



File: ENVA-30050-25/244015F

Reference: 341349

February 26, 2019

**SENT VIA EMAIL**

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Environment, Land, and Indigenous Relations  
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Dear Mr. Burke,

Thank you for your enquiry regarding Environmental Assessment Office (EAO) Inspection Record FY18/19-57 and associated enforcement order issued to Coastal GasLink Pipeline Ltd. (CGL). You have requested additional clarity regarding the order issued under section 34 of the EA Act (Order) in response to CGL noncompliance with Condition 23 of the Table of Conditions attached to EAC#E14-03.

Condition 23 states that CGL must “at least six months prior to carrying out activities that may affect tenured rights, notify all known tenure holders who hold tenures on the date of this EAC and may be affected by Construction activities”. In this instance, the tenured rights pertain to the use of registered trap line #609T023 (the Trapline) by the holders of the Trapline registration.

In BC, a registered trapline provides the individuals who hold that trapline registration and a trapping licence the ability to trap wildlife, subject to the restrictions of the *Wildlife Act* and regulations. The registration of a trapline does not provide registrants the right to restrict access or limit another parties’ activities, subject to the *Wildlife Act*.

The intent of the notification specified by Condition 23 is that the Trapline registration holders (in this instance) have sufficient opportunity to consider potential project impacts to their trapping activities and to make adjustments to prevent or reduce those impacts.

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The Trapline registration holders' ability to make those adjustments is contingent on their understanding of where and when construction activities will occur. While it is true that the broader community is well aware that the project was likely to occur on some date, the Trapline registration holders were not provided with specific information regarding the commencement of Construction in January of 2019 and were notified as late as October 2018 that activities within the Trapline area would not commence until mid-2019.

I have issued the Order in response to confirmed noncompliance with Condition 23, and in consideration that CGL construction activities have been occurring within the Trapline since on or about January 23, 2019. The Order is intended to prevent adverse effects to the use of the Trapline, within the context that the registrants have not had the benefit of the notice required by Condition 23, and thus have not had the opportunity to adjust their trapping activities accordingly.

The Order is not an order to cease all activity within the Trapline area and it does not restrict all construction activities within the Trapline area. CGL must consider what activities may adversely impact the use of the Trapline, and cease those activities, as stated in the Order.

Without having detailed knowledge of planned construction or of Trapline registration holders' activities currently underway, I cannot advise what specific activities would adversely affect the use of the Trapline. However, generally speaking, activity such as use of existing access roads and construction on previously cleared locations, would likely be permissible activity. Clearing activity where the holders have confirmed that there are no impacts to the use of the RTL may also be permissible.

Possible methods to assess impacts in the field may include preconstruction surveys to confirm the absence of trapline features such as legally set traps or other features and monitoring during clearing activities to confirm absence of trapline features.

Discussions with the Trapline registration holders will help clarify what activities do and do not adversely impact Trapline activities currently conducted in compliance with the *Wildlife Act* that are underway or planned for the remainder of the trapping season.

Please let me know if I can provide any additional information,



Chris Parks  
Director, Compliance and Enforcement