



December 22, 2021

**FILED ELECTRONICALLY**

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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  
**Section 211 Deviation Application for PPBoR Sheet M002-PM03025-001**

1. We act for Trans Mountain with respect to the Project. Trans Mountain applies to the Commission under Section 211 of the *Canadian Energy Regulator Act* ("**CER Act**") for approval of a deviation to the approved Plan, Profile and Book of Reference ("**PPBoR**") for Segment 7.4 of the Project on the following lands:

**TABLE 1 – SECTION 211 DEVIATION LANDS**

Tract	Legal	Landowner	PPBoR Page	CER Order
PC 7605.06	000-929-611	Her Majesty the Queen in Right of the Province of British Columbia c/o BC Oil and Gas Commission	M002-PM03025-001 R1	OPL-004-2020
PC 7605.07	023-366-567	The Crown in Right of British Columbia Represented by Minister of Technology Innovation & Citizen's Services	M002-PM03025-001 R1	OPL-004-2020
	(collectively, " <b>Lands</b> ")	(collectively, " <b>Landowners</b> ")		

2. The revised detailed route ("**Revised Route**") is shown on the revised PPBoR Sheet attached as Appendix A, and the location of the Revised Route in relation to the approved detailed route ("**Approved Route**") is illustrated in the maps attached as Appendix B. The Revised Route is entirely within the corridor approved by Certificate of Public Convenience and Necessity ("**CPCN**") OC-065.

## Background

3. 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](#)).
4. 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.
5. 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**").
6. 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-PM03025-001 R1 ("**Sheet 1**") ([C00965-5](#), PDF 6-7).
7. On June 4, 2020, the Commission issued Order OPL-004-2020 approving certain PPBoR for certain lands within Segments 5, 6 and 7 of the Project, including Sheet 1 ([C06676](#)).

## CER Filing Manual – Guide D Requirements for Deviation Applications ("**CER Filing Manual, Guide D**")

8. 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.
9. As a part of the Project, Trans Mountain is constructing a 1.5-km portion of the pipeline across the Fraser River from Surrey to Coquitlam using a horizontal directional drill ("**HDD**"). Trans Mountain's rationale for the Revised Route is to support a second attempt at the HDD crossing of the Fraser River ("**Fraser River HDD**"). The first attempt at the Fraser River HDD ended with a mechanical failure of the HDD drill pipe as it was pulling the product pipe into the bore hole. Trans Mountain ceased pipeline installation activities for the Fraser River HDD pending the redesign and regulatory approval of the Revised Route.

10. To complete the Fraser River HDD, Trans Mountain is proposing to re-use the majority (approximately 80 to 90%) of the HDD path, with the exception of the exit section in Coquitlam. Trans Mountain is proposing to relocate the exit point for the HDD closer to the Mary Hill ByPass and laterally to the east by a total of 8 m. This proposed relocation seeks to avoid the area where the drill pipe failed and allow the first portion of the new bore path to be drilled in relatively undisturbed ground for an approximate length of 332 m before it intersects with the successfully completed portion of the drill path. As shown in the attached Appendix B, the Revised Route requires an expansion of the TMEP right of way areas on the Lands by approximately 10 m in width, for a total of 20 m in width.
11. The proposed crossing design for the Revised Route, as described above, allows a section of 100-130 m of casing to be installed to protect the Mary Hill ByPass from settlement and potential fluid releases. The Revised Route further minimizes risks of potential failure by allowing the carrier pipe to be installed in a single section (instead of two as required for the Approved Route), thereby eliminating the need for stopping drilling operations to weld on the second section.
12. Following the mechanical failure of the HDD drill pipe, Trans Mountain engaged with the Landowners, as well as certain stakeholders and Indigenous communities with an interest in the areas surrounding the Fraser River HDD, with respect to the Revised Route.

**a. *Engagement with the Landowners***

13. On December 16, 2021, Trans Mountain notified the owner of Tract PC 7605.06, the BC Oil and Gas Commission ("**BCOGC**"), that it would file this deviation application. Trans Mountain noted its understanding that an amendment to the existing BCOGC permit would be required. In accordance with a prior understanding between Trans Mountain and the BCOGC, Trans Mountain further noted that it would file this deviation application in advance of the permit amendment application and committed to file the permit amendment application in the future. To date, Trans Mountain has not received any comments or concerns from the BCOGC. Trans Mountain will notify the Commission if it receives any feedback from the BCOGC.
14. Between December 14, 2021 and December 16, 2021, Trans Mountain engaged with (i) the owner of Tract PC 7605.07, the Ministry of Technology Innovation & Citizens' Services ("**Ministry**"), and (ii) the occupant of Tract PC 7605.07, the Forensic Psychiatric Institute ("**Institute**"), with respect to the Revised Route. Trans Mountain notified the Ministry and the Institute that it would file this deviation application and requested that they provide any comments or concerns with respect to the Revised Route. To date, Trans Mountain has not received any comments or concerns from the Ministry or the Institute. Trans Mountain will notify the Commission if it receives any feedback from the Ministry or the Institute.

**b. Engagement with Indigenous Communities and Stakeholders**

15. In addition to engaging with the Landowners, Trans Mountain has voluntarily engaged with certain Indigenous communities and stakeholders with an interest in the areas surrounding the Fraser River Crossing, as follows:

**TABLE 2 – STAKEHOLDER AND INDIGENOUS COMMUNITY ENGAGEMENT**

Affected Lands	Indigenous Community / Stakeholder	Engagement Summary
Tract PC 7605.07	Musqueam First Nation ("MFN")	<p>On December 15, 2021, Trans Mountain commenced engagement with MFN with respect to the Revised Route and confirmed that it would be providing mapping and further particulars about the Revised Route. On December 20, 2021, Trans Mountain provided MFN with copies of the mapping and particulars of the Revised Route, and offered to meet with MFN to discuss the Revised Route. Engagement with MFN is ongoing.</p>
Tract PC 7605.07	Kwikwetlem First Nation ("KFN")	<p>On December 15, 2021, Trans Mountain commenced engagement with KFN with respect to the Revised Route and confirmed that it would be providing mapping and further particulars about the Revised Route. On December 16, 2021, Trans Mountain provided KFN with copies of the mapping and particulars. On December 17, 2021, Trans Mountain met with KFN to review the information provided by Trans Mountain.</p> <p>On December 21, 2021, Trans Mountain met with KFN on the site of the Revised Route to discuss the Revised Route. KFN raised certain concerns regarding archaeological matters which are provincially regulated by the Archaeology Branch of the Province of British Columbia Ministry of Forests, Lands, Natural Resource Operations and Rural Development. Trans Mountain is continuing its engagement with KFN regarding these concerns. Trans Mountain notified KFN in advance that it is filing this deviation application. Engagement with KFN is ongoing.</p>

Affected Lands	Indigenous Community / Stakeholder	Engagement Summary
Tract PC 7605.07	Metro Vancouver	<p>Between December 16, 2021 and December 20, 2021, as a courtesy, Trans Mountain engaged with Metro Vancouver with respect to the Revised Route and provided mapping illustrating the Revised Route. Trans Mountain requested that Metro Vancouver provide any comments or concerns with respect to the Revised Route. On December 20, 2021, Metro Vancouver responded to Trans Mountain's communications by requesting information about potential impacts on existing trees, which Trans Mountain understands are outside of the Revised Route within the temporary workspace, and construction schedule. Trans Mountain provided Metro Vancouver the information available to date, committed to continue providing information to Metro Vancouver as it becomes available and offered to meet with Metro Vancouver to discuss particulars with respect to the Revised Route. Engagement with Metro Vancouver is ongoing.</p>
Mary Hill ByPass Crossing (KP 1167.74 to KP 1167.85)	BC Ministry of Transportation and Infrastructure (" <b>MOTI</b> ")	<p>The Revised Route requires revisions to the right of way for the crossing of Mary Hill ByPass, between KP 1167.74 and KP 1167.85 (see the attached Appendix B).</p> <p>On December 14, 2021, Trans Mountain engaged with MOTI with respect to the Revised Route and provided mapping illustrating the Revised Route. MOTI confirmed the routing revisions in the Revised Route do not require an amendment to the existing MOTI permit. MOTI did not identify any concerns with respect to the Revised Route.</p>

Affected Lands	Indigenous Community / Stakeholder	Engagement Summary
Fraser River Crossing (KP 1167.54 to KP 1167.69)	Vancouver Fraser Port Authority (" <b>Port Authority</b> ")	<p>The Revised Route (as well as the Approved Route) traverses submerged lands within the Fraser River, between KP 1167.74 and KP 1167.85, which are under the control of the Port Authority (see the attached Appendix B).</p> <p>On December 17, 2021, Trans Mountain engaged with the Port Authority with respect to the Revised Route and provided mapping illustrating the Revised Route. Trans Mountain noted its understanding that an amendment of the existing agreements would not be required for the Revised Route. Trans Mountain requested that the Port Authority provide any comments or concerns with respect to the Revised Route. On the same day, the Port Authority acknowledged receipt of Trans Mountain's notice. To date, Trans Mountain has not received any comments or concerns from the Port Authority with respect to the Revised Route.</p>
Fraser River HDD	City of Coquitlam (" <b>City</b> ")	<p>On December 16, 2021, Trans Mountain provided a courtesy notice about the Revised Route to the City. Trans Mountain met with the City to discuss the Revised Route and advised that more information will be provided with respect to construction schedule as it becomes available. To date, Trans Mountain has not received any comments or concerns from the City with respect to the Revised Route.</p>

16. The other requirements in the CER 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.	CER Order OPL-004-2020 dated June 4, 2020 ( <a href="#">C06676</a> ).
D.1(2)	Provide a PPBoR drawing showing the approved route.	PPBoR Sheet M002-PM03025-001 R1 ( <a href="#">C00965-5</a> , PDF 6-7).
D.1(3)	Provide a PPBoR drawing showing the location of the proposed deviated route for approval.	Attached as <b>Appendix A</b> .
D.1(4)	Provide the starting and ending points of the deviation (kilometre post to kilometre post).	KP 1167.54 to KP 1168.04.
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 <b>Appendix B</b> .
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 NEB Act Section 87(1) notice and/or a CER Act Section 322(1) notice regarding the Revised Route on the Landowners. There are no additional landowners or land parcels impacted by the Revised Route relative to the Approved Route shown in Sheet 1.

<b>CER Manual, Guide D Requirements</b>		<b>Trans Mountain Response</b>
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>On December 16, 2021, Trans Mountain notified the BCOGC that it would file this deviation application. Trans Mountain noted its understanding that an amendment to the existing BCOGC permit would be required. In accordance with a prior understanding between Trans Mountain and the BCOGC, Trans Mountain further noted that it would file this deviation application in advance of the permit amendment application and committed to file the permit amendment application in the future. To date, Trans Mountain has not received any comments or concerns from the BCOGC. Trans Mountain will notify the Commission if it receives any feedback from the BCOGC.</p> <p>Between December 14, 2021 and December 16, 2021, Trans Mountain engaged with the Ministry and the Institute with respect to the Revised Route. Trans Mountain notified Ministry and the Institute that it would file this deviation application and requested that they provide any comments or concerns with respect to the Revised Route. To date, Trans Mountain has not received any comments or concerns from the Ministry or the Institute. Trans Mountain will notify the Commission if it receives any feedback from the Ministry or the Institute.</p>



17. Trans Mountain submits the following information in Table 4 with respect to the filing requirements for environmental and socio-economic assessment ("**ESA**") under CER 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 (<a href="#">A56004</a>) and related filings (ESA Update [<a href="#">A4F4Z3</a>] 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 ("<b>Pipeline EPP</b>") (<a href="#">C01961</a>).</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**

<b>Condition Compliance</b>	<b>Trans Mountain Response</b>
<p>Include references to associated condition and compliance matters, where appropriate.</p>	<p>At this time, Trans Mountain understands that there are no new condition and compliance requirements associated with the Lands as a result of this deviation application.</p> <p>Trans Mountain's noise experts are conducting investigations to confirm whether any revisions to the Fraser River HDD Noise Management Plan are required pursuant to Certificate Condition 74. Trans Mountain commits to updating the Commission if Trans Mountain concludes that revisions to the Fraser River HDD Noise Management Plan are required.</p> <p>Trans Mountain confirms that, pursuant to Certificate Condition 67, the conclusions in the geological feasibility studies for the Fraser River HDD are not affected by this deviation application and remain applicable.</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>

## Relief Sought

18. Trans Mountain requests approval of the Revised Route as 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. In order to minimize risks associated with the completion of the Fraser River HDD, Trans Mountain respectfully requests expedited consideration of the Revised Route by the Commission.

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

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read 'Jeremy Barretto', written over a horizontal line.

Jeremy Barretto  
Partner

Enclosures

cc: Landowners and Table 2 Stakeholders and Indigenous communities

## **Appendix A**

### **Revised PPBoR Sheet**

# BOOK OF REFERENCE - TRANS MOUNTAIN EXPANSION PROJECT

**COQUITLAM SEGMENT 7.4 SHEET: 1 KP 1166+742 TO KP 1168+082**



TRACT NUMBER	PID	LANDOWNER/OCCUPANT		PROPOSED NEW EASEMENT			
				WIDTH (m)	LENGTH (m)	AREA (ha)	AREA (Ac.)
PC 7605.04	I-30-01	Vancouver Fraser Port Authority Attention: Judy Burnell, Manager, Real Estate	Water Lot Lease: Pacific Custom Log Sorting Ltd. Attention: Gord Cawley, President	10	69.68	0.070	0.17
PC 7605.042	FORESHORE	Vancouver Fraser Port Authority Attention: Judy Burnell, Manager, Real Estate	Water Lot Lease: Pacific Custom Log Sorting Ltd. Attention: Gord Cawley, President	10	57.57	0.057	0.14
PC 7605.043	FORESHORE	Vancouver Fraser Port Authority Attention: Judy Burnell, Manager, Real Estate	Water Lot Lease: Timberwest Forest I Limited Attention: Roman Nikitiuk, Log Transport	10	86.77	0.087	0.21
PC 7605.05	000-555-631	Timberwest Forest I Limited Attention: Rick Jaccard		10	19.15	0.032	0.08
PC 7605.06	000-929-611	Her Majesty the Queen in Right of the Province of British Columbia c/o BC Oil and Gas Commission Attention: Garth Thoroughgood		15	45.32	0.069	0.17
PC 7605.07	023-366-567	The Crown in Right of British Columbia Represented by Minister of Technology Innovation & Citizen's Serv Attention: Nadine Kawata	Forensic Psychiatric Institute Attention: Jaime Raul	20	270.40	0.439	1.08

**NOTES:**

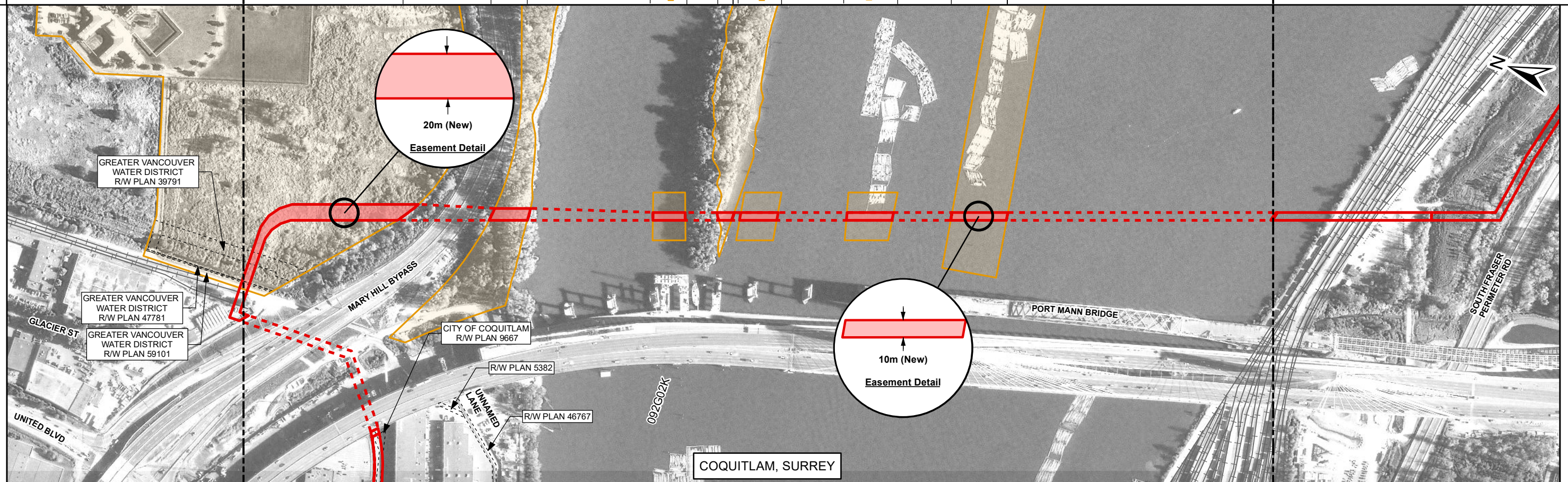
1. Easement lengths are the length of centre line at the easement location. Areas noted represent actual areas, not necessarily length times width.
2. Areas and lengths are calculated in UTM coordinates.
3. Owner/Occupant information is as of 2019/07/15.
4. Unit Conversions:
  - 1 Hectare (ha) = 2.471 Acres (Ac.).
  - 1 Metre (m) = 3.281 Feet (ft).
  - 1 Kilometre (km) = 0.621 Miles (mi).

DOCUMENT NUMBER	PAGE	REV.	DESCRIPTION	DATE	BY
M002-PI03025	1	2	ISSUED FOR REVIEW	2021/12/13	TK

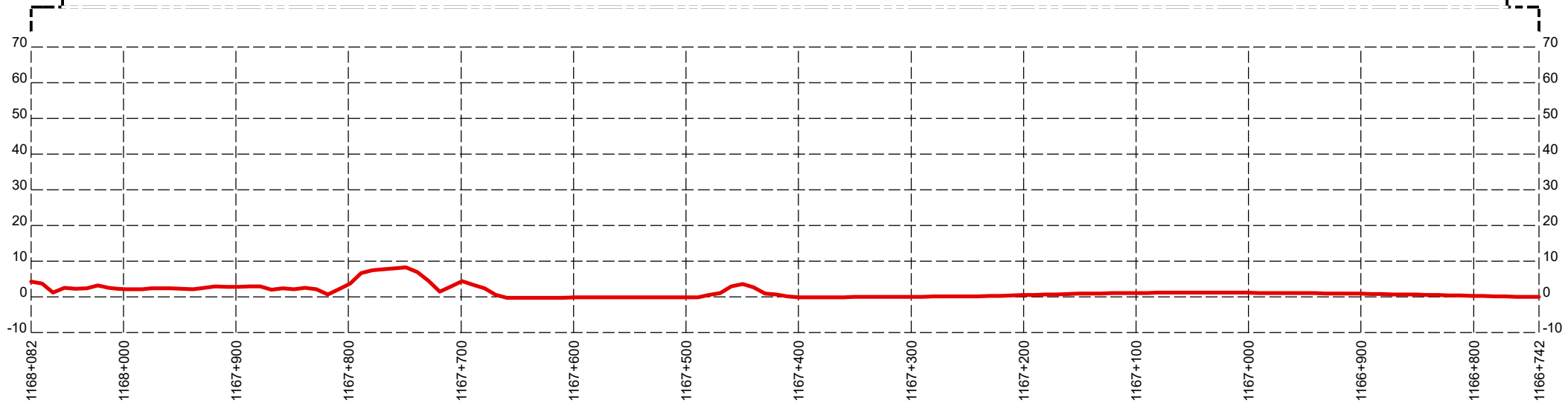
TRACT NUMBER

PC 7605.07  
PC 7605.06  
PC 7605.043  
PC 7605.05  
PC 7605.043  
PC 7605.042  
PC 7605.04

FOR CONTINUATION SEE: M002-PM03025-002



FOR CONTINUATION SEE:



**PROFILE**

SCALE: HORIZONTAL 1:5,000. VERTICAL 1:1,000.  
DATA SOURCE: LIDAR PROVIDED BY MCELHANNEY, 2013.

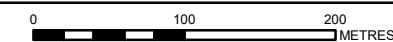
**LEGEND**

- 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**

1. ALL DIMENSIONS ARE IN METRES UNLESS SHOWN OTHERWISE.
2. PARCEL BOUNDARIES ARE AS OF 2019/07/15.
3. 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.
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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REV	DESCRIPTION	DATE	DRN	CKD	APP
2	ISSUED FOR USE, AFE 01-13283	2021/12/13	TK	DMC	DMC
1	ISSUED FOR INFORMATION	2019/07/16	TK	BVD	DMC
0	ISSUED FOR INFORMATION	2017/03/17	LPT	KBW	DMM

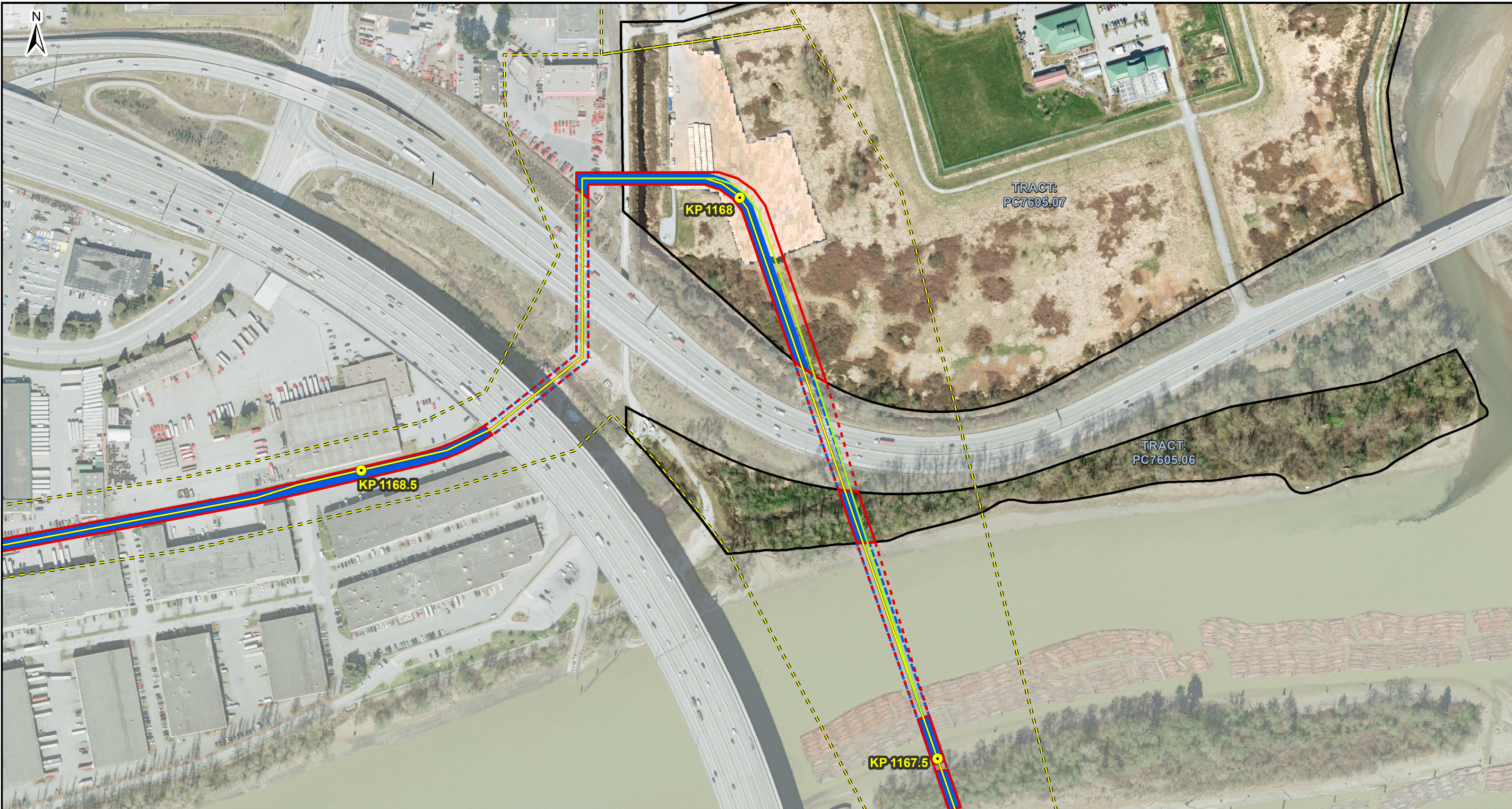


**TRANS MOUNTAIN EXPANSION PROJECT  
PLAN AND PROFILE OF TMEP EASEMENT  
KP 1166+742 TO KP 1168+082  
092G02K**

DRAWING NUMBER	SHT. NO.	REV.
M002-PM03025	001	2

SIZE: 11 x 17

**Appendix B**  
**Differences Maps**



- LEGEND**
- KILOMETRE POST (KP)(005.28.5)
  - CURRENT TMEP CENTRELINE (005.28.5)
  - TRANS MOUNTAIN PIPELINE (TMPL)
  - REVISED CENTRELINE
  - CER APPROVED CORRIDOR
  - REVISED ROUTE
  - APPROVED ROUTE

COORDINATE SYSTEM: NAD 1983 UTM ZONE 10N  
 UPI DRAWING NUMBER: 19731-510-OMP-00588 RevA



REV	DESCRIPTION	DATE	DRN	CKD	APP
A	ISSUED FOR REVIEW, AFE 01-13283	2021/12/13	TK	DMC	



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<b>TRANS MOUNTAIN PIPELINE</b>				
TRANS MOUNTAIN EXPANSION PROJECT				
DETAILED MA TRACT NUMBER: PC7605.06, PC7605.07				
<i>NOT FOR CONSTRUCTION</i>				
SCALE	ROUTE	DRAWING NUMBER	SHEET NO.	REV
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- LEGEND**
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  - CURRENT TMEP CENTRELINE (005.28.5)
  - TRANS MOUNTAIN PIPELINE (TMPL)
  - REVISED CENTRELINE
  - CER APPROVED CORRIDOR
  - REVISED ROUTE
  - APPROVED ROUTE

COORDINATE SYSTEM: NAD 1983 UTM ZONE 10N  
 UPI DRAWING NUMBER: 19731-510-OMP-00589 RevA



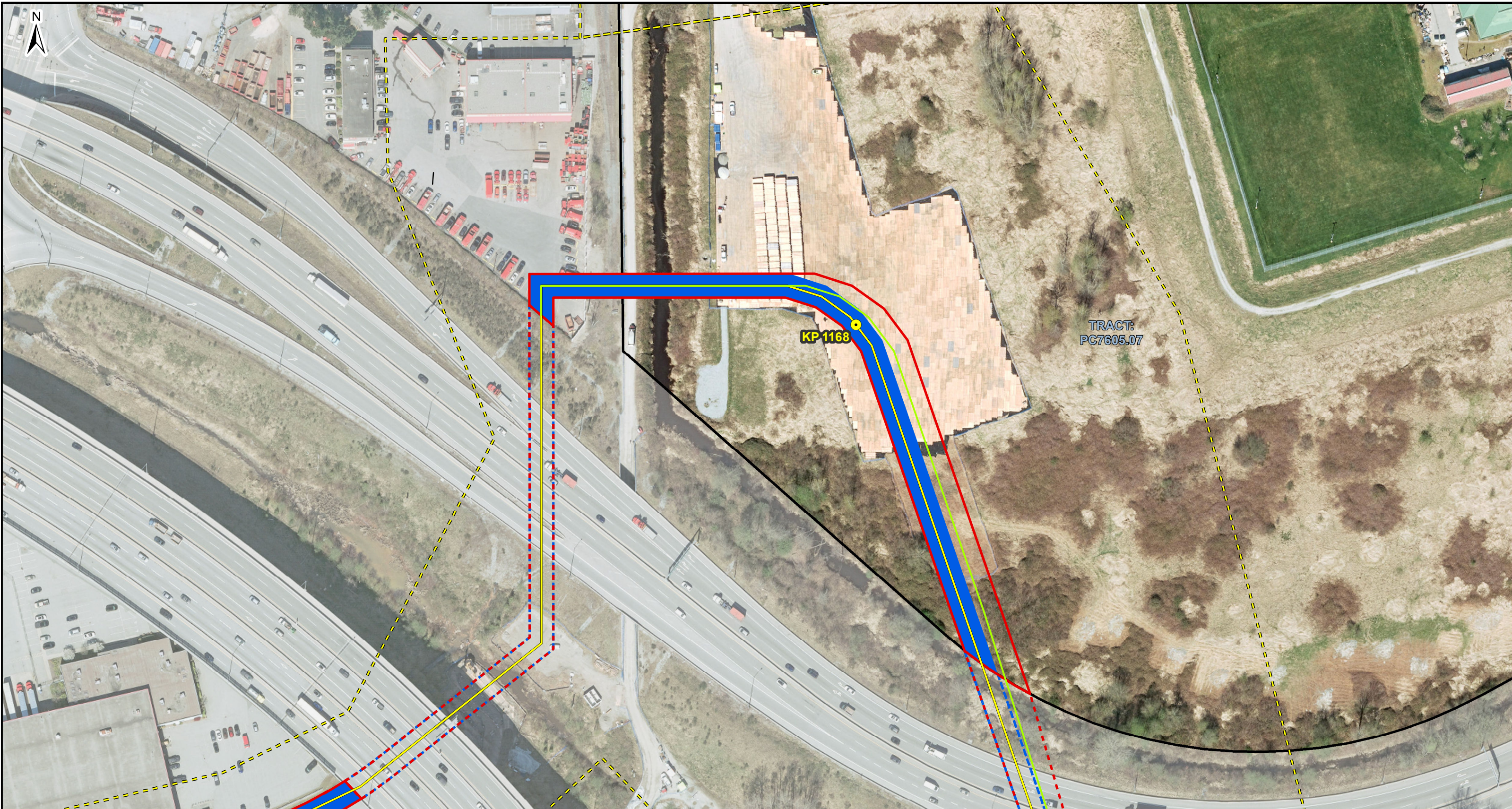
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REV	DESCRIPTION	DATE	DRN	CKD	APP	
A	ISSUED FOR REVIEW, AFE 01-13283	2021/12/13	TK	DMC		

**TRANS MOUNTAIN**

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INTERNATIONAL

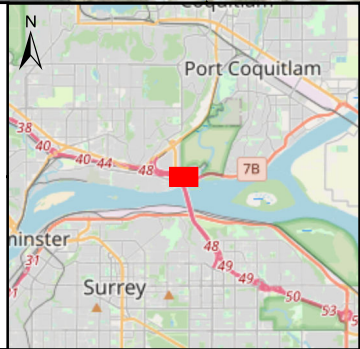
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<i>TRANS MOUNTAIN EXPANSION PROJECT</i>				
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<i>NOT FOR CONSTRUCTION</i>				
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- LEGEND**
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  - TRANS MOUNTAIN PIPELINE (TMPL)
  - REVISED CENTRELINE
  - CER APPROVED CORRIDOR
  - REVISED ROUTE
  - APPROVED ROUTE

COORDINATE SYSTEM: NAD 1983 UTM ZONE 10N  
 UPI DRAWING NUMBER: 19731-510-OMP-00590 RevA



0	80				
		Metres			
REV	DESCRIPTION	DATE	DRN	CKD	APP
A	ISSUED FOR REVIEW, AFE 01-13283	2021/12/13	TK	DMC	

**TRANS MOUNTAIN**

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<b>TRANS MOUNTAIN PIPELINE</b>				
<i>TRANS MOUNTAIN EXPANSION PROJECT</i>				
<b>DETAILED MA TRACT NUMBER: PC7605.07</b>				
<i>NOT FOR CONSTRUCTION</i>				
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