: LETTER - VERSION: E

- Kilometre Post (KP)(005.28)
- Current TMEP Centreline (005.28)
- Trans Mountain Pipeline (TMPL)
- CER Approved Corridor
- Revised Easement
- Original Easement



TRANS MOUNTAIN EXPANSION PROJECT

**DETAILED MAP TRACT NUMBER:
PC7755**

| REV | DESCRIPTION | DATE | DRN | CKD | APP |
|-----|---------------------------------|------------|--------|--------|-----|
| A | ISSUED FOR REVIEW, AFE 01-13283 | 2020/11/03 | R.J.L. | D.C.L. | |

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