



## VIA ELECTRONIC SUBMISSION

October 8, 2020

### Canada Energy Regulator

Suite 210, 517 Tenth Avenue S.W.  
Calgary, Alberta T2R 0A8

Attention: M. Jean-Denis Charlebois, Secretary of the Commission

Dear Secretary:

**RE: Trans Mountain Pipeline ULC (Trans Mountain)  
Trans Mountain Expansion Project (TMEP)  
OC-065  
AO-001-XO-T260-007-2016  
C 60: Environmental and Socio-Economic Assessment – Ohamil Camp Community  
C 59: Worker Accommodation Strategy – Ohamil Camp Community  
CER File: OF-Fac-Oil-T260-2013-03 61  
Condition 73: Traffic Control Plans for Public Roadways  
Phase 30: Spread 5B: Ohamil Camp Community – Update (~KP 990-184)**

We recently came across a Trans Mountain Pipeline ULC (TMX) (Trans Mountain) letter filing dated October 6, 2020 in which “Trans Mountain provides the attached traffic control plan, filed pursuant to Condition 73, for the Ohamil Camp Community (HOP053). Previously, Trans Mountain made filings pursuant to Conditions 59 and 60 in June 2020 [C06896] and provided updates with respect to stakeholder engagement in August and September [C08048 and C08278].”

It seems obvious, with the re-reference to its August and September stakeholder engagement reports, its claim that Shxw’ōwhámél, at its own discretion and independently from Trans Mountain, working with their developer has developed a 20 acre site for Trans Mountain’s worker camp that Trans Mountain continues with the foolhardy position that it had nothing to do with the development of the Ohamil Camp and that Laidlaw Community members have no issues in regards to the camp or any other development proposed for the community.

Either TMX does not read its correspondence, doesn’t think the CER reads its correspondence, has no respect for the CER or it is simply that this Crown Corporation does not respect the right

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of Canadians to associate and/or provide legal authority to someone to act for or alongside them.

Let us take a moment to review the historical record.

CAEPLA was contacted in mid fall of 2019 by members of the Laidlaw community with concerns about a proposed worker camp being developed in their small landlocked community. They had already accepted a huge pipe yard and felt overwhelmed by a 350-person camp. Individuals had attempted to raise their concerns with TMX but to no avail. After receiving no response from TMX to their efforts to discuss the extra burdens and repercussions to their rural community, with both a pipe yard and a work camp, a number of people requested CAEPLA's help and the Laidlaw Community Group was formed.

On May 15, 2020 CAEPLA sent a letter to the CER notifying the CER of the group, some historical background and of Trans Mountain's disingenuous interactions with the residents of the Laidlaw Indigenous and non-Indigenous communities.

Since that time CAEPLA, the CER and TMX have created a substantial volume of correspondence regarding the Laidlaw community concerns and TMX's **ignoring of and demand for** exemptions to Conditions 59 and 60 imposed by the National Energy Board. Exemptions that seem to be freely handed out to TMX by the new CER in other circumstances.

Let's review those conditions in light of the fact that TMX continues to ignore both in this community.

Condition 59 requires Trans Mountain to file "with the NEB for approval, **at least 3 months prior to commencing construction**, a worker accommodation strategy, developed in consultation with appropriate municipal or provincial authorities". Condition 60 requires the filing, **at least 3 months prior to commencing construction**, of an environmental and socio-economic assessment for all temporary construction lands and infrastructure approved "pursuant to this Order". Conditions that seem very reasonable and responsible for such a small rural community.

Back to the Stakeholder Updates referenced in TMX's most recent filing of October 6. After reviewing the TMX August Stakeholder Update, as posted August 26, 2020 at the CER website, we responded immediately with a letter to Mr. Scott Stoness (TMX VP) dated August 31, 2020 to TMX, copied to the CER. In that correspondence, CAEPLA stated that, *"we were pleased to see that in a letter to the CER and in a recent information package dated August 2020 provided to members of the Laidlaw Community Trans Mountain has offered [for the first time] individual meetings with community members to address any concerns about ongoing and proposed work areas."*

We went on to say that, *"CAEPLA and the Laidlaw Community Group look forward to meeting with Trans Mountain to resolve outstanding issues."*

In that letter we also confirmed legal authorizations to act on behalf of 13 Households in the Laidlaw Community with a non comprehensive list of 31 issues needing to be discussed and resolved. We provided TMX with a Confidential Appendix that included the names of each of those households.

Then TMX's September Stakeholder Engagement report erroneously claimed:

*"As of September 10, 2020, Trans Mountain has not received any requests from residents to meet with Trans Mountain representatives. No new issues or concerns were identified during the hand delivery of the information packages to residents. Packages were left for residents who were not home during delivery. One elected official responded to say he had not received any inquiries or communications related to the temporary worksites on Laidlaw Road. Additional Outreach Despite the lack of response to Trans Mountain's invitation to meet, team members have continued engagement with Laidlaw residents."*

*"Since the delivery of the information packages, Trans Mountain has been in communication with four residents, understood to be members of the Laidlaw Community Association, as described by CAEPLA. As stated previously, Trans Mountain has no previous awareness of this Association and had been directed by the FVRD to communicate with individual residents."*

CAEPLA/Laidlaw Community Group responded with a letter dated September 14, 2020 to Mr. Stoness expressing our concern for Trans Mountain's **audacity** to suggest that the company had not received any requests from residents. We also filed a letter of the same date with the CER which included a copy of the letter of the same date to Trans Mountain.

*"Please find enclosed a copy of our letter to Mr. Stoness at Trans Mountain regarding the inaccurate information provided to the CER in Trans Mountain's Engagement Update No. 2 filed on September 11, 2020 ([A7I4G1](#)). As confirmed in the letter, CAEPLA wrote to Trans Mountain on August 31, 2020 on behalf of the owners of 13 local properties affected by the proposed Ohamil Camp Community and related facilities to request a local meeting to discuss the concerns of local residents. As we have not yet received a response to our request, we were dismayed to see Trans Mountain misstate to the CER that no requests have been received."*

*"CAEPLA and the landowners we represent continue to look forward to meeting with Trans Mountain to work on resolving the community's outstanding concerns. In the meantime, as stated in our previous letters to the CER, the CER should decline to consider Trans Mountain's June 18, 2020 application for approval until consultation is complete and Trans Mountain has filed an updated Worker Accommodation Strategy and ESA for the Ohamil Camp Community that addresses the concerns of the community as resolved through the consultation process."*

The members of the Laidlaw Community Group continue to act together and support each other in their efforts to have TMX and the CER take them and their concerns seriously along with their right, under law, to associate and legally authorize CAEPLA to act on their behalf to

help guide an accountable orderly process to resolve their many individual and community concerns.

These people have been supportive of the TMX pipeline project with the acceptance of the pipe yard in their community. Although it seems that with the purchase of the company by the Federal government and the legislated changes to the federal regulatory agency that support can no longer be maintained and they feel may not be deserved considering the way the company has treated them and the way in which the company seems to be endangering the long term peaceful relationship between the local Indigenous and non-Indigenous communities.

TMX, using the Indigenous community as the scapegoat for TMX's ignoring the imposed regulatory conditions, its expectation of CER exemptions and its irresponsible behaviour regarding and ignoring consultations and respect of community member property rights is arrogant.

CAEPLA and the Laidlaw Community Group expect more of this Crown-owned pipeline company. We expect it to respect the Charter rights of Canadians to associate and work together as a group, the regulations of and the conditions imposed by the federal regulator and to show respect for Indigenous and Non-Indigenous property rights, the communities and those communities ongoing good relations.

TMX's claim that members of the Laidlaw Community have not contacted them and have no concerns is simply false.

Traffic issues and interferences with individuals' enjoyment of their properties are already happening with the non-approved camp activities. Frustrations are escalating.

CAEPLA and the Laidlaw Community Group request that the CER provide mediation services in helping to find resolution to these issues.

Sincerely,



Dave Core  
CAEPLA, Director of Special Projects

c.c.: Scott Stoness, Vice President, Regulatory and Finance – Trans Mountain

c.c.: Hon Seamus O'Regan, P.C., M.P.

c.c.: Mark Strahl, M.P.