

Hearing Order OH-001-2014
Trans Mountain Pipeline ULC (Trans Mountain)
Application for the Trans Mountain Expansion Project
Motions to compel full and adequate responses by intervenors to information requests (IRs) from intervenors and Trans Mountain
Organizational chart for comments on inadequacy of IR responses

NOTE: To add additional rows to the table, place your cursor in the last cell/box (i.e., at the bottom right) of the table, and press the “Tab” button on your keyboard.

Government of BC.		Board of Friends of Ecological Reserves]			
IR #	IR wording ¹	Responding intervenor’s response to IR ²	Motion author’s explanation for claiming IR response to be inadequate ³	Responding intervenor’s response to motion ⁴	Motion author’s reply ⁵
1	<p>Preamble.</p> <p>Shore zone mapping information. A3Y2Z1, Response to BC IR No. 1.65 page 104 out of 187pages states:</p> <p><i>The Western Canada Marine Response Corporation (WCMRC) advises (BC government) that a program is currently underway to develop Geographic Response Plans (GRPs) and Geographic Response Strategies (GRSs) for the BC Coast. The program began in 2013 with the initial focus on higher traffic areas such as Vancouver Harbour, southern Georgia Strait, Haro/Juan de Fuca Straits, associated Douglas Channel passages, and Prince Rupert. The goal is to complete assessment of these areas by the end of 2017. Pre-spill Shoreline Clean-up Assessment Technique (SCAT) requirements will also be addressed concurrent to the GRP planning process for high-risk areas.</i></p> <p>While we applaud the WCMRC initiative, we found that during our review of shore zone mapping, shoreline sensitivity interpretative maps and Ecological Reserves, that the sensitivity map ratings do not match our understanding of ecological values nor do the assigned sensitivities ratings. We are fearful that the new ongoing inventories will also provide maps that will suffer the same short comings and we are very concerned as this information will be the basis for Spill Response and Geographic Response Plans. The Board of FER’s Final Evidence Report provides specific examples to illustrate questionable ratings. Section 5.5.4 (pages 116-117) https://docs.neb-one.gc.ca/ll-eng/llisapi.dll/fetch/2000/90464/90552/548311/956726/2392873/2449925/2450919/2786560/C33-6-1 - Friends of Ecological Reserves Evidence KM TMX for NEB Report- A4Q2T7.pdf?nodeid=2786371&vernum=-2</p> <p>The Board of FER is concerned that the BC government is apparently allowing private interest control and their proprietary claim to shoreline inventory of a shared public resource. We understand that shore zone mapping is required by WCMRC for Spill Response Plans, but it is also needed by other levels of government, i.e., Federal, Provincial and FNs, Non-Government Organizations (NGOs) like FER, as well as the private sector. WCMRC is the only Government of Canada endorsed response organization on the west coast and must do area plans. The Board of FER strongly supports transparency on data sharing and transparency on rankings used when it comes to assigning emergency responses to public resources. The Board of FER in our final written evidence, did not support industry-only lead inventory and interpretations as the basis for planning for marine oil spills and quantifying environmental impacts, as there is a vested interest in understanding impacts and industry will not self impose on changes to any practices should these increase costs. The Board of FER therefore has proposed that a multi-stakeholder council with industry acting in a Trustee capacity which would include the Western Marine Resources Corporation be set up. This model is needed for a more objective and transparent approach to pre-spill planning, monitoring and data sharing</p> <p>We note that the BC government (Geo BC) maintains a shore zone mapping web page which is currently significantly out of date. The last entry we could find is 15 to 20 years ago and there appears to be no BC Government Coastal Inventory Program which lead to the data standard initially. See the Coastal Resource Information System (CRIMS) http://geobc.gov.bc.ca/base-mapping/coastal/index.html .</p> <p>We are unclear of the role the BC government has with the WCMRC regarding u-dating the shore zone inventory. We are unsure what role the BC government has on setting standards such as those sanctioned by the Resource Inventory Committee over twenty years ago when the government had in-house shore zone expertise and the Shore Zone Unit was functional. We are also unsure of who will be the data custodian as the Shore Zone Mapping is updated and data sharing provided.</p> <p>We see an urgent need to have a number of other stakeholders and agencies provide guidance and direction for updating shoreline inventory. As stated above this is solely a WCMRC</p>				

¹ In this column, insert the relevant text of the IR that was asked. If the entire question is relevant to your submission, insert the full text. The references and preambles can be omitted (removed), unless they are essential to your submission.

² In this column, insert the relevant text of the responding intervenor’s response to the IR. If the entire response is relevant to your submission, insert the full text.

³ In this column, explain why you consider the IR response to be inadequate.

⁴ In this column, include the responding intervenor’s response to your motion.

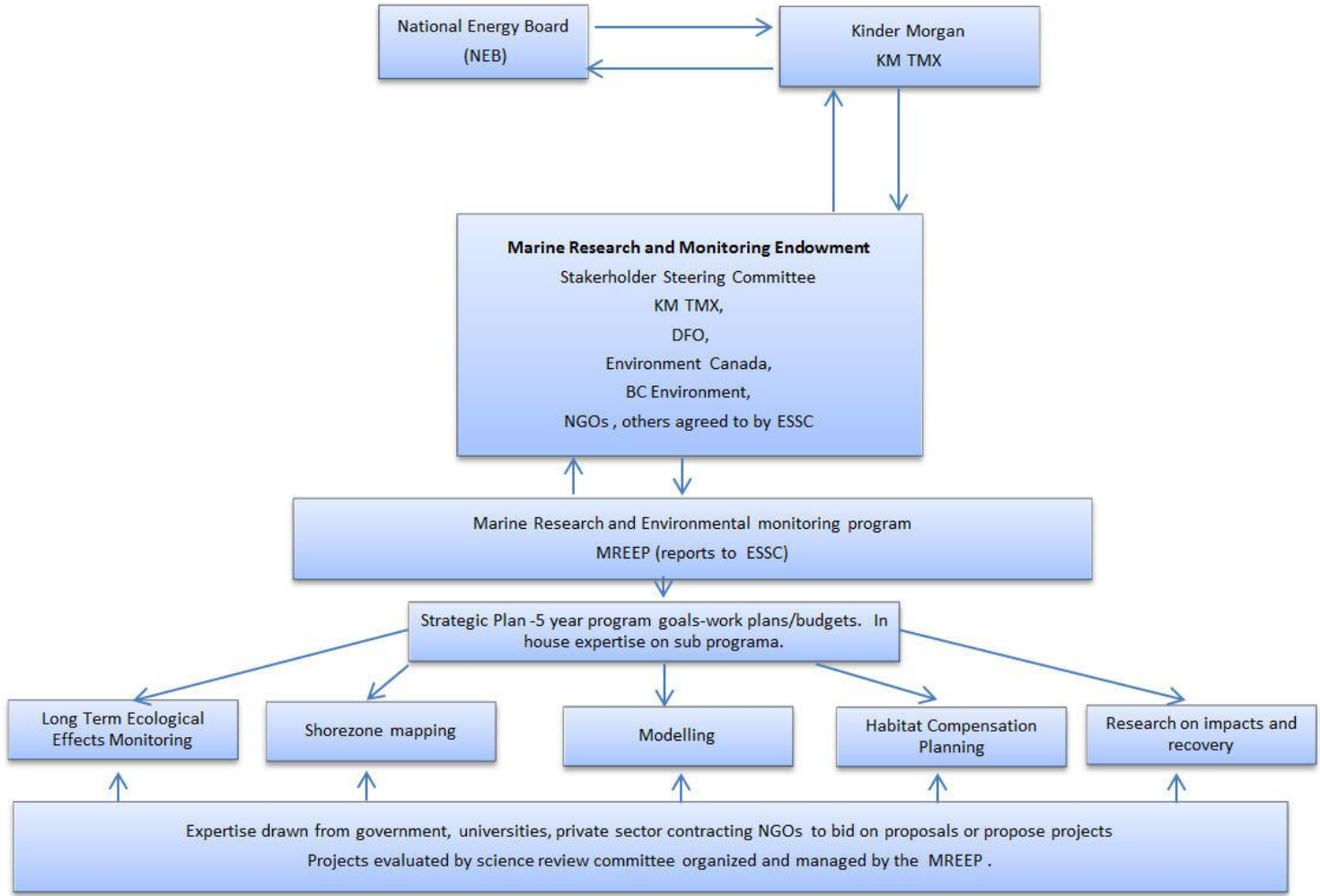
⁵ In this column, you may only reply if the responding intervenor has filed a response to your motion, and your reply may only deal with matters raised by the responding intervenor in its response.

IR #	IR wording ¹
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inventory program. See section 5.5 shore zone classification in the above FER final evidence report and section 5.5.4.1 for examples of maps of sensitivities of specific ERs. Pages 116 and 117. We lack confidence in the existing shore zone data. We see a need for greater transparency in data standards and a wider multi-stakeholder group to add data to this important inventory. To this end, the Board of FER has proposed to the NEB that permit conditions (should the KM-TMX project be approved) that move the shore zone mapping program under a multi-stakeholder Trustee Council (see diagram below). The Board of FER has also included marine research and monitoring within the Trustee Council purview as well as a shore zone inventory program. The Board of FER's suggested governance structure requires KM-TMX to financially support and build an Endowment specifically for Long Term monitoring and Research.

The structure and outline of the Endowment and multi-agency Trustees oversight is included in our Final Evidence report and again represented here. Note it is proposed to place Shoreline under a multi-agency umbrella that includes KM-TMX but is not exclusive to WCMRC as appears to be the current arrangement between the BC government and WCMRC. (<https://docs.neb-one.gc.ca/11-eng/lisapi.dll/fetch/2000/90464/90552/548311/956726/2392873/2449925/2450919/2786560/C33-6-1 - Friends of Ecological Reserves Evidence KM TMX for NEB Report- A4Q2T7.pdf?nodeid=2786371&vernum=-2>).



IR to BC Government.

- 1.1 What role does the BC government currently have in revising the shore zone classification system?
- 1.2. Who within the BC government provides quality control on the inventory and documentation on the sensitivity ratings? Where and from whom is this information available?
- 1.3 Does the government of BC support transparency of inventory standards and disclosure of weighting of factors used to produce interpretative products such as shoreline sensitivities?

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	<p>1.4 Does the government of BC agree that there is benefit to wide access to shore zone inventory of public resources for use in coastal planning, habitat enhancement and other initiatives?</p> <p>1.5 Will government maintain expertise and participate in the WCMRC inventory?</p> <p>1.6 Has the CRIMS site been up dated to reflect new inventories being done by WCMRC as they are completed?</p> <p>1.7 Will the information from the WCMRC inventory be made available to government and the public?</p> <p>1.8. Will there be a cost to the government for accessing the WCMRC shore zone inventory?</p> <p>1.9. Does the government of BC support a multi-agency/stakeholder approach to guide shore zone inventory such as that proposed by the Board of FER above?</p>				
2	<p>Preamble:</p> <p>The Board of FER is unclear who is leading the Geographic Spill plans. The Motion by GoBC sought this information as well, to which KM-TMX responded that it was proprietary. GoBC sought the following:</p> <p><i>1.9a Please provide a copy of Trans Mountain's emergency response plan and any other plan that describes what the company does in the event of a spill. Without limitation, please provide the control point and field guide manuals referenced in the preamble</i></p> <p><i>TMX response.</i> <i>There is an error in Volume 7, Section 4.8.1.2 of the Application where it states that</i></p> <p><i>Kinder Morgan Canada (KMC) is willing to provide copies of the emergency response and any other plan that describes what the company does in the event of a spill, upon request by any member of the public that has an interest in the operations of Trans Mountain Pipeline. <u>The Emergency Management Program (EMP) documents contain information which is proprietary and of a sensitive nature, and due to security concerns it is not publically available, nor will it be made publically available. KMC is willing to provide copies of the EMP documents to local, provincial and federal authorities who satisfy the following conditions:</u></i></p> <p>BC government assessment that the KM-TMX response was inadequacy.</p> <p><i>The List of Issues set by the National Energy Board for this review includes safety and security during ... operation of the project, including emergency response planning [emphasis added by G of BC]. Trans Mountain makes repeated references throughout the application to its emergency preparedness and response program, in support of the overall assertion that it will be able to respond effectively to any spill. It is critical that the NEB, the Province and other intervenors be able to evaluate the adequacy of such program. Trans Mountain's offer to provide copies of the EMP documents to local, provincial and federal authorities on a confidential basis is of no assistance in the context of this review process. Trans Mountain asserts that its Emergency Management Program documents contain information which is proprietary and of a sensitive nature. Trans Mountain provides no evidence to substantiate such a claim.</i></p> <p>Final Word from TMX.</p> <p><i>Trans Mountain will file the emergency management plan documents for the existing system on August 1st 2014 along with a request, pursuant to the Filing Manual, that the NEB treat them as confidential.</i></p> <p>The Emergency Management BC web page states (http://www.embc.gov.bc.ca/index.htm) states that</p> <p><i>"EMBC works with local governments, First Nations, federal departments, industry, non-government organizations and volunteers to support the emergency management phases of mitigation/ prevention, preparedness, response and recovery. Additionally, EMBC engages provincial, national and international partners to enhance collective emergency preparedness</i></p> <p>And</p> <p><i>Emergency Management British Columbia is responsible to British Columbians for leading the management of provincial level emergencies and disasters and supporting other authorities within their areas of jurisdiction."</i></p> <p>2.1 Given the lack of success revealed by the BC Motion to compel KM-TMX and their subsidiary WCMRC to disclose spill preparedness lack of support for this level of transparency NEB is BC leading Emergency Response as implied or BC invited to participate by industry?</p> <p>2.2 Is the WCMRC emergency plan referenced by KM-TMX for its existing operations available to the Government of BC?</p>				

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	<p>2.3 If is available does it include the marine shipping component through Strait of Juan de Fuca?</p> <p>2.4. If marine plan is available, will the BC government provide a copy to FER so we can assess how the ERs have been ranked with regard to their value and priority for responses by WCMRC?</p> <p>2.5 What baseline environmental monitoring and inventory does the BC Government currently conduct in the marine ecosystems of Pacific Coast along the tanker route that would inform pre-spill environmental condition and geographic spill plans?</p> <p>2.6 If BC government does collect marine monitoring information, what type of data is collected and where and how can it be accessed by Canadians? For BC-maintained monitoring data, please provide links to data custodians, protocols and standards and where data can be accessed.</p> <p>2 -7 Are species at risk recovery plans underway or being implemented for marine species and ecosystems along the tanker route? What pre-spill baselines are available for threatened and endangered species and ecosystems and where can this data be found?</p> <p>2.8 We request summaries of meetings between government of BC and KM-TMX on marine species and any decisions on pre-spill monitoring, practices and research that have been made by either party?</p>				