

Wednesday, February 13th, 2019

Trans Mountain Pipeline Project Current Status

The BC Métis Federation is sharing the following project update as there continues to be many questions about the current Trans Mountain Expansion Project, particularly in relation to the Federal Court of Appeal decision and how the Government of Canada is continuing the process.

Therefore, the BC Métis Federation is providing this overview and a copy of a presentation received this past week for members and partners to review.

Project Summary

- The Trans Mountain Expansion Project (TMX) is the proposed twinning of an existing oil pipeline that was built in 1953. It runs from Edmonton, Alberta, to the Westridge Marine Terminal and the Chevron refinery in Burnaby, British Columbia.
- The project would involve building a new pipeline along the existing Trans Mountain pipeline route between Edmonton, Alberta, and Burnaby, British Columbia. This would increase the pipeline's capacity from 300,000 barrels to 890,000 barrels per day.
- The project would also expand the Westridge Marine Terminal in Burnaby allowing it to increase the number of tankers per month it can receive from five to 34. The pipeline project would follow existing rights-of-way for 89 percent of its 1,147 kilometre length and add two berths to the existing marine terminal.

Federal Court of Appeal (FCA) Decision

- In August 2018, the FCA quashed the TMX project approval and provided the Government with guidance on how to move forward, including reconsidering project-related environmental effects of marine shipping (like species at risk). Canada is not appealing the decision.
- Following the guidance from the FCA, the Crown is engaging in meaningful, specific, and focused dialogue with potentially impacted Indigenous groups on the TMX Project.
- The Crown Phase III consultation teams are working with Indigenous groups in a manner that aligns with the Government's commitment to strengthen and renew its relationships with Indigenous peoples, while respecting and upholding their rights.

National Energy Board (NEB) Reconsideration

- On September 20, 2018, the Government of Canada instructed the NEB to reconsider its recommendation, and take into account the effects of project-related marine shipping, pursuant to the *Canadian Environmental Assessment Act, 2012*
- On October 12, 2018, the NEB released a hearing order with the next steps and NEB hearings closed in January 2019.
- The NEB will submit its Recommendation Report on the reconsideration of marine shipping elements of the Project to the Minister of Natural Resources for consideration no later than February 22, 2019.
- Pursuant to the National Energy Board Act, the Governor in Council has 90 days from the date of submission of the NEB report to make a decision on the Project. The statute provides the Government the ability to extend the timeline.

A Meaningful Two-Way Dialogue

- This consultation and accommodation process is not about starting over. The Crown is building on existing relationships, which includes re-building trust in communities where trust has been lost.
- It's informed by the information submitted and knowledge shared by Indigenous communities.
- Consultations are tailored to the groups we meet with.
- Consultation Teams have the mandate to engage in meaningful two-way dialogue and discuss the concerns of Indigenous groups and accommodation measures to address those concerns.

Timeline:

- August 30, 2018: FCA Decision
- September 20, 2018: Government asked NEB to reconsider the Project
- October 3, 2018: Minister Sohi announced the government's decision to re-initiate Phase III consultations with 117 Indigenous groups impacted by the Project.
- October 12, 2018: NEB released the Hearing Order
- October to January: Evidence, including Oral Traditional Evidence, is submitted and heard by the NEB.

- December 2018 to January 2019: Crown consultations begin
- January 2019: NEB hearings close
- February 22, 2019: The NEB will submit its Recommendation Report on the Reconsideration of marine shipping elements of the Project to the Minister of Natural Resources for consideration
- The statutory timeline for a decision is three months following receipt of the NEB Recommendation Report. The government can extend the timeline for decision, which will also be informed by the NEB's report.
- The Government will only make a decision on the project once it is satisfied that the Crown has adequately fulfilled its duty to consult.