

Trans Mountain Expansion Project BC EAO Condition 4 - Compliance Reporting (January 31, 2018)

EAC Condition #	EAC Condition	Activity to Fulfil Condition Requirements	Condition Status	Trans Mountain's Assessment of Compliance Status
1	<p>Document Review and Implementation Where a condition of this Certificate requires the Holder to provide a plan, program or other document, the Holder must provide the plan, program or other document to EAO in the timeframe referenced in such condition, unless otherwise approved by EAO. EAO may, within 60 days of receiving a copy of such plan, program or other document, advise that:</p> <p>a) The Holder may proceed to implement the plan, program or other document with or without revisions; or</p> <p>b) A revised plan, program, or other document must be provided for approval of EAO prior to a specified activity or milestone. If EAO advises pursuant to paragraphs (a) or (b) that changes are required to a plan, program, or other document, then the Holder must follow the instructions of EAO in that regard.</p> <p>If EAO does not advise on (a) or (b) within 60 days of EAO receiving a plan, program, or other document, the Holder may proceed to implement the plan, program or other document.</p> <p>The Holder may, or EAO may require the Holder to, revise any plan, program or other document if the Holder or EAO determines that the implementation of the plan, program or other document is not:</p> <p>a) Meeting one or more objectives of the plan, program or other document set out in the relevant condition of this Certificate;</p> <p>b) Having the effects contemplated or intended, as set out in the plan, program or other document itself;</p> <p>c) Consistent with the Certificate; or</p> <p>d) Consistent with changes in industry best practices or technology.</p>	Trans Mountain acknowledges this condition.	On-going	In compliance
2	<p>Plan Development Where a condition of this Certificate requires the Holder to develop a plan, program or other document, any such plan, program or other document must, at a minimum, include the following information:</p> <p>a) Purpose and objectives of the plan, program or other document;</p> <p>b) Roles and responsibilities of the Holder, Project personnel and contractors;</p> <p>c) Names and if applicable, professional certifications and professional stamps/seals, for those responsible for the preparation of the plan, program, or other document;</p> <p>d) Schedule for implementing the plan, program or other document throughout the relevant Project phases;</p> <p>e) Means by which the effectiveness of the mitigation measures will be evaluated, including a schedule for evaluating effectiveness;</p> <p>f) Adaptive management plan to address effects of the Project if those effects:</p> <p>i) Are not mitigated to the extent contemplated in the Application; or</p> <p>ii) Are not predicted in the Application; g) Schedules and methods for the submission of reporting to specific agencies, Aboriginal Group(s) and the public and the required form and content of those reports; and</p> <p>h) Process and timing for updating and revising the plan, program or other document, including any consultation with agencies and Aboriginal Groups that would occur in connection with such updates and revisions.</p>	Trans Mountain acknowledges this condition.	On-going	In compliance
3	<p>Consultation Where a condition of this Certificate requires the Holder to consult a particular party or parties regarding the content of a plan, program or other document, the Holder must, to the satisfaction of EAO:</p> <p>a) Provide written notice to each such party that:</p> <p>i) Includes a copy of the plan, program or other document;</p> <p>ii) Invites the party to provide its views on the content of such plan, program or other document; and</p> <p>iii) Indicates:</p> <p>i. If a timeframe providing such views to the Holder is specified in the relevant condition of this Certificate, that the party may provide such views to the Holder within such time frame; or</p> <p>ii. If a timeframe providing such views to the Holder is not specified in the relevant condition of this Certificate, specifies a reasonable period during which the party may submit such views to the Holder;</p> <p>b) Undertake a full and impartial consideration of any views and other information provided by a party in accordance with the timelines specified in a notice given pursuant to paragraph (a);</p> <p>c) Provide a written explanation to each such party that provided comments in accordance with a notice given pursuant to paragraph (a) as to:</p> <p>i) How the views and information provided by such party to the Holder have been considered and addressed in a revised version of the plan, program or other document; or</p> <p>ii) Why such views and information have not been addressed in a revised version of the plan, program or other document;</p> <p>d) Maintain a record of consultation with each such party regarding the plan, program or other document; and</p> <p>e) Provide a copy of such consultation record to EAO, the relevant party, or both, promptly upon the written request of EAO or such party.</p>	Trans Mountain acknowledges this condition.	On-going	In compliance
4	<p>Compliance Reporting The Holder must submit a report to EAO on the status of compliance with this Certificate at the following times:</p> <p>a) At least 30 days prior to the start of Construction;</p> <p>b) On or before January 31 in each year after the start of Construction;</p> <p>c) At least 30 days prior to the start of Operations; and</p> <p>d) On or before January 31 in each year after the start of Operations. The reports must be in a form satisfactory to EAO. EAO may adjust or extend this reporting requirement by providing written notice to the Holder.</p>	a) Trans Mountain filed a status of compliance report, in compliance with Condition 4, on July 21, 2017. Trans Mountain filed revisions on July 28, 2017 and August 8, 2017. EAO requested additional revisions on August 18, 2017. Trans Mountain filed revised Condition 4 Report on August 29, 2017. Trans Mountain received further comments from BC EAO on August 31, 2017 and re-filed a revised Condition 4 Report on September 1, 2017. Trans Mountain received further comments from BC EAO on September 6, 2017 and filed a revised Condition 4 Report on September 8, 2017. EAO approved the Condition 4 report on September 8 2017. Trans Mountain intends to file the next update to the Condition 4 Report on January 31, 2018.	On-going	In compliance
5	<p>Compliance Verification The Holder must provide any document, data or information requested by EAO for the purposes of compliance inspection and verification.</p>	Trans Mountain acknowledges this condition.	On-going	In compliance

6	<p>Phased Filings Due to the Project's large spatial extent, the Holder may wish to commence Construction activities at specific locations at different times (i.e. using a phased approach). This may entail doing so on the basis of pipeline spreads of defined lengths, or by regions, or work areas, of the Holder's choosing. If the Holder intends to use a phased approach for Construction:</p> <p>a) The Holder must submit to EAO, at least 6 months before commencing Construction, a complete list of pipeline spreads, regions, or work areas for which, for the duration of Construction, the Holder proposes to submit the plans and other documents required by these conditions in a phased manner. Each pipeline spread, region, or work area must be clearly described and delineated;</p> <p>b) As part of its submission for a), the Holder must indicate the specific condition(s) and related pipeline spread(s), region(s), or work area(s) for which it intends to apply this phased approach;</p> <p>c) If the Holder's list of pipeline spreads, regions or work areas in a) above changes, the Holder must submit the revised list to EAO within two weeks;</p> <p>d) When submitting a plan or document required by these conditions, the Holder must clearly indicate which pipeline spread(s), region(s), or work area(s) the submission applies to; and</p> <p>e) Nothing in the condition changes the responsibility of the Holder for ensuring compliance with all conditions that apply to the pre-Construction period for each pipeline spread, region or work area prior to commencing Construction in that particular pipeline spread, region or work area.</p>	Trans Mountain filed its Phased Filings report, in compliance with Condition 6, on February 2, 2017. Per EAC Condition 1, Trans Mountain will proceed to implement the plan.	On-going	In compliance
7	<p>Project Status Notifications The Holder must notify EAO and Aboriginal Groups, in writing, three months prior to commencing Construction or Operations, and must provide the EAO with any application for decommissioning submitted to the NEB.</p> <p>The Holder must notify EAO and Aboriginal Groups – Terrestrial when it commences filing the Construction schedules with the NEB required by NEB Condition #62.</p> <p>The Holder must notify EAO of its filing of the Plan, Profile and Book of Reference pursuant to section 33 of the National Energy Board Act at the same time they are filed with the NEB.</p> <p>Should the primary contact for the Project change from the primary contact that was provided to EAO in a letter dated August 30, 2016, the Holder must notify EAO, in writing, within one week of such change and provide the physical address, email address and phone number(s) of the new primary contact.</p>	Trans Mountain notified the EAO of its Construction Schedule and PPBOR, in compliance with Condition 7, on May 15, 2017. Trans Mountain notified the EAO of a change to its primary contact on June 27, 2017.	On-going	In compliance
8	<p>Compliance Notification The Holder must notify EAO after the Holder determines that it has not complied with this Certificate, within the following time periods:</p> <p>a) As soon as practicable; or</p> <p>b) Within 72 hours, whichever is less.</p>	Trans Mountain acknowledges this condition.	On-going	In compliance
9	<p>Transfer of Certificate a) Except as provided below, neither this Certificate nor any interest in it may be transferred to any person. This Certificate will be effectively transferred if the proposed Holder acknowledges that, upon transfer, it will be responsible for complying with the conditions of the Certificate, and both the proposed Holder and the Holder:</p> <p>i) Obtain consent for the transfer from the Executive Director,</p> <p>ii) Apply under Section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer, and</p> <p>iii) Confirm by written notice to the Executive Director, within 14 days of the completion of all aspects of the transfer transaction other than this notice, that the transfer has been completed.</p> <p>b) An interest in this Certificate may be transferred by way of a grant of security to lenders or financiers without consent.</p> <p>c) A transfer of this Certificate to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale, or as part of a court approved arrangement under the Company Creditors Arrangement Act may occur without consent.</p> <p>If this Certificate is transferred without consent, the new and former Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.</p>	Trans Mountain acknowledges this condition.	To be initiated	Future phase

10	<p>Aboriginal Consultation Reports The Aboriginal consultation reports must:</p> <p>a) Summarize the efforts undertaken by the Holder to consult with Aboriginal Groups, including consultations to meet the requirements set by the NEB Conditions 96 and 146 and the conditions set out in this Certificate;</p> <p>b) Identify the comments and information received from Aboriginal Groups during consultation;</p> <p>c) Demonstrate how any new information obtained through consultation with Aboriginal Groups, including through TLU or TMRU investigations has been considered and incorporated into the Holder's activities, plans or programs with the objective of avoiding or minimizing Project effects on Aboriginal Groups;</p> <p>d) Provide an update on the status of issues resolution with Aboriginal Groups;</p> <p>e) Identify the measures the Holder has implemented, or intends to implement, and the timeframe for implementation, to address issues raised by Aboriginal Groups, including measures to, as much as technically and economically feasible, avoid, minimize, and offset the adverse effects of the Project on the Aboriginal Groups;</p> <p>f) Describe the actions the Holder has taken or will take to provide training, employment, business, and contracting opportunities to Aboriginal Groups;</p> <p>g) Describe the outcomes of the actions taken by the Holder pursuant to (e);</p> <p>h) Outline on-going or future consultation activities, including those required by NEB Conditions 96 and 146 and the conditions set out in this Certificate; and</p> <p>i) Identify the comments received from Aboriginal Groups during consultation on the draft Aboriginal consultation report and explain how the comments were considered or addressed.</p> <p>The Holder must provide Aboriginal consultation reports to EAO at least two months prior to the commencement of Construction, one year after commencement of Construction, and both one year and five years after commencement of Operations. EAO may amend these timelines and may request additional reports at any time by providing written notice to the Holder.</p> <p>Prior to providing an Aboriginal consultation report to EAO, the Holder must share the draft Aboriginal consultation report with Aboriginal Groups for their review and comment for no less than 30 days.</p>	<p>Trans Mountain consulted Aboriginal groups on its draft Aboriginal Consultation Report, in compliance with Condition 10, between April 12, 2017 and May 12, 2017. Trans Mountain filed its Aboriginal Consultation Report with the EAO, in compliance with Condition 10, on June 21, 2017. Trans Mountain received a request for additional information by the EAO and filed R1 of its Aboriginal Consultation Report on July 24, 2017. Trans Mountain received a second request for additional information by the EAO and filed R2 of its Aboriginal Consultation Report on September 5, 2017. EAO notified Trans Mountain of acceptance of the Condition 10 report on September 22 2017. Trans Mountain intends to file the next update to Condition 10 in September 2018.</p>	On-going	In compliance
11	<p>Aboriginal Marine Outreach Program The Holder must develop and implement an Aboriginal marine outreach program in consultation with Aboriginal Groups – Marine Shipping that must, in addition to meeting all of the requirements set out in NEB Condition 131, include the means by which the Holder will:</p> <p>a) Communicate with Aboriginal Groups – Marine Shipping regarding relevant marine-related initiatives, programs, and research that the Holder is directly or indirectly involved in to address the impacts of increased Project-related tanker traffic in the Salish Sea;</p> <p>b) Consult with Aboriginal Groups – Marine Shipping to identify potential activities and actions that the Holder may undertake to support safe Aboriginal traditional marine use and to support on-going education and planning related to spill preparedness and response, in consideration of the increased Project-related tanker traffic; and</p> <p>c) Inform Aboriginal Groups – Marine Shipping of opportunities to participate in activities and actions or be informed of the marine-related initiatives, programs, and research activities in (a) and (b).</p> <p>The Holder must provide reports on the completed activities and results of the marine outreach program to EAO and Aboriginal Groups – Marine Shipping at least three months prior to the planned commencement of Operations, and at one year and five years after commencement of Operations.</p>	<p>Trans Mountain has begun initial planning and outreach in support of the Aboriginal Marine Outreach Program and anticipates filing a submission in Q3 2020.</p>	On-going	In compliance
12	<p>Involvement of Aboriginal Groups in Construction and Post-Construction Monitoring The Holder must, in consultation with Aboriginal Groups – Terrestrial, prepare a plan to support the participation of Aboriginal Groups – Terrestrial in Construction and post-Construction monitoring. The plan must, in addition to meeting all of the requirements set out in NEB Condition 98, include a plan to provide training to Aboriginal monitors and a commitment to report out on the results of the program to individual Aboriginal Groups – Terrestrial and EAO within one year after the commencement of Operations. The report must:</p> <p>a) Describe the participation of each Aboriginal Group – Terrestrial in Construction monitoring;</p> <p>b) Describe training that was offered to the Aboriginal monitors;</p> <p>c) Describe how the information obtained from the Aboriginal monitors was considered and applied by the Holder; and</p> <p>d) Identify the opportunities the Holder will provide to Aboriginal Groups – Terrestrial to participate in any post-Construction monitoring programs.</p> <p>The Holder must develop and implement the plan in consultation with Aboriginal Groups – Terrestrial and submit it to EAO at the time the plan required by NEB Condition 98 is filed with the NEB.</p>	<p>Trans Mountain filed its Involvement of Aboriginal Groups in Construction and Post-Construction Monitoring Plan with the EAO, in compliance with Condition 12 on June 15, 2017. Trans Mountain received a request for more information from the EAO and filed R1 of its Involvement of Aboriginal Groups in Construction and Post-Construction Monitoring Plan on July 21, 2017. Trans Mountain intends to provide the EAO and Aboriginal Groups - Terrestrial with a report on the results of the program in Q4 2021.</p>	On-going	In compliance
13	<p>Aboriginal Culture Awareness and Recognition At least three months prior to commencing Construction in an Aboriginal Group's asserted or established traditional territory or treaty lands, the Holder must commence consultation with the Aboriginal Group to identify opportunities for cultural awareness and recognition. The Holder must offer opportunities to Aboriginal Groups that include holding ceremonies, installing signage, executing cultural protocols, recognizing cultural heritage, and providing cultural awareness training to Project personnel. If specific opportunities for cultural awareness and recognition are requested by an Aboriginal Group, the Holder must determine the scope and content of the cultural awareness and recognition opportunity and associated activities, in consultation with the Aboriginal Group and must support or conduct such activities, or must provide a rationale to the Aboriginal Group explaining why a specific request or activity is not practicable.</p>	<p>Trans Mountain sent a letter to Aboriginal groups on May 15 2017 to initiate a direct dialogue to identify opportunities for cultural awareness and recognition, including protocols and ceremonies, that should be considered before or during the construction of the Trans Mountain Expansion Project. To date, Trans Mountain received one formal response letter, from the Musqueam First Nation (June 8, 2017), stating that "No approvals or permits should be issued while litigation regarding the Crown's approval of TMEP remains unsettled, therefore the only protocol to be followed is that no construction within Musqueam's territory should begin before the resolution of the court case." Trans Mountain seeks to develop a collaborative long-term vision that would initiate with co-hosting start of construction cultural ceremonies with willing Aboriginal communities and to build upon a respectful relationship throughout the duration of construction and into operation to facilitate proactive communication and assist with such matters as conflict resolution. Ongoing reporting regarding Trans Mountain's Aboriginal Culture Awareness and Recognition initiatives will be reported in future Condition 10: Aboriginal Consultation Report filings.</p>	On-going	In compliance

14	<p>Public Communications and Engagement The Holder must continue to engage the public from the date of issuance of this Certificate until the end of Operations.</p> <p>Within 90 days of the issuance of this Certificate, the Holder must establish and maintain a dedicated Project website for the life of the Project. The website must:</p> <ul style="list-style-type: none"> a) Provide general information regarding the Project and Project status; b) Provide information about Construction and Operations activities; c) Provide information regarding progress in permitting processes that follow the issuance of this Certificate; d) Include information that would promote safety in and surrounding the Project area; and e) Provide contact information. The Holder must provide a public engagement summary report one year after the commencement of Construction and one year after the commencement of Operations, unless otherwise directed by EAO. <p>The public engagement report must include:</p> <ul style="list-style-type: none"> a) The stakeholders engaged, including the stakeholders identified in the Holder's stakeholder engagement report dated September 2016, submitted to EAO; b) The methods(s), date(s), and location(s) of engagement activities; c) A summary of issues or concerns raised; and d) The measures taken or that will be taken to address or respond to concerns, or an explanation as to why no further action is required to respond to issues or concerns. 	<p>Trans Mountain notified the EAO of its Project website, in compliance with Condition 14, on April 5, 2017. Trans Mountain received a request for additional information by the EAO and as follow up to the request, published website enhancements, including additional permitting-related information, on August 1, 2017. On November 7, 2017 the EAO issued a letter to Trans Mountain requesting additional revisions to the Project website under Condition 14. Trans Mountain intends to publish updates to the Project website on February 2, 2018.</p>	On-going	In compliance
15	<p>Provincial Agency Consultation Plan Several NEB Conditions require the Holder to consult with "Appropriate Government Authorities". The Holder must submit to EAO a list of the provincial government authorities that will be consulted on the NEB Conditions and the Conditions that they will be consulted on.</p> <p>Condition 1 of this Certificate does not apply to this condition (Condition 15).</p>	<p>Trans Mountain submitted a list of provincial government authorities to the EAO, in compliance with Condition 15, on March 27, 2017. Per EAC Condition 1, Trans Mountain will proceed to implement the plan.</p>	On-going	In compliance
16	<p>Wildlife Species at Risk Mitigation and Offset Plan The Holder must cause one or more Qualified Professionals to develop a wildlife species at risk mitigation and preliminary offset plan in consultation with FLNRO, MOE, ECCC, OGC and Aboriginal Groups – Terrestrial. The plan must, in addition to meeting the requirements set out in NEB Condition 44:</p> <ul style="list-style-type: none"> a) Be developed in a manner consistent with BC's Policy for Mitigating Impacts on Environmental Values (2014, or as amended from time to time); b) Identify provincially red-listed species and the species listed in appendix 1 to this table of conditions and the habitats necessary to meet their associated life requisites that would be directly or indirectly impacted by the Project, as determined by a Qualified Professional; c) Identify species listed as Threatened or Endangered under Schedule 1 of the Species at Risk Act (SARA) and associated draft, candidate, proposed or final critical habitat identified under SARA that would be directly or indirectly impacted by the Project, as determined by a Qualified Professional; d) Be developed to be consistent with any applicable provincial recovery strategies, to meet the requirements of any applicable provincial implementation plans, and to support or augment applicable provincial species at risk management objectives; e) Describe the mitigation measures and the expected residual effects of the Project on those species and habitats identified in (b) and (c), as determined by a Qualified Professional; f) Include a discussion of the potential for time lags between when Project effects occur and when mitigation measures would become fully functional, taking into account the expected effectiveness of mitigation measures; g) Identify the criteria that will be applied to determine the need for offset measures for any species and habitats identified in (b) and (c); h) Include a discussion of how offset objectives will be developed, including the use and selection of offset ratios, with the aim of achieving no-net-loss in relation to those species and habitats identified in (b) and (c); i) Describe the types of offset measures that will be considered, the process for selecting which will be implemented, an estimation of the probability of their success, and how offset sites will be selected; and j) Identify the Aboriginal Groups – Terrestrial that have asserted or established traditional territory or treaty lands which overlap with those species and habitats identified in (b) and (c). <p>The Holder must provide the preliminary offset plan to EAO for approval, and to FLNRO, MOE, ECCC, OGC and relevant Aboriginal Groups – Terrestrial identified in (j), at least six months before the commencement of Operations. If, after five years after the commencement of Operations, monitoring of habitats for species as identified in (b) and (c) above indicates that impacts remain, the Holder must cause one or more Qualified Professionals to develop a final wildlife species at risk offset plan for that species' habitats as identified in (b) and (c) above.</p> <p>The Holder must develop the wildlife species at risk offset plan in consultation with FLNRO, MOE, ECCC, OGC and</p>	<p>Trans Mountain acknowledges this condition and anticipates filing a submission in Q2 2020.</p>	To be initiated	Future phase
17	<p>Weed and Vegetation Management Plan The Holder must prepare a weed and vegetation management plan that must, in addition to meeting all of the requirements set out in NEB Condition 45:</p> <ul style="list-style-type: none"> a) Describe the actions that will be, or have been, taken to consult with: <ul style="list-style-type: none"> i) Aboriginal Groups whose asserted or established traditional territory or treaty lands may be affected by the Holder's vegetation control activities; and ii) Private landowners whose lands may be affected by the Holder's vegetation control activities; b) Describe the measures to mitigate impacts to traditional use plants; and c) Identify the means by which the Holder will provide opportunities for Aboriginal Groups – Terrestrial, that have plant gathering areas identified through Project TLU studies, to access these areas in order to harvest, salvage or translocate any traditional use plants that would be cleared, prior to the commencement of clearing. <p>The Holder must develop the plan in consultation with FLNRO, OGC and Aboriginal Groups – Terrestrial and submit it to EAO at least four months before the commencement of Construction.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction and Operations and to the satisfaction of EAO.</p>	<p>Trans Mountain filed its Weed and Vegetation Management Plan, in compliance with Condition 17, on April 13, 2017. Trans Mountain responded to a request for more information from the EAO and filed R1 of its Weed and Vegetation Management Plan on June 19, 2017. Trans Mountain responded to a second request for more information from the EAO and filed R2 of its Weed and Vegetation Management Plan on July 6, 2017. Trans Mountain received guidance from the EAO that further consultation with Aboriginal groups was required. Consultation was conducted from July 26, 2017 to August 25, 2017. Trans Mountain re-filed Condition 17 on September 1, 2017. Trans Mountain received feedback from the EAO on September 6, 2017. Trans Mountain re-filed Condition 17 on September 8, 2017. EAO directed Trans Mountain to proceed to implement the Plan on Sept 19 2017.</p>	On-going	In compliance

18	<p>Grizzly Bear Mitigation and Monitoring Plan - North Cascades Population The Holder must retain one or more Qualified Professionals to develop a grizzly bear mitigation and monitoring plan for the North Cascades Grizzly Bear Population Unit that must, in addition to meeting all of the requirements set out in NEB Condition 56:</p> <p>a) Be developed in a manner consistent with BC's Policy for Mitigating Impacts on Environmental Values (2014, or as amended from time to time);</p> <p>b) Include requirements for the immediate reporting of all grizzly bear sightings and interactions to MOE;</p> <p>c) Identify monitoring measures that would be taken in response to grizzly bear sightings or interactions; and</p> <p>d) Describe the role of wildlife monitors during construction, including any plans for wildlife monitors to be armed for ensuring protection of worker safety in situations of potential human wildlife conflict.</p> <p>The Holder must develop the plan in consultation with MOE, FLNRO, OGC and relevant Aboriginal Groups – Terrestrial and submit it to EAO at least four months before the commencement of Construction.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction and Operations under the supervision of a Qualified Professional and to the satisfaction of EAO.</p>	<p>Trans Mountain filed its Grizzly Bear Mitigation and Monitoring Plan - North Cascades Population, in compliance with Condition 18, on May 2, 2017. Trans Mountain received a request for more information and filed R2 of its Grizzly Bear Mitigation and Monitoring Plan - North Cascades Population Plan on August 5, 2017. On August 16, 2017, Trans Mountain received direction from the EAO to proceed to implement the Plan.</p>	On-going	In compliance
19	<p>Grizzly Bear Mitigation and Monitoring Plan - Robson, Wells Grey and Columbia-Shuswap Populations The Holder must retain one or more Qualified Professionals to develop a grizzly bear mitigation and monitoring plan for Robson, Wells Grey and Columbia-Shuswap Grizzly Bear Population Units that must:</p> <p>a) Be developed in a manner consistent with BC's Policy for Mitigating Impacts on Environmental Values (2014, or as updated from time to time);</p> <p>b) Provide information about the location and timing of all planned construction camps in British Columbia and how grizzly bear protection has been factored into site selection;</p> <p>c) Demonstrate how the Holder will avoid locating construction camps in class 1 or class 2 seasonal grizzly bear habitat as defined in the British Columbia Wildlife Habitat Rating Standards (1999), unless the location of a construction camp in class 1 or class 2 seasonal grizzly bear habitat is approved by EAO;</p> <p>d) Describe the means by which, if the location of a construction camp in class 1 or class 2 seasonal grizzly bear habitat is approved by EAO, the Holder will minimize impacts on grizzly bears;</p> <p>e) Include mitigation measures to avoid or minimize potential impacts to grizzly bears, including mitigations described in the wildlife conflict management plan, the worker accommodation strategy required by condition 23 of this Certificate, in the access management plan required by condition 22 of this Certificate and in consideration of mapped grizzly bear habitat;</p> <p>f) Include requirements for the reporting of all grizzly bear sightings and interactions to MOE;</p> <p>g) Identify monitoring measures that would be taken in response to grizzly bear sightings or interactions; and</p> <p>h) Describe the role of wildlife monitors during construction, including any plans for wildlife monitors to be armed for ensuring worker safety in situations of potential human wildlife conflict.</p> <p>The Holder must develop the plan in consultation with MOE, FLNRO, OGC and relevant Aboriginal Groups – Terrestrial and submit it to the EAO for approval, at least four months before the commencement of Construction.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction and Operations under the supervision of a Qualified Professional and to the satisfaction of EAO.</p>	<p>Trans Mountain filed its Grizzly Bear Mitigation and Monitoring Plan - Robson, Wells Grey and Columbia-Shuswap Populations, in compliance with Condition 19, on May 2, 2017. On July 28, 2017 EAO indicated that further consultation was required on Condition 19. On August 14, 2017 the Plan was re-issued for Aboriginal consultation. Trans Mountain filed an update to the Grizzly Bear Mitigation and Monitoring Plan - Robson, Wells Grey and Columbia-Shuswap Populations on October 19, 2017. The BC EAO approved the Plan on November 28, 2017.</p>	On-going	In compliance
20	<p>Caribou Mitigation and Monitoring The Holder must develop caribou mitigation and monitoring plans and programs that must, in addition to meeting all of the requirements set out in NEB Conditions 37, 128, and 149:</p> <p>a) Be consistent with relevant provincial legislation, regulations, policies and programs existing at the time of submitting filings for the NEB Conditions including, but not limited to, BC's Policy for Mitigating Impacts on Environmental Values (2014, or as amended from time to time); and</p> <p>b) Be consistent with any provincial recovery strategies, any provincial implementation plans, and any provincial species at risk management objectives.</p> <p>The Holder must consult with FLNRO, MOE, OGC and Aboriginal Groups – Terrestrial with asserted or established traditional territory or treaty lands that overlap caribou ranges on the development and implementation of the caribou mitigation and monitoring plans and programs.</p> <p>The Holder must submit the caribou mitigation and monitoring plans and programs to FLNRO, MOE, OGC, and EAO at the same time they are filed with the NEB.</p> <p>The Holder must submit the assessment and monitoring reports required by NEB Conditions 36 and 150 to EAO, FLNRO, MOE and OGC at the same time they are filed with the NEB.</p> <p>If requested by MOE or FLNRO the Holder must, to the satisfaction of EAO, participate in caribou recovery or management initiatives being undertaken by the provincial government.</p>	<p>Trans Mountain filed its Caribou Mitigation and Monitoring Plan, in compliance with Condition 20, on March 1, 2017. Trans Mountain received approval from the EAO on its Caribou Mitigation and Monitoring Plan on May 25, 2017.</p>	On-going	In compliance

21	<p>Provincial Parks and Protected Areas Offsetting The Holder must prepare a preliminary offset plan in consultation with MOE (BC Parks) for any Protected Areas (if park boundary adjustments are approved by an Order in Council) that would be impacted by the Project. The offset plan must:</p> <ul style="list-style-type: none"> a) Be developed in a manner consistent with BC's Policy for Mitigating Impacts on Environmental Values (2014, or as amended from time to time); b) Identify the mitigation measures and the expected residual effects, both direct and indirect, of the Project on each Protected Area, as determined by a Qualified Professional; c) Discuss the objectives of offset measures, including the aim of achieving no-net-loss of native biodiversity, ecological integrity and recreational values, as relevant to each Protected Area; d) Describe the types of offset measures that will be considered, including financial offset measures, the process for selecting which will be implemented, an estimation of the probability of their success, and how offsets will be selected; e) Include a timeline for the implementation of the offset measures; and f) Describe how the effectiveness of the offset measures will be monitored, including methods and reporting schedule. The Holder must consult on the preliminary offset plan with Aboriginal Groups – Terrestrial that have asserted or established traditional territory or treaty lands that overlap with areas identified in the preliminary offset plan and submit it for EAO's approval six months before the commencement of Operations. <p>The preliminary offset plan and any amendments thereto, must be implemented throughout Construction and Operations and to the satisfaction of EAO.</p> <p>If, after five years after the commencement of Operations, post-Construction environmental monitoring indicates there are residual effects to Protected Areas, the Holder must develop a final offset plan(s).</p> <p>The Holder must develop any final offset plan(s) in consultation with BC Parks, MOE, and Aboriginal Groups – Terrestrial that have asserted or established traditional territory or treaty lands that overlap with areas identified in the final offset plan(s). The final offset plan(s) must:</p> <ul style="list-style-type: none"> a) Be developed in a manner consistent with BC's Policy for Mitigating Impacts on Environmental Values (2014, or as amended from time to time); b) Be developed to be consistent with the approved preliminary offset plan; c) Provide an evaluation of the success of the mitigation measures implemented; d) Include a rationale for any instances in which offsets are not proposed, despite the identification of residual effects during post-Construction monitoring; e) Include a rationale for the identified offset measures to be implemented to offset residual impacts, and a timeline for implementation, including a discussion of the potential time lags between when Project effects would occur and when offset measures would become fully functional; and 	Trans Mountain acknowledges this condition and anticipates filing a submission in Q2 2020.	To be initiated	Future phase
22	<p>Access Management Plan The Holder must prepare an access management plan or plans for the pipeline right of way that must, in addition to meeting all of the requirements set out in NEB Condition 47:</p> <ul style="list-style-type: none"> a) Include deactivation measures for temporary access roads and other temporary works, to be implemented following the completion of Construction; b) Describe the types and locations of, and rationale for all access that will be required for the Project, including new permanent access roads, temporary access roads only required during Construction, and upgrades to existing access roads; c) Identify measures to avoid or mitigate the disruption caused by Construction or Operations to the exercise of the rights of access of provincially authorized trappers and guide outfitters, and of members of Aboriginal Groups carrying out traditional use activities; and d) Identify the means by which access within the Riparian Reserve Zone of streams with a Riparian Class of S1, S2, or S3, as defined in the Environmental Protection and Management Regulation under the OGAA, will be minimized. <p>The Holder must develop the plan in consultation with FLNRO, MOTI, OGC and Aboriginal Groups – Terrestrial and submit it to EAO at least four months prior to the commencement of Construction.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction and Operations and to the satisfaction of EAO.</p>	Trans Mountain filed its Access Management Plan, in compliance with Condition 22, on April 13, 2017. Trans Mountain received a request for more information from the EAO and filed R1 of its Access Management Plan on July 14, 2017. On July 21, 2017, Trans Mountain received a letter from the EAO indicating that Trans Mountain could proceed to implement the Access Management Plan.	On-going	In compliance
23	<p>Worker Accommodation Strategy The Holder must prepare a worker accommodation strategy that must, in addition to meeting all of the requirements set out in NEB Condition 59:</p> <ul style="list-style-type: none"> a) Identify the construction camps the Holder plans to construct during the Construction of the Project; b) Identify the Aboriginal Groups – Terrestrial whose asserted or established traditional territory or treaty lands overlap with the locations of the construction camps identified in the plan; c) Show the distance between Aboriginal communities and Indian Reserves and the construction camps; d) Include a description of how the potential environmental and social-economic impacts of construction camps on potentially impacted Aboriginal Groups – Terrestrial has been assessed, and a description of relevant mitigation measures; and e) Include a plan for provision of medical and health services for employees and contractors using the construction camps. <p>The Holder must develop the plan in consultation with FLNRO, MOE, OGC, municipal governments, regional district governments, and Aboriginal Groups – Terrestrial, within whose boundary or asserted or established traditional territory or treaty lands a construction camp has been proposed, and submit it to EAO at least three months before the commencement of Construction.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction and to the satisfaction of EAO.</p>	Trans Mountain filed its Worker Accommodation Strategy, in compliance with Condition 23 on May 15, 2017. On July 21, 2017 Trans Mountain submitted Revision 2 of the Worker Accommodation Strategy. Trans Mountain received a request for more information by the EAO and provided its response on August 2, 2017. On August 22, 2017 Trans Mountain re-filed minor revisions to Revision 2 of the Worker Accommodation Strategy. On August 15, 2017 Revision 2 of the Worker Accommodation Strategy was issued for consultation with Aboriginal Groups. On August 25, 2017 Trans Mountain responded to a request for information from the EAO. On August 31, 2017 Trans Mountain received leave from the EAO to implement the components of the Plan that apply to Westridge Marine Terminal. On September 1, 2017 Trans Mountain filed Revision 3 of the Worker Accommodation Strategy with the EAO with updates to the location of camps in Hope/Cheam and Clearwater. On September 1, 2017 Trans Mountain issued Revision 3 of the Worker Accommodation Strategy for consultation with Provincial Agencies and Aboriginal Groups - Terrestrial. November 15, 2017 Trans Mountain filed Revision 4 of the Worker Accommodation Strategy. On November 30, 2017 the EAO issued a letter indicating that Trans Mountain could proceed to implement the Worker Accommodation Strategy. In this letter the EAO requested some revisions to the Plan that are due on January 29, 2018. Trans Mountain filed an updated Worker Accommodation Strategy with the EAO on January 29, 2018.	On-going	In compliance

24	<p>Workforce Conduct Throughout Construction and Operations, the Holder must implement and enforce an employee and contractor code of conduct that ensures that those constructing or operating the Project are prohibited from hunting, fishing, trapping and gathering plants during work hours.</p> <p>Throughout Construction and Operations, the Holder must prohibit those constructing or operating the Project, with the exception of wildlife monitors referenced in conditions 18 and 19 of this Certificate, from possessing or storing firearms, bows and crossbows, or fishing equipment in construction camps or in work vehicles.</p>	Trans Mountain notified the EAO of its Worker Code of Conduct, in compliance with Condition 24, on May 15, 2017	On-going	In compliance
25	<p>Coldwater Aquifer The Holder must retain one or more Qualified Professionals to prepare a hydrogeological report relating to the aquifer at Coldwater Indian Reserve No. 1 that must, in addition to meeting all the requirements set out in NEB Condition 39:</p> <p>a) Characterize the aquifer recharge and discharge sources and aquifer confinement; and b) Include an assessment of the vulnerability the aquifer.</p> <p>The Holder must develop the report in consultation with Coldwater Indian Band and FLNRO and submit it to EAO, Coldwater Indian Band and FLNRO a minimum of six months prior to the start of Construction between Veale Road and Kingsvale Pump Station.</p> <p>Unless established by a qualified professional hydrogeologist, in consultation with FLNRO and Coldwater Indian Band, as a non-vulnerable aquifer, the aquifer at Coldwater Indian Reserve No. 1 must conduct groundwater monitoring of the aquifer that meets the requirements set out in NEB Condition 130.</p>	Trans Mountain conducted consultation with the appropriate government authorities in July 2017. Consultation with Coldwater Indian Band is ongoing. Trans Mountain anticipates filing its Coldwater Aquifer Report in Q4 2018.	On-going	In compliance
26	<p>Drinking Water In the event that a spill originating from the Project is confirmed to have contaminated drinking water, as determined by a Qualified Professional, the Holder must provide one or more alternate source(s) of drinking water for all persons who use water for human or animal consumption from the contaminated water source for the period of time during which contamination exists.</p> <p>If the Qualified Professional has determined that a spill from the Project has contaminated drinking water, the Holder must notify EAO and MOE within the following time periods after the determination:</p> <p>a) As soon as practicable, or b) Within 72 hours, Whichever is less.</p>	Trans Mountain acknowledges this condition.	To be initiated	Future phase
27	<p>Archaeological - Heritage Resources The Holder must cause a Qualified Professional to develop a plan, in consultation with FLNRO, OGC, and Aboriginal Groups – Terrestrial, for the mitigation of any impacts of the Project on archaeological and heritage resources in accordance with the Heritage Conservation Act. The plan must, in addition to meeting all the requirements set out in NEB Condition 100, include the means by which the Holder will:</p> <p>a) Consult with Aboriginal Groups – Terrestrial on the reporting, management and mitigation of impacts to archaeological/heritage sites or resources, including incorporating the input of the Aboriginal Groups – Terrestrial regarding site-specific management; b) Assist Aboriginal monitors referred to in condition 12 of this Certificate, and those constructing or operating the Project in recognizing and identifying archaeological/heritage values; c) Address potential disturbance of archaeological/heritage sites or resources during Construction; and d) Manage chance finds of archaeological/heritage sites or resources during Construction.</p> <p>The Holder must provide the plan to EAO, FLNRO, OGC and Aboriginal Groups – Terrestrial for review a minimum of two months prior to the planned commencement of Construction of individual Project components.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction under the supervision of a Qualified Professional and to the satisfaction of EAO.</p>	Trans Mountain filed its Archaeological Heritage Resources Plan (Westridge Marine Terminal), in compliance with Condition 27, on June 15, 2017. Trans Mountain filed its Archaeological Heritage Resources Plan (Pipeline), in compliance with Condition 27, on June 30, 2017. Trans Mountain received a request for more information from the EAO on July 13, 2017, including guidance that further consultation with Aboriginal groups was required. The Plans were re-issued for consultation from July 26, 2017 to August 25, 2017. Trans Mountain Filed its Archaeological Heritage Resources Plan (Westridge Marine Terminal) on September 1, 2017. Trans Mountain received feedback from the EAO on the Archaeological Heritage Resources Plan (Westridge Marine Terminal) on September 7, 2017. Trans Mountain re-filed its Archaeological Heritage Resources Plan (Pipeline) and Archaeological Heritage Resources Plan (Westridge Marine Terminal) on September 15 2017. On September 19, 2017 the EAO granted Trans Mountain leave to proceed to implement the Archaeological Heritage Resources Plan (Westridge Marine Terminal). On November 7, 2017 the EAO granted Trans Mountain leave to proceed to implement the Archaeological Heritage Resources Plan (Pipeline).	On-going	In compliance
28	<p>Greenhouse Gas Reporting The Holder must prepare a greenhouse gas assessment report that must, in addition to meeting all of the requirements set out in NEB Condition 140, quantify and report greenhouse gas emissions resulting from Project Construction in a manner that is consistent with British Columbia's Greenhouse Gas Industrial Reporting and Control Act and regulations under that Act.</p> <p>The Holder must provide the assessment report to Climate Action Secretariat within two months after commencing Operations and notify EAO on the same date.</p>	Trans Mountain acknowledges this condition and anticipates filing a submission in Q1 2021	To be initiated	Future phase
29	<p>Greenhouse Gas Offsets The Holder must develop a plan to offset greenhouse gas emissions from the Project Construction in British Columbia. The plan must:</p> <p>a) Meet all of the requirements of NEB Condition 142 as they pertain to Project Construction in British Columbia, and b) Demonstrate that the Holder will cause to be retired offset units under the Greenhouse Gas Industrial Reporting and Control Act equal to the greenhouse gas emissions from Project Construction in British Columbia.</p>	Trans Mountain acknowledges this condition and anticipates filing a submission in Q1 2021.	To be initiated	Future phase
30	<p>Pipeline Design to Reduce Spill Risk The Holder must provide MOE, FLNRO, MNGD and OGC with copies of the assessments required under NEB Conditions 15 (Pipeline risk assessment), 22 (Updated terminal risk assessments) and 129 (Final terminal risk assessments) at the time they are filed with the NEB.</p>	Trans Mountain notified the EAO of its Pipeline Risk Assessment and Updated Terminal Risk Assessment, in compliance with Condition 30, on March 1, 2017. Trans Mountain intends to provide updates to Condition 30 to the BC EAO and BC Provincial Agencies in Q2 2018.	On-going	In compliance

31	<p>Oil Spill Containment and Recovery (OSCAR) Units Before commencing Operations, the Holder must:</p> <p>a) Undertake a risk assessment and gap analysis to determine the need for additional Oil Spill Containment and Recovery (OSCAR) units, trained responders and operational support, and the most effective locations for placement of those resources;</p> <p>b) Establish any additional OSCAR units, trained responders and operational support required, as per the analysis conducted pursuant to a); and</p> <p>c) Ensure that sufficient spill response resources are available for each fixed facility (terminal and tank farm) to respond to a worst case spill as defined by MOE.</p> <p>The Holder must fulfill the requirements of this condition in consultation with MOE. The Holder must demonstrate completion of this condition to EAO and MOE at least six months prior to the commencement of Operations.</p>	<p>a) Risk assessment and gap analysis is approximately 90% complete</p> <p>b) Equipment has been relocated and equipment has been added as a result of the findings from the risk assessment and gap analysis. Final allocation placement of equipment is anticipated in 2019</p> <p>c) Trans Mountain's Emergency Management Team has met several times with BC MOE, OGC and MNGD over the last few years and will continue to consult on the OSCAR unit placements. On July 27, 2017 Trans Mountain met with the EAO, MOE, MNGD and OGC; Trans Mountain will conduct a follow-up to that meeting in the spring 2018.</p>	On-going	In compliance
32	<p>Emergency Response Plans The Holder must prepare emergency response plans for the pipeline, Sumas and Burnaby Terminals and the Westridge Marine Terminal (Response Plans) that must, in addition to meeting all of the requirements set out in NEB Conditions 125 and 126:</p> <p>a) Demonstrate the Holder's intended use of the incident command system to respond to emergencies;</p> <p>b) Include supplemental plans and guidelines for:</p> <p>i) Incident notification and communications;</p> <p>ii) Oiled wildlife care;</p> <p>iii) Convergent volunteer management; and</p> <p>iv) Environmental sampling and monitoring (including, air monitoring).</p> <p>c) A description of how the Holder will coordinate the participation of first responders, agencies, municipalities and regional districts, and Aboriginal Groups – Terrestrial that may be involved in an emergency response related to the Project.</p> <p>The Holder must provide the emergency response plan for the pipeline to EAO, MOE, MNGD and OGC and Aboriginal Groups – Terrestrial at least six months prior to the commencement of Operations.</p>	<p>a) The Emergency Response Plans (ERP) are undergoing continual review and enhancement. Enhancements to date have been incorporated into the current (2017) Pipeline ERP, Terminals ERP and the Westridge Marine Terminal ERP, as well as the associated ICS Guide. Enhancements will be incorporated into the upcoming annual revision of the ERPs in April 2018.</p> <p>A new edition of the ICS guide will be completed in 2018 with enhancements designed to improve the coordination with first responders, agencies, municipalities and regional districts, and Aboriginal Groups that may be involved in an emergency response related to the Project.</p> <p>b) Trans Mountain's supplemental plans have been revised and enhanced, including the plans that address oiled wildlife care, convergent volunteer management, sampling and monitoring and emergency air monitoring.</p> <p>c) Trans Mountain will conduct a final series of consultation and engagement sessions with stakeholder and Aboriginal groups on the enhancement of the EM Program for the Project in March and April 2018. Invitations will be forwarded to first responders, agencies, municipalities and regional districts, and Aboriginal Groups – Terrestrial. The sessions will be in an interactive setting, with the EM Team members, providing the opportunity to speak one on one with team members and subject matter experts. Copies of emergency response plans and supplemental plans and guidelines will be available to enable attendees to review the enhancements made and provide input and feedback before they are finalized.</p> <p>Trans Mountain will provide a summary of the engagement sessions at the follow-up meeting with the EAO, MOE, MNGD and OGC in the spring 2018.</p>	On-going	In compliance
33	<p>Geographic Response Plans The Holder must develop and implement in consultation with MOE, MNGD, OGC and Aboriginal Groups – Terrestrial in-land based geographic response plans for the Project.</p> <p>The geographic response plans must be submitted to EAO and MOE, at least six months prior to the commencement of Operations.</p>	<p>Trans Mountain has prepared a draft Geographic Response Plans (GRP) to capture and depict specific information required for an efficient response to a spill.</p> <p>On January 22, 2018, the GRP was issued for further input and consultation with Aboriginal Groups – Terrestrial, MOE, MNGD, and OGC. Trans Mountain is conducting Emergency Management Program engagement sessions in March and April 2018 with Aboriginal Groups – Terrestrial, and additional stakeholders. Attendees at these sessions will have an opportunity to view the physical GRP, discuss with KMC EM Team members and provide feedback.</p> <p>Trans Mountain met with MOE on October 31, 2017 to consult on the Geographic Response Plans, and will be meeting again with the EAO, MOE, MNGD and OGC in the spring of 2018.</p> <p>Trans Mountain intends to submit the final Geographic Response Plans to EAO and MOE in Q3 2020.</p>	On-going	In compliance
34	<p>Coastal Geographic Response If requested by the provincial government, federal government or a certified response organization, the Holder must participate in British Columbia coastal geographic response planning undertaken by the provincial government, federal government or a certified response organization.</p>	<p>Trans Mountain acknowledges this condition. At the time of this filing, no action required at this time.</p>	To be initiated	Future phase

35	<p>Fate and Behaviour of Bitumen Research The Holder must provide a report regarding the current and future research programs that the Holder is leading, jointly leading, supporting, or otherwise involved in regarding the behaviour and recovery of heavy oils spilled in freshwater and marine aquatic environments, including research programs having the objective of providing spill responders with improved information on how to effectively respond to spills. The report must be developed in consultation with the MOE, MNGD, OGC, ECCC, Canadian Coast Guard and Aboriginal Groups.</p> <p>The report must include:</p> <p>a) A statement of the funding provided or allocated to ensure the research is undertaken and concluded within a specified period;</p> <p>b) Specifics of the Holder's approach to ongoing engagement with the NEB, ECCC, Canadian Coast Guard, MOE, MNGD, OGC and Aboriginal Groups in the research programs;</p> <p>c) Research topics, including the different physical and chemical properties of the oil and other products intended to be shipped from the Westridge Marine Terminal, product weathering, dispersion and oil/sediment interactions, product submergence, product behaviour and cleanup following in-situ burning, and cleanup and remediation options for sediments and shoreline;</p> <p>d) The scope, objectives, methods, and timeframe for the research topics;</p> <p>e) How the Holder will incorporate applicable results of the research into its emergency preparedness and response plans;</p> <p>f) How the Holder will work with spill responders to support the incorporation of the results of the research into their emergency preparedness plans and programs; and</p> <p>g) A plan for reporting to the NEB, ECCC, Canadian Coast Guard, MOE, MNGD, OGC and Aboriginal Groups on the progress of the research program.</p> <p>The Holder must provide the report to EAO, MOE, MNGD, OGC, ECCC, Canadian Coast Guard and Aboriginal Groups prior to the commencement of Operations, and must provide progress updates pursuant to g) above at both one year and five years after commencement of Operations. EAO may amend these timelines and may request additional reports at any time by providing written notice to the Holder.</p>	<p>Trans Mountain completed extensive research on the Fate and Behaviour of Diluted Bitumen in support of the application to the National Energy Board. The National Energy Board, in Section 8.4 of the May 2016 Decision Report, concluded that sufficient evidence had been placed on the record regarding the fate and behavior of an oil spill to support assessment of potential spill-related effects and spill response planning.</p> <p>Trans Mountain is committed to continuous improvement and continues to engage with Aboriginal groups, and MOE, MNGD, OGC, ECCC, and Canadian Coast Guard regarding oil spill response. As part of this continuous improvement, Trans Mountain has identified further opportunities to lead, jointly lead, support, or otherwise participate in research regarding the behaviour and recovery of heavy oils spilled in freshwater and marine aquatic environments.</p> <p>In support of EAC Condition 35, Trans Mountain reviewed the existing research and identified opportunities to enhance research into the fate and behaviour of crude oils including diluted bitumen. Trans Mountain is currently conducting and funding research in support of this condition and to improve spill response, including:</p> <ul style="list-style-type: none"> • Supporting a study to deepen its understanding of the fate and behavior of various types of crude oil and how they behave in the marine, estuarine and freshwater settings. The objective of this study is to continue to inform and improve oil spill preparedness and oil spill response capabilities. Trans Mountain is working with the scientific advisory committee that includes Environment and Climate Change Canada, the National Energy Board and the BC Ministry of Environment among others. • Participation in a joint industry project that evaluated and reviewed current inland oil spill response technologies for heavy oils. The purpose of the study was to identify and evaluate promising spill response technologies and practices. The review focused on technologies for the recovery of diluted bitumen and other heavy oils. • Supporting the development of an Underwater Seabed Cleanup and Assessment Technique Guide (uSCAT), together with WCMRC and NRCAN. The guide will specify common language, identify strategies for searching for sunken oil and describe techniques for documenting and communicating its distribution. • Supporting the International Institute for Sustainable Development-Experimental Lakes Area program. The collaborative program is examining the fate and behavior of diluted bitumen and conventional heavy crude oil in freshwater shoreline environments. It is also comparing cleanup methods for oil spilled in the freshwater shoreline environment. <p>Trans Mountain continues to engage with Aboriginal Groups, and MOE, MNGD, OGC, ECCC, and Canadian Coast Guard regarding research on the fate and behaviour of bitumen. In keeping with the requirements of Condition 35, Trans Mountain will provide a report to the EAO six (6) months prior to operations.</p>	On-going	In compliance
36	<p>Emergency Preparedness and Response Exercise and Training Program and Reporting The Holder must prepare an emergency preparedness and response exercise and training program for the pipeline, Sumas and Burnaby Terminals and the Westridge Marine Terminal. The program must, in addition to meeting all of the requirements set out in NEB Condition 119, show how the Holder will test its:</p> <p>a) Plans with respect to the management of waste oil;</p> <p>b) Evacuation (shelter-in-place) plans;</p> <p>c) Oiled wildlife plans;</p> <p>d) Fire pre-plans; and</p> <p>e) Sampling and monitoring plans.</p>	<p>The Emergency Preparedness and Response Exercise and Training Program for the pipeline, Sumas and Burnaby Terminals and the Westridge Marine Terminal is currently being enhanced to meet the requirements of NEB Condition 119. It will demonstrate how Trans Mountain will test plans with respect to: the management of waste oil, evacuation (shelter-in-place), oiled wildlife, fire pre-plans, and sampling and air monitoring plans.</p> <p>Trans Mountain will be conducting Emergency Management Program engagement sessions in March and April 2018 with potentially affected municipalities, regional districts, Aboriginal groups and first responders. These sessions will enable attendees to view the Emergency Preparedness and Response Exercise and Training Program, discuss with KMC EM Team members and provide feedback on the generation of the emergency preparedness and response exercise and training program.</p> <p>Trans Mountain anticipates providing a copy of the report to the EAO in Q3 of 2018.</p>	On-going	In compliance
37	<p>Pre-Operations Emergency Response Exercise Prior to commencing Operations, the Holder must undertake emergency response exercises that must, in addition to meeting all of the requirements set out in NEB Condition 136:</p> <p>a) Invite MOE, potentially affected municipalities, regional districts, Aboriginal Groups and first responders, as identified based on the location of each exercise, to observe or participate in the exercises;</p> <p>b) Complete exercises for each of the following scenarios:</p> <p>i) Full-scale full-bore rupture under ice and snow conditions in BC;</p> <p>ii) Deployment of emergency equipment for a full-bore rupture into major river in BC under peak flow conditions; and</p> <p>iii) Deployment of emergency equipment for a tank fire at the Burnaby Terminal.</p> <p>The Holder must provide the reports required by NEB Condition 136 to EAO within three months after completing each exercise, along with a report on the exercises referenced in paragraph (b) that is consistent with the requirements of NEB Condition 136 (c).</p>	<p>a) Trans Mountain is staging a full scale exercise 2017-09-19 to 2017-09-20 at Burnaby Terminal which met the requirements of NEB Condition 136a (ii). Invitations were- extended, at least 45 days prior to the date of the exercise, to MOE, potentially affected municipalities, regional districts, Aboriginal Groups and first responders, to observe or participate in the exercise.</p> <p>b) The emergency response exercise scenario for EAO Condition 37b (i) is anticipated to take place in 2019.</p> <p>The emergency response exercise scenario for EAO Condition 37b (ii) is anticipated to take place in May of 2018</p> <p>The emergency response exercise scenario for EAO Condition 37b (iii) is anticipated to take place in June of 2018.</p> <p>The exercise requirements of NEB Condition 136a (i) for the Westridge Marine Terminal are anticipated to take place in September of 2018.</p> <p>Trans Mountain submitted to the EAO on January 2, 2018, the required report regarding the exercise at the Burnaby Terminal which met the requirements of NEB Condition 136a (ii).</p>	On-going	In compliance