



# **TRANS MOUNTAIN EXPANSION PROJECT: PROVINCIAL RECONSIDERATION**

## **Public Comment Period What We Heard Report**

# Table of Contents

<b>What is the Trans Mountain Expansion Project?</b> .....	<b>3</b>
<b>Summary</b> .....	<b>4</b>
What is the Province Reconsidering?.....	4
What We Asked.....	4
<b>Public Comment Period Overview</b> .....	<b>5</b>
Who We Heard From.....	5
How Many People Did We Reach?.....	6
How We Advertised.....	6
<b>Summary of the Comments</b> .....	<b>7</b>
Environmental Effects.....	8
Socio-economic Effects.....	9
Indigenous Engagement.....	9
Proposed Environmental Assessment Certificate Conditions.....	10
<b>Why is the Province Reconsidering Aspects of The Trans Mountain Expansion Project?</b> .....	<b>11</b>
<b>Next Steps</b> .....	<b>12</b>

# WHAT IS THE TRANS MOUNTAIN EXPANSION PROJECT?

The Trans Mountain Expansion Project (Project) is an expansion of the existing Trans Mountain pipeline system which transports oil and other products between Edmonton, Alberta and Burnaby, B.C. It will include approximately 987 kilometres (km) of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. The expansion approximately triples the capacity of the Trans Mountain pipeline system and will increase the capacity of the Westridge Marine Terminal on Burrard Inlet from 5 Aframax tankers per month, to a maximum of 34.

For more information, visit the [project page](#)



# Summary

From January 15 to March 1, 2021, the Environmental Assessment Office (EAO) held a public commenting period asking for feedback on the [Draft Provincial Reconsideration Report](#) for the provincial reconsideration of the Trans Mountain Expansion Project. The EAO received 619 individual comments, primarily from across British Columbia (B.C.), as well as over 35,000 emails from three separate email campaigns. This What We Heard Report shares information about the public comment period, the feedback we received, and the next steps in the reconsideration process. A more detailed discussion of the issues raised in the public comments, and the EAO's views on these issues, will be provided in the final Provincial Reconsideration Report. The EAO expects to finalize the reconsideration report in summer 2021 and will provide it to B.C.'s Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation to inform their decision on whether to add or amend any conditions to the Trans Mountain Expansion Project or Project Environmental Assessment Certificate.

## What is the Province Reconsidering?

As discussed in the EAO's [Draft Provincial Reconsideration Report](#), and summarized in the text boxes on page 11 below, the reconsideration process is occurring as a result of two decisions from the B.C. Court of Appeal. Consistent with the direction of the B.C. Court of Appeal, the scope of the reconsideration process is to:

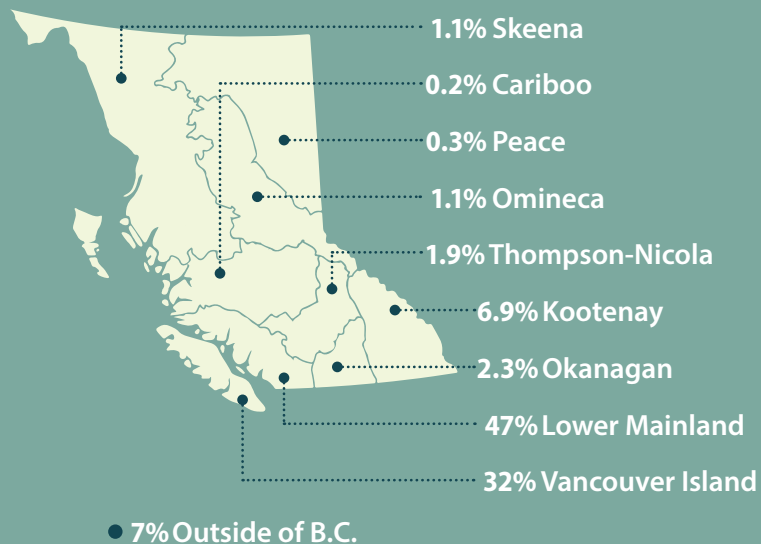
- Identify and consider the portions of the National Energy Board's (NEB) [Reconsideration Report](#) that differ from the [initial NEB report](#)
- Provide recommendations regarding any new or amended Environmental Assessment (EA) Certificate conditions in response to those portions, within the limits of provincial jurisdiction

To provide appropriate focus to the EAO's reconsideration process and the recommendations that will be made to the Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation, the EAO has established criteria for determining whether to recommend changes to the EA Certificate conditions, or the addition of new ones (in Section 4.1 of the draft reconsideration report). Marine navigation and shipping are areas of federal jurisdiction, regulated by several federal agencies. This context means there are limitations on what Provincial Ministers are able to attach as conditions to the EA Certificate. However, the provincial and federal governments have shared jurisdiction over the environment and some of the socio-economic components that may be impacted by the Project, and the responsibility to protect and manage marine resources is a joint effort.

## What We Asked

- Is there any specific knowledge you would like to share about the changes in the [NEB Reconsideration Report](#) from the original [NEB Report](#)?
- Are there any concerns related to Project-related marine shipping that are not already addressed in [federal](#) or [provincial](#) Project conditions, or other government initiatives?
- Are there any new or amended [B.C. Environmental Assessment Certificate conditions](#) in response to the changes in the NEB Reconsideration Report (related to marine shipping) that the EAO should consider?
- Do you have any other comments on the Draft Reconsideration Report?

# PUBLIC COMMENT PERIOD OVERVIEW



## Who We Heard From

During the public comment period, the EAO received 619 comments<sup>1</sup> through the EAO's Electronic Project Information Centre (EPIC) website, primarily from locations in B.C. (93%), with 47% from the Lower Mainland and 32% from Vancouver Island. Most comments (98%) were submitted by individuals. Detailed submissions and reports were also submitted, from individuals as well as the following communities and organizations:

- Chamber of Shipping
- Georgia Strait Alliance
- Nature Chilliwack
- City of Burnaby
- Government of Canada
- North Shore No Pipeline Expansion (NS NOPE)
- City of Port Moody
- Independent Contractors and Business Association
- Resource Works Society
- City of Vancouver
- Islands Trust
- Tsleil-Waututh Nation
- Gabriolans Against Freighter Anchorages Society
- Metro Vancouver
- Washington State Department of Ecology

The EAO also received emails from three separate campaigns during the public comment period<sup>2</sup>:



**2,337** originating from the Georgia Strait Alliance;  
**5,731** originating from Lead Now; and  
**28,809** originating from Friends of the Earth US.

Key messages in the emails reflected many concerns that were also received through the public comment portal, such as environmental impacts of increased tanker traffic and potential marine oil spills.

1. We received 47 comments that could not be published following the EAO's [Public Posting Policy](#). However, these comments are being included in the EAO's review and in the summaries in this report.  
 2. During public comment periods, the EAO only accepts comments received through the Electronic Project Information Centre (EPIC). However, we wanted to ensure we reflected these campaigns in this report.

# How Many People Did We Reach?

Our targeted advertising through Facebook and Twitter was viewed by over 335,000 unique people, with over 18,000 unique clicks to our [informational website](#).

Our [informational website](#) had over 22,500 unique visitors, which spent on average about 24 minutes on the page.

During the course of the public comment period, this web page was the most visited B.C. government website under the theme of “Environmental Protection and Sustainability” (12% of the total web traffic under this theme) and the most visited EAO website (73% of all EAO web traffic).

Our [project specific website](#) (EAO’s Project Information Centre) had about 1,370 page views over the public comment period.



## How We Advertised

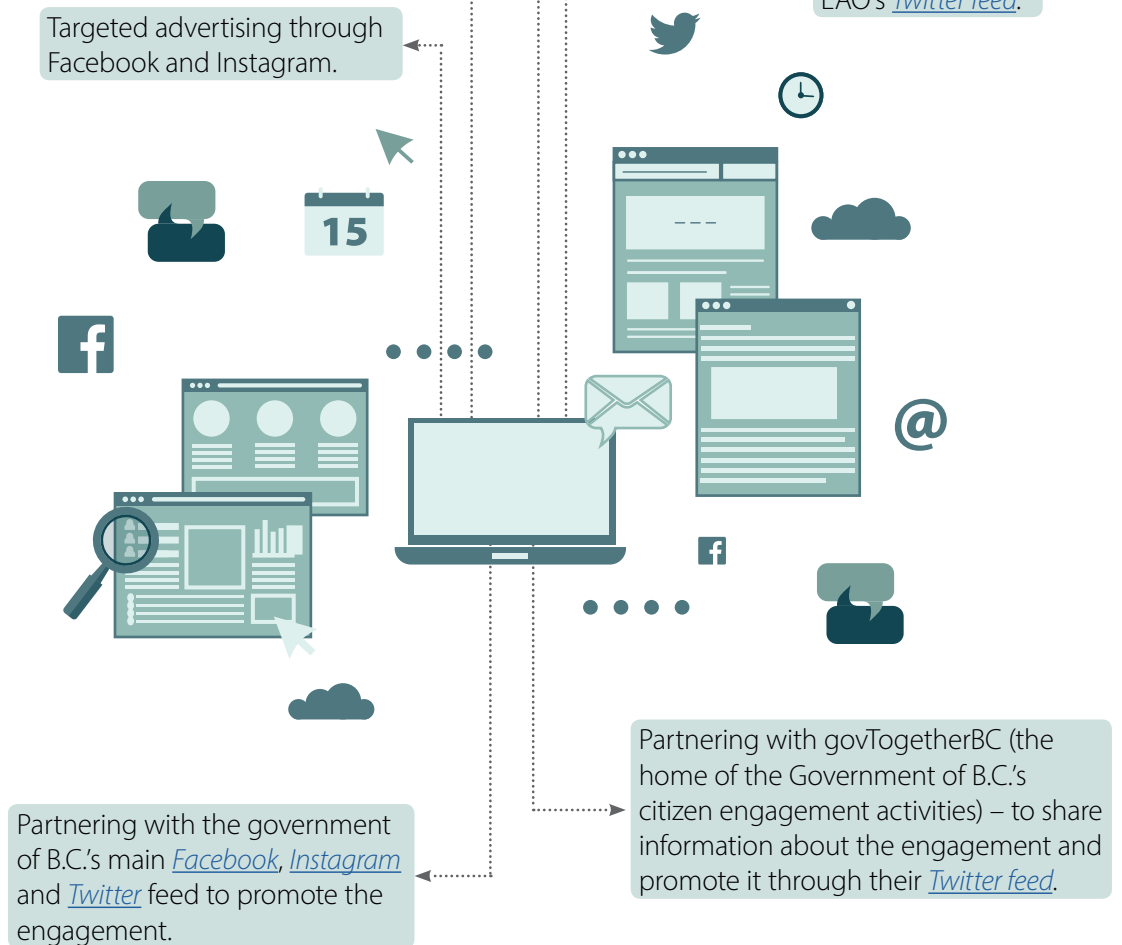
WE LET THE PUBLIC KNOW ABOUT THIS COMMENT PERIOD BY:

Notifications on the EAO’s [project specific website](#) (EAO’s Project Information Centre) on May 8 2020, December 18 2020, January 12 and 15 2021, February 26 2021.

Targeted advertising through Facebook and Instagram.

Posting it on the EAO’s [informational website](#).

Posting it on the EAO’s [Twitter feed](#).



# SUMMARY OF COMMENTS

The EAO has been and continues to carefully review all comments and feedback received as it considers revisions and additions to the draft reconsideration report, including the proposed conditions. While many of the comments received expressed broad views regarding the Trans Mountain Expansion Project, many also focussed in directly on the issues discussed in the draft report. While this section summarizes the main themes of comments submitted, the EAO's views and conclusions on these issues will be provided in the final reconsideration report, which is expected in summer 2021.

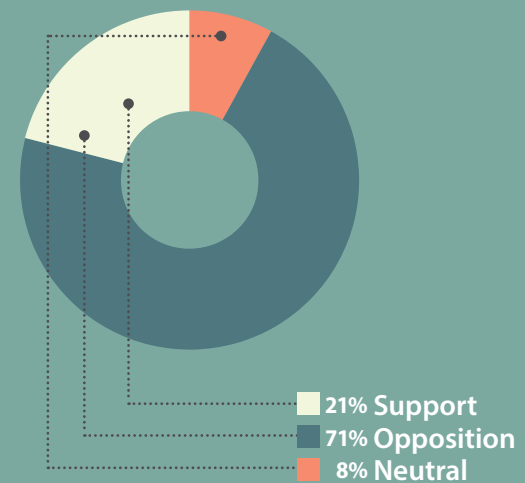
Although the public comment period did not ask commenters to express their overall view of the Trans Mountain Expansion Project, most of the comments received through EPIC expressed support or opposition. Of the 619 comments received, approximately 20% expressed general support for the Project, while approximately 70% expressed general opposition, with approximately 10%

did not express their view. Many comments expressed support or opposition to the Project more broadly, indicating that the Project should either be built or not built. Others expressed concerns regarding the need for green energy solutions instead of the Project, or to build the Project in support of national economic benefits. Some comments were critical of the provincial government and noted a lack of consent from all Indigenous nations. Many of the comments opposing the Project expressed overall frustration.

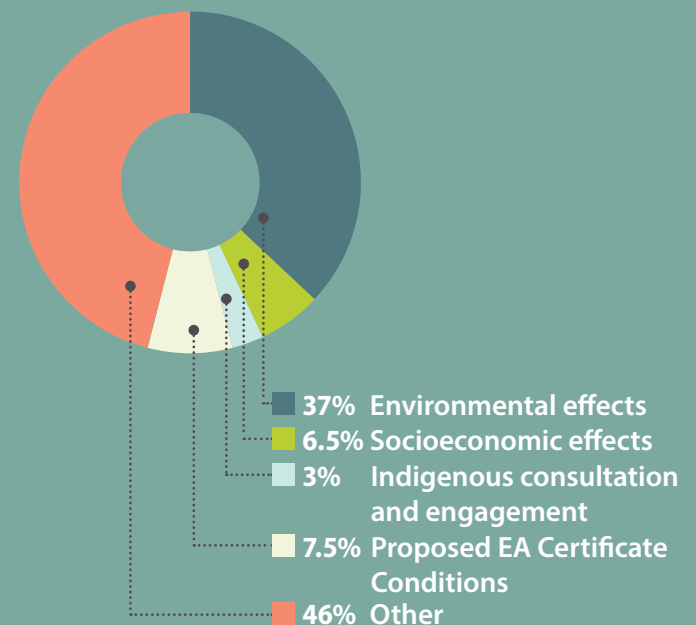
About 60% of all comments included specific information or concerns regarding the Project. These comments typically provided feedback on multiple topics, but can generally be captured in the following broad categories:

- Environmental effects;
- Socio-economic effects;
- Indigenous engagement and consultation; and
- Proposed EA Certificate Conditions.

## GENERAL SUPPORT/OPPOSITION OF THE PROJECT



## THEMES OF COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD





## Environmental Effects

Almost 40% of comments shared concerns of environmental impacts from increased marine traffic, potential marine spills, and general pipeline operations. Many comments expressed concerns related to potential impacts to Southern resident killer whales, reflecting their endangered status (*Species at Risk Act*) and the NEB's conclusions that the Project will have significant adverse effects to the population. Other comments outlined concerns related to impacts of potential oil spills to marine life in general, indicating that the ecosystem is already fragile, and the possibility of an accidental oil spill is too great of a risk. Many comments discussed potential increases in greenhouse gas emissions from tanker traffic and resulting impacts on climate change, calling for a divestment in fossil fuels and an immediate transition to greener technologies.

About half of the comments related to environmental effects spoke specifically about concerns related to increased marine traffic as a result of the Project. Many comments expressed concerns regarding the increased likelihood of a marine spill with an increase in Project-related marine tanker traffic. For example, the submission we received from Gabriolans Against Freighter Anchorages (GAFA) expressed concerns with the overall shipping congestion that could result in additional pressure on anchorages inside and potentially outside the Vancouver Fraser Port Authority (VFPA). GAFA expressed concerns with Transport Canada's National Anchorage Framework, and requested that the EAO include a condition that limits the need for overflow anchorages outside the VFPA, including initiatives such as implementing a modern vessel

arrival system and imposing time limits on anchored vessels.

Almost a third of comments received that related to environmental effects expressed concerns about potential marine oil spills, these were largely general concerns related to the potential of marine oil spills to impact coastal marine wildlife. Others specified that their concerns related to spill response and mitigations and indicated views that spill response programs already in place are insufficient to address the potential impacts of a marine oil spill. For example, the submission we received from Georgia Strait Alliance expressed concerns about shoreline protection from marine oil spills and indicated that spill protection is an area of provincial jurisdiction and federal accommodation measures do not sufficiently address the risk. Georgia Strait Alliance indicated that collection of baseline data, at-risk shoreline identification and spill projects, shoreline cleanup methodology and shoreline cleanup labour requirements require provincial standard setting and requested a comprehensive list of shoreline conditions to regulate the Project. The EAO also received a submission from the City of Port Moody requesting a full-cost marine spill response program to support local government marine spill response capacity and a Burrard inlet spill preparedness and oversight entity, amongst other suggestions.

Some comments expressed confidence in the ability of trained marine professionals to navigate the Burrard Inlet safely with an increase in tanker traffic and saw the potential for oil spills to be minimal. For example, the report we received from Resource Works Society presented interviews with several marine and academic professionals

## THEMES OF COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD





to illustrate their view that current shipping governance in Canada is satisfactory, and that safety measures already in place mitigate the possibility of an oil spill.

## Socio-economic Effects

About 7% of comments related to socio-economic topics, including concerns about potential human health impacts of marine spills, the potential impacts of oil spills on coastal communities, and potential effects on other B.C. industries, such as tourism and fishing. Many of these comments related to the financial responsibility of spill clean up, and conveyed concern that this cost would fall on individual provincial residents. Some comments discussed potential socio-economic benefits of increasing tanker traffic; specifically, these comments expressed support for the Project and its potential federal and provincial tax funding for social programs, construction of infrastructure and economic opportunities for remote communities.

The majority of comments received regarding socio-economic effects covered multiple topics and concerns. Some of the comments expressed support for the increase in tanker traffic, citing the federal and provincial economic benefits of shipping more products from Burnaby to international markets.

About a third of the comments that related to socio-economic effects discussed potential marine oil spills specifically. Many of these comments expressed concerns about the potential for a marine oil spill to impact surrounding coastal communities and advocated strongly for a spill response program funded by Trans Mountain. Others comments illustrated concerns about how

a marine oil spill would impact other lucrative B.C. industries, such as tourism and fishing. Some comments reflected that a spill would impact the accessibility and visual quality of B.C.'s coastal region and negatively impact tourism, while others expressed that a marine oil spill could impact coast fish populations and subsequently negatively affect the fishing industry.

Some of the comments focussed more specifically on the potential human health impacts of marine oil spills, and sometimes commented on the EAO's proposed condition regarding impacts to human health (Human Health Risk Report). For example, the submission received from Georgia Strait Alliance pointed to a body of literature on the impacts of oil spills to mental health and requested that the EAO incorporate this into its condition requiring a Human Health Risk Report. Others expressed that the province should refrain from proposing conditions related to marine shipping and navigation altogether; the submission received from the Independent Contractors Business Association argued that marine shipping and spill response rests under federal jurisdiction and is therefore out of scope for EA Certificate conditions.

## Indigenous Engagement

About 3% of total comments raised concerns about Indigenous engagement. Many of those comments reflected the need for free, prior and informed consent from Indigenous nations, and were critical of the provincial government's efforts in reconciliation with Indigenous nations. Several comments advocated for a requirement to have Indigenous oversight in mitigation measures, while the majority of comments received indicated

THEMES OF COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD



a lack of consent from potentially impacted Indigenous nations, pointing to the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation and consensus-seeking.

## Proposed Environmental Assessment Certificate Conditions

About 8% of comments related to the proposed conditions in the EAO's Draft Reconsideration Report. Many of the comments supported the conditions proposed by the EAO. Others suggested adding a requirement to ensure Trans Mountain assumes full financial responsibility of any marine spill, including response and clean up as well as economic damages. Some expressed concerns relating to the impartiality of a Qualified Professional retained by Trans Mountain to complete a Human Health Risk Report. Some of the comments expressed support for the inclusion of potentially affected coastal communities in the list of groups that must be engaged in the development of the Fate and Behaviour of Bitumen Research, while others advocated for the addition of specific communities in the Burrard Inlet to the list.

Many of the organizations that submitted reports to the EAO as part of the public comment period provided specific input on the conditions proposed by the EAO, while some proposed additional conditions. Key themes are summarized below:

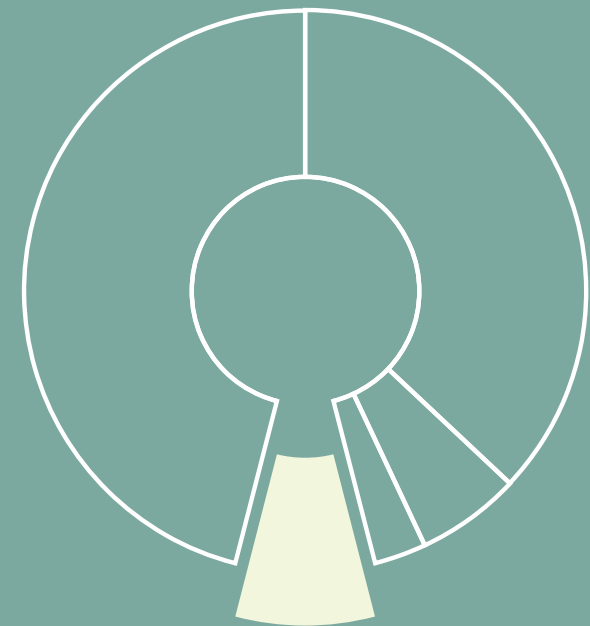
- Report or letter submissions from organizations across B.C. generally supported the EAO's proposed conditions in the draft Reconsideration Report; in particular, many

organizations strongly agreed with the addition of coastal communities to the list of communities that must be engaged according to Condition 35 (Fate and Behaviour of Bitumen Research). Some organizations expressed concern with condition wording and suggested revisions. Others requested to be included as part of the list of communities that must be engaged with respect to the proposed amendments to Condition 35. The Fate and Behaviour of Bitumen Research condition requires Trans Mountain to provide a report at one year and every five years following the commencement of Operations regarding current and future research programs regarding the behaviour and recovery of heavy oils spilled in freshwater and marine aquatic environments.

- Most submissions supported the requirement for Trans Mountain to retain a Qualified Professional to complete a Human Health Risk Report. Some submissions requested that the EAO incorporate a requirement that the report consider potential human health impacts of marine oil spills within densely populated areas.
- Many submissions expressed support for the conditions proposed by Tsleil-Waututh Nation, Squamish Nation, and City of Vancouver, included as Appendix B in the EAO's Draft Reconsideration Report. Several submissions advocated for a marine spill response program to support local government response capacity.

All submissions and comments received during the public comment period are available on the [EAO's EPIC website for the Project](#).

## THEMES OF COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD



■ 7.5% Proposed EA Certificate Conditions

# WHY IS THE PROVINCE RECONSIDERING ASPECTS OF THE TRANS MOUNTAIN EXPANSION PROJECT?



**ON JANUARY  
10, 2017**

The Project received a provincial Environmental Assessment Certificate. The EA Certificate was issued by two provincial Ministers – the Minister of Environment (now the Minister of Environment and Climate Change Strategy) and the Minister of Natural Gas Development (now the Minister of Energy, Mines and Low Carbon Innovation) (Ministers). The decision to issue the EA Certificate was based on the assessment conducted by the NEB (now the Canadian Energy Regulator), consultation conducted with potentially impacted Indigenous groups, and legally binding EA Certificate conditions recommended by the EAO. More about the decision to issue an EA Certificate can be found in the Ministers' Reasons for Decision and the EAO's Summary Assessment Report.

**IN 2018**

The Federal Court of Appeal determined that the NEB excluded Project-related marine shipping from aspects of its review and overturned federal approval of the Project. As a result, the NEB undertook a 155-day 'reconsideration process' and released a 'Reconsideration Report' that provided additional information. The federal government then used this 2019 Reconsideration Report to inform its decision to approve the Project again.

**IN SEPTEMBER  
2019**

The BC Court of Appeal, in two cases (1, 2), decided that because the Ministers who issued the provincial EA Certificate relied on the NEB's assessment, they should have the opportunity to consider the changes in the NEB's Reconsideration Report and determine if any changes to the EA Certificate conditions, or the addition of new ones, are necessary, within the limits of provincial jurisdiction. The Court upheld the original provincial EA Certificate and consultation conducted by the EAO, but noted that "because of no fault of its own," the NEB's Report had changed and the Ministers should have the opportunity to review these changes.

**IN MARCH  
2020**

The Ministers directed the EAO to undertake a reconsideration process and prepare a report to advise their decision.

# Next Steps

## Reconsideration Report

The EAO is now revising the reconsideration report in consideration of all feedback received. The EAO will also be providing additional opportunity for comment and engagement to Squamish Nation, Tsleil-Waututh Nation, the City of Vancouver, Trans Mountain, and provincial and federal government agencies. As appropriate, the EAO will have further engagement with other Indigenous groups and other relevant parties.

The EAO expects to finalize the reconsideration report in summer 2021 and will provide it to B.C.'s Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation to inform their decision on whether to add or amend any conditions to the Trans Mountain Expansion Project EA Certificate. Stay tuned for updates on the [Project's EAO webpage](#) or follow [@bc\\_eao on Twitter](#).

## Trans Mountain Expansion Project

The Trans Mountain Expansion Project has a provincial [Environmental Assessment Certificate](#) and a federal National Energy Board [Certificate](#), and is subject to a number of provincial and federal permits regulated by other agencies. Trans Mountain is responsible for staying in compliance with the conditions of the provincial [Certificate](#) as well as federal [conditions](#). The EAO Compliance and Enforcement is responsible for compliance oversight for the Environmental

Assessment Certificate, and the CER Compliance and Enforcement is responsible for compliance oversight for the federal Certificate of Public Convenience and Necessity.

## Public Engagement

During the public comment period, the EAO received a number of comments regarding the structure and content of our online public engagement strategies. At the EAO, we strive to enhance public confidence and meaningful participation in our processes. Through public engagement, we seek to both inform the public and to understand what is valued. Separate from the Trans Mountain Expansion Project EA Certificate Project, the EAO is developing Public Engagement Policy and Guidance to support meaningful engagement in all our processes. Stay tuned to receive further information about the development of this guidance on the [EAO's Public Participation webpage](#) or follow [@bc\\_eao on Twitter](#).