

June 22, 2005

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Canadian Environmental Assessment Agency  
Government of Canada  
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Dear Mr Epp:

**RE: Response of Terasen Pipelines (Trans Mountain) Inc. to Questions Raised in the NEB's letter dated June 2, 2005 to CEAA; Our file: TM-RG01-02-17**

This letter sets out the response of Terasen Pipelines (Trans Mountain) Inc. ("Terasen Pipelines") to the questions raised by the National Energy Board ("NEB") in a June 2, 2005 letter to the Canadian Environmental Assessment Agency ("CEAA") regarding the Terasen Pipelines proposal to loop a portion of its existing oil pipeline system (the "Trans Mountain Pipeline"). The NEB requested additional information in regard to the length of new right-of-way that is proposed and the results of consultation undertaken to date. This proposal, referred to as the "TMX - Anchor Loop" or the "Project", is described in a Project Description, dated April 25, 2005 and submitted to CEAA for distribution to other federal agencies.

### **LENGTH OF NEW RIGHT-OF-WAY**

With respect to right-of-way, the NEB letter requests the following:

*To determine whether the Project will be using 75 km of new right-of-way or not, the Board requires a breakdown of the distance of right-of-way for the Project that would be new right-of-way and the distance that would be within or abutting:*

- *the existing Trans Mountain Pipeline right-of-way;*
- *highway right-of-way;*
- *road right-of-way;*
- *power line right-of-way;*
- *abandoned rail grade right-of-way; and*

- *any other type of right-of-way.*

*The Board will also require a description of each type of right-of-way discussed above to address the level to which they are cleared, maintained, and active rights-of-way.*

The Project involves the construction of approximately 178 km of 762 mm or 812 mm (30-inch or 32-inch) diameter pipe and two new pump stations between a location west of Hinton, Alberta at Kilometre Post ("KP") 310.1 and a location near Jackman Hill, British Columbia (KP 488.0).

### **TMX – Anchor Loop**

Table 1 provides a breakdown of the distance for new right-of-way and the distance that would be within or alongside and contiguous to existing rights-of-way.<sup>1</sup>

Of the total 179.1 km of required right-of-way, 143.7 km is either on or alongside and contiguous to existing rights-of-way, including the existing Trans Mountain Pipeline right-of-way. A maximum of 35.4 km of the right-of-way required for the Project is new. However, all but approximately 3 km of the 35.4 km of new right-of-way is on or alongside and contiguous to other existing linear disturbances such as access roads and trails, and abandoned rail grades.

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<sup>1</sup> In this letter "new" and "existing" right-of way has the meaning defined in Section 2 of the Comprehensive Study List Regulations [SOR/94-638] under the *Canadian Environmental Assessment Act* as follows: "new right-of-way" means land that is subject to a right of way that is proposed to be developed for an electrical transmission line, an oil and gas pipeline, a railway line, or an all-season public highway and that is not alongside and contiguous to an existing right of way; and "existing right-of-way" means land that is subject to a right of way and that is developed for an electrical transmission line, an oil and gas pipeline, a railway or an all-season public highway.

**TABLE 1**  
**LENGTH OF TMX – ANCHOR LOOP**  
**WITHIN OR ALONGSIDE AND CONTIGUOUS TO EXISTING RIGHTS-OF-WAY**

Right-of-Way Type	Length (km) <sup>2</sup>				Total Length (km)	Percent of Route (%)
	AB	JNP	MRPP	BC		
Trans Mountain Pipeline	13.3	41.1	28.2	6.9	89.5	49.9
Highway 16	1.2	23.1	5.2	5.1	34.6	19.3
Access Roads and Trails	0.0	0.0	2.5	7.8	10.3	5.8
Abandoned CNA / Grand Trunk Pacific Rail grades	0.0	15.0	5.5	0.0	20.5	11.5
Existing CN Railway	0.0	1.5	17.6	0.5	19.6	10.9
Miscellaneous <sup>1</sup>	1.6	0.0	0.4	0.0	2.0	1.1
New Right-of-Way	0.0	0.4	1.0	1.2	2.6	1.5
<b>“New right-of-way” per CEAA = 10.3 + 20.5 + 2.0 + 2.6 = 35.4</b>						
<b>TOTAL</b>	<b>16.1</b>	<b>81.1</b>	<b>60.4</b>	<b>21.5</b>	<b>179.1</b>	<b>100</b>

Notes:

1. Miscellaneous rights-of-way include: the ATCO Gas pipeline, and ATCO Electric power line, as well as the Telus and 360 Networks fibre optic cables and other nonlinear features including old borrow pits and clear cuts. Much of the 2.0 km “Miscellaneous” category is Project right-of-way alongside and contiguous to ATCO pipeline or transmission line right-of-way, which means it would ordinarily not be “new right-of-way”. However, since Terasen has not done a specific calculation of the ATCO right-of-way distance, it has been included in the “miscellaneous” category and treated as “new right-of-way”.
2. These lengths have been measured by scaling from available maps and might be improved in accuracy by field survey. Users of these data are advised that numbers could vary within +/- 5%.

The section of the TMX – Anchor Loop outside Jasper National Park (“JNP”) in Alberta, is within or alongside and contiguous to the Trans Mountain Pipeline for most of its length (approximately 15 km). There is a short section of new cut required to get from alongside the Trans Mountain right-of-way to the Highway 16 right-of-way (approx. 0.25 km).

In JNP, the TMX – Anchor Loop is located within or alongside and contiguous to the existing Trans Mountain Pipeline right-of-way for 41.1 km and beside the highway or CN Railway for 24.6 km. The abandoned Canadian Northern Alberta (“CNA”) rail grade will be utilized for a total of 15 km.

Through Mount Robson Provincial Park (“MRPP”), the TMX – Anchor Loop is within or alongside and contiguous to the Trans Mountain Pipeline right-of-way for 28.2 km and beside the Highway or CN Railway for 22.8 km. It is beside (within) the abandoned CNA right-of-way for a total of 5.5 km.

In British Columbia, the TMX – Anchor Loop departs from the Trans Mountain Pipeline right-of-way outside of MRPP to parallel a series of forestry roads and clear cuts (approximately 8 km), in an area locally known as Jackman Hill before rejoining the Trans Mountain Pipeline right-of-way.

### **Types of Right-of-Way**

The types of right-of-way and other linear disturbances that the Project right-of-way is within or alongside and contiguous to are described below, including a summary of the level to which they are cleared, maintained and active.

#### **Trans Mountain Pipeline**

The existing Trans Mountain Pipeline right-of-way is 18 m (60 ft) wide for the length of the TMX – Anchor Loop Project, except in JNP where it is 6.1 m (20 ft) wide. Outside of JNP, the right-of-way is brushed regularly and maintained free of any large woody shrubs and trees. Within JNP, the right-of-way has various amounts of vegetation growth. In some places the right-of-way has become overgrown and re-vegetated with 50+ year-old shrubs and trees, whereas in other sections it remains tree-free and only low lying ground vegetation has established. There are relatively few sections (<2 km) of the right-of-way within JNP that are completely overgrown. As part of Terasen Pipelines ongoing maintenance and operation activities, access to the right-of-way is required and pipeline inspections have occurred routinely along the right-of-way, and therefore, vegetation control has occurred. In addition, Terasen Pipelines is required to inspect their pipeline right-of-way on a regular basis either on the ground or by air. The right-of-way is flown at least once a month for visual inspection and routine ground inspections are carried out routinely by operations and maintenance personnel. Sections of the right-of-way have a dirt trail adjacent to the pipeline, suitable for a 4 x 4 truck. The Trans Mountain Pipeline right-of-way remains an active right-of-way that is maintained and traversed on a routine basis.

#### **Highway 16**

Highway 16 (also known as the Yellowhead Trans Canada Highway) has four lanes up to the east gate of JNP. The highway then reduces to two lanes with frequent pull-outs and stopping areas. The highway is paved and ditches are mostly vegetated with agronomic and non-native species. On level areas, the highway corridor appears wider since cleared areas can be up to 18 m on either side, from the edge of the pavement. The paved surface is approximately 15 m wide. There are sections along the highway where there is water on one side and rocky outcrops on the other, in which case there is little distance between these features and the edge of the pavement. Highway 16 is a major transportation route for goods and services and is maintained by Alberta Transportation in Alberta, by Parks Canada in JNP and by the Ministry of Transportation in BC. This highway remains active and is one of the busiest in western Canada.

## **CN Railway**

Canadian National Railway ("CN") maintains and operates a right-of-way that is approximately 61 m (200 ft) wide. The right-of-way includes a single rail line in Alberta and JNP, and a double line in British Columbia. In addition, there are several railway sidings (e.g., Devona, Geike, etc.), access roads and a 360 Networks communications cable immediately adjacent to the rail line. Similar to the existing Trans Mountain Pipeline right-of-way, there are sections that are restricted to just the rail grade and rail line, and other sections where the rail line, access road and rail sidings occur. The track and rail grade is maintained free of shrubs and trees, with mostly agronomic and non-native species growing on previously disturbed areas. Access roads and rail lines are maintained regularly by CN crews. There are 25 to 35 train movements per day.

## **Abandoned CNA / Grand Trunk Pacific Rail Grades**

The abandoned CNA and Grand Trunk Pacific rail grades are approximately 30 m wide (100 ft) of which up to three-quarters may be vegetated with ground cover, shrubs and trees. At minimum, the abandonment of the rail grades included the removal of the rails and ties. Much of the cinders and rock fill material used to form the rail grade remain in place with various levels of use. Sections of the old rail grades in JNP are key access points for Parks Canada wardens, CN and Terasen Pipelines operations, as well as other recreational activities (i.e., hiking, cross country skiing, cycling, etc.). Most of the abandoned rail grades support a dirt road adequate for a 4 x 4 truck. In sections within MRPP, the rail grade is less utilized and supports more vegetation. The fill materials used to construct the rail grades are not typically favourable for native vegetation re-growth and often become colonized by non-native species. Many of the rail grades remain void of dense vegetation and are easy travel corridors for people and wildlife. These rail grades are not formally maintained, other than the paths created by regular use of trucks. The rail grades appear to be more actively used in JNP than MRPP, in part due to accessibility.

## **Access Roads and Trails**

Along the TMX – Anchor Loop there are access roads and trails of varied widths and uses. In JNP, the Snaring and Celestine Lake roads are key access points for utility and transportation operations and recreational activities north of the Athabasca River. The Snaring Road is approximately 6.1 m wide (20 ft) and is paved. The Celestine Lake Road is a narrow, gravel road and is on average 3.0 to 4.5 m (10 to 15 ft) wide.

Access trails are typically 3 to 4.5 m (10 to 15 ft) wide. Frequent use by vehicles generally restricts vegetation growth. In areas, gravel fill has been placed on the surface while other areas of the access trails have been created on native substrate.

Forestry roads outside of the parks typically have a minimum 6 m (20 ft) top with drainage ditches. Sections of the TMX – Anchor Loop that traverse Jackman Hill, west of MRRP, utilize existing forestry access roads. Jackman Hill is an area that is actively being logged. Forestry roads typically have gravel fill and culverts to allow hauling. There are pull-outs in select areas where the road is widened. These roads will be maintained (e.g., graded) free of vegetation until the roads are reclaimed.

### **Miscellaneous**

ATCO Electric owns and maintains the power line on the east end of JNP. The right-of-way is approximately 15 m wide. To prevent forest fires and/or damage to power line cables, the right-of-way is typically maintained free of tall trees and shrubs that could come into contact with the power lines. The power line was installed in the 1980's and the right-of-way has been reclaimed by native ground cover and low-lying shrubs. This active right-of-way is maintained regularly through ATCO Electric's vegetation management control plan.

ATCO Gas maintains and operates approximately 52 km of 114 mm (4 inch) natural gas pipeline, which the existing Trans Mountain Pipeline and proposed TMX – Anchor Loop parallels from outside the east boundary of JNP to the ATCO Power facility approximately 8 km east of the Jasper Townsite. The right-of-way is generally covered by a 5 m wide easement through JNP. Outside of JNP, the right-of-way is brushed regularly and maintained free of any large woody shrubs and trees. Within JNP, the right-of-way has various amounts of vegetation growth and in some places has become overgrown. As part of ATCO's ongoing maintenance and operation activities, access to the right-of-way is required and pipeline inspections and maintenance have occurred routinely along the right-of-way and, therefore, vegetation has been cleared. In addition, ATCO is required to inspect their pipeline right-of-way on a regular basis either on the ground or by air.

The Telus fibre optic cable has generally been installed within other easements, including the Highway 16 road ditch and abandoned rail grades. The 360 Networks fibre optic cable is installed immediately beside the tracks and within the CN Railway easement. These fibre optic cables are generally installed in the easements of other utilities and have not been included in this analysis of which existing or new rights-of-way are paralleled by TMX – Anchor Loop.

### **SUMMARY**

Approximately 143.7 km of the total 179.1 km of right-of-way required for the TMX - Anchor Loop will be either on or alongside and contiguous to existing rights-of-way, including the Trans Mountain Pipeline right-of-way. A maximum of 35.4 km of the right-of-way required for the Project is new. However, all but

approximately 3 km of the 35.4 km of new right-of-way is on or alongside and contiguous to other existing linear disturbances such as access roads and trails, and abandoned rail grades. The Project will therefore entail the construction of a pipeline loop requiring less than 3 km of new right-of-way that does not abut an existing linear disturbance (less than 2% of its entire length).

## **RESULTS OF CONSULTATION**

In its 2 June 2005 letter the NEB stated,

*Therefore, the Board requests that Terasen be asked to provide the results of its consultation activities to supplement its project description as filed.*

### **Public Consultation And Aboriginal Engagement Program**

Terasen Pipelines has designed and is conducting a comprehensive public consultation and Aboriginal engagement program for the proposed TMX-Anchor Loop. The program was established to:

- Provide an opportunity for potentially affected parties to become informed about the project and provide input as appropriate;
- Address specific stakeholder information and consultation needs;
- Engage Aboriginal communities appropriately;
- Meet Terasen Pipelines' corporate policy objectives;
- Meet or exceed NEB, CEAA and other external expectations, and;
- Identify input for decisions in project design and pipeline routing.

The public consultation and Aboriginal engagement program was tailored to meet the specific proposed pipeline looping activities and the unique setting and characteristics of the land and communities within which the TMX-Anchor Loop is located.

### **Factors considered in designing the Stakeholder Consultation and Aboriginal Engagement Program**

Various factors were determined to be important in designing a stakeholder consultation and Aboriginal engagement program for the Project. These included:

- Feedback from early consultation with stakeholders and Aboriginal groups regarding how programs could be designed to meet their needs.

- The nature and magnitude of the Project and anticipated concerns regarding a pipeline looping project through a National and Provincial Park.
- The high ecological, recreational, and symbolic values associated with land preservation represented by Jasper and Mt. Robson Parks.
- The socio-economic impacts associated with locating a pipeline construction workforce within a National and Provincial Park .
- Aboriginal interests in the Jasper and Mt Robson areas.
- Communities in proximity to the proposed project area.

The parties identified as potentially having an interest in the Project included:

- The Aseniwuche Winewak Nation, Simpcw First Nation (formerly North Thompson Indian Band), the Nakcowinewak Nation of Canada, and the Métis Nation Zone 4, whose traditional use territories are crossed by the Project.
- Residents of Hinton AB, Jasper AB and Valemount BC.
- Landowners on and adjacent to the right-of-way.
- Environmental Non-Governmental Organizations (ENGO's) with local, regional or national conservation interests.
- Local government officials.

### **Outcomes Of Public Consultation And Aboriginal Engagement Program To Date.**

A project description brochure was prepared describing the TMX - Anchor Loop. A TMX - Anchor Loop "Q&A" document was also developed to provide information regarding commonly asked questions about pipeline construction projects similar to the Anchor Loop Project. These materials have been broadly distributed to stakeholders and are available on Terasen Pipeline's website. A website area providing information about the Terasen TMX-Anchor Loop was established at [www.terasenpipelines.com](http://www.terasenpipelines.com) under "What's New".

In addition, the Public Consultation and Aboriginal Engagement Program activities and outcomes included:

#### **1. Establishment of a 1-800 information line**

- a. Outcome - A number of calls have been received on the 1-800 information line. Two calls were received with requests for more information (which was provided). One call was received from a resident of Hinton, Alberta expressing concern about the distance between pipeline shutdown valves on the Trans Mountain Pipeline in Jasper National Park. Information and follow-up discussions with this individual have been initiated. Approximately 20



contractors have accessed the 1-800 number and are referred to Terasen Pipelines Business Development.

2. **Aboriginal Engagement** - Early notification and meetings have been held with the Aseniwuche Winewak Nation, Simpcw First Nation (formerly North Thompson Indian Band), the Nakcowinewak Nation of Canada, and the Metis Nation Zone 4. Engagement activities have also included site tours, participation in environmental issues workshops, participation in environmental field studies, and traditional use studies with various members of those groups declaring a desire for more involvement or engagement with the TMX – Anchor Loop engagement program.
  - a. Outcome - A number of requests for additional information have been provided to Terasen Pipelines. Requests for economic partnership, contracting and employment opportunities have been also been presented to Terasen Pipelines by several Aboriginal groups. To date, no significant concerns about the Anchor Loop Project have been identified.
  
3. **Communities adjacent to the project area** – Open houses were held in Hinton (April 26) Valemount (April 27) and Jasper (April 28). Brochures, project description materials, display materials and maps outlining the proposed TMX-Anchor Loop were presented and Terasen Pipelines representatives were available to answer questions regarding the project.
  - a. Outcome – Eighteen area residents attended the Hinton open house, fourteen attended the Valemount open house, and twenty-one people attended the Jasper open house. One issue was identified by a participant at the Hinton open house regarding the spacing between pipeline shut off valves on the section of pipeline through the Parks. This individual also contacted the 1-800 line (as noted above). This individual expressed the view that more valves should be installed on the Trans Mountain Pipeline to insure that, in the event of a leak, less oil would be released into the Jasper and Mount Robson ecosystems. This issue will be addressed in the design and location of block valves.
  
4. **Landowners and other interest holders affected by the Anchor Loop Project** – Meetings and discussions about the TMX-Anchor Loop have been conducted with trappers, grazing lease holders, forestry FMA holders, approximately ten landowners, and adjacent landowners on the proposed TMX-Anchor Loop. Project materials were provided to these stakeholders and an opportunity for more information or to express concerns about the project were explicitly offered.

- a. Outcome – No issues were identified through consultations or discussions with landowners and other various tenure holders on the Anchor Loop Project.
5. **Key local governments** – Key local government representatives were contacted by phone. The Project details were outlined and a copy of the communications materials were e-mailed and surface mailed to each contact. The Jasper town council requested a presentation on the project, which was provided to them in April 2004.
- a. Outcome – No issues were identified in consultation discussions with local government representatives.
6. **ENGO's** – Terasen Pipelines representatives initiated early notification with ENGO's in the spring of 2004 to inform them of the intention to undertake feasibility studies of the TMX - Anchor Loop. Following Terasen Pipelines' decision to pursue regulatory approval for the TMX-Anchor Loop, Terasen Pipelines identified interested parties and invited them to become actively involved in consultation about the Project. To date, three formal meetings have been held. A list of invitees is attached. Many of these organizations have chosen to not attend the workshops, but have requested to stay on the Project mailing list to receive Project information materials.

A number of questions and concerns have been identified and discussed through consultation with the ENGO's. The principle concerns are in regard to the environmental impacts of the Project on area wildlife populations, and the extent to which the Project will further impact the ecological integrity of the Parks.

- a. Outcome – A two-day Environmental Issues consultation meeting was held with ENGO participants on Dec 8/9, 2004 in Calgary. Meetings were also held in Jasper with the Jasper Environmental Association and the Friends of Jasper (both groups were unable to attend the December 8/9 workshop in Calgary). A second Environmental Issues consultation meeting was held in Jasper on April 29 & 30, 2005 (see Table 2, Environmental Issue Meeting invitees for a list of invited organizations).
- b. Outcome – ENGO groups have challenged the Terasen Pipelines' planning team to demonstrate how the Project and associated activities could enhance the ecological integrity of the Parks rather than simply minimizing the impacts. A "net benefits" working group was established at the April 29/30 Environmental Issues Meeting. This group includes representatives from Parks, ENGO's, Aboriginal communities and Terasen Pipelines. It has a mandate to identify positive long-term legacy project(s) that will leave a "net

benefit” from the Anchor Loop Project. The results of the working group’s efforts will be presented to the larger workshop at the 3rd Environmental Issues consultation meeting in October 2005.

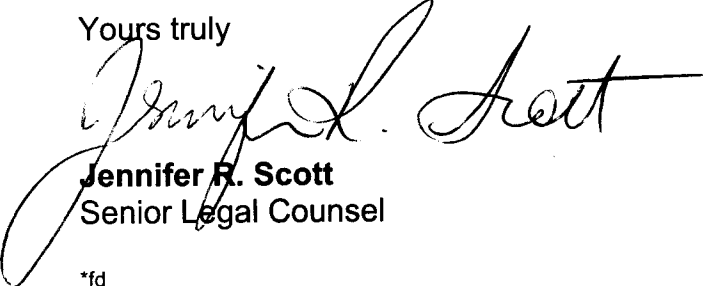
## **Conclusion**

Terasen Pipelines has initiated a comprehensive Public Consultation and Aboriginal Engagement Program to identify all parties with an interest in the project, to identify concerns or issues, and to create a forum to discuss and resolve these concerns or issues where possible. These efforts have resulted in the development of a collaborative working relationship with all Aboriginal and stakeholder groups involved in the process. An ongoing process of identifying and resolving issues is currently underway with the goal of maintaining the collaborative nature of the issue resolution process and to resolve all possible concerns prior to filing an application with the NEB in December 2005.

Currently, Terasen Pipelines is unaware of any issues of public concern other than those being addressed through current consultation initiatives such as the “Net Benefits” working group process. Terasen Pipelines’ representatives and ENGO groups plan to continue efforts to identify a “net benefits” package of initiatives through which the ecological integrity of the Parks can be enhanced. Based on the reaction to date from landowners, communities, Aboriginal groups and ENGO’s Terasen Pipelines does not anticipate public controversy associated with the proposed Anchor Loop Project.

Terasen Pipelines’ consultation activities will continue through the application process into construction and operations of the pipeline.

Yours truly



**Jennifer R. Scott**  
Senior Legal Counsel

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Table 2 - Environmental Issues Meeting Invitees.

Organization	Dec 8/9 Attendee	April 29/30, 2005 Attendee	Ongoing Mailing List
Alberta Fish & Game Association			X
David Suzuki Foundation			X
Friends of Jasper National Park			X
Sierra Legal Defence Fund			X
Canadian Environmental Assessment Agency	X	X	X
National Energy Board	X (DAY 1)		
Canadian Parks and Wilderness Society	X	X	X
Federation of Alberta Naturalists			X
Nature Canada			X
Fraser Headwaters Alliance	X	X	X
Simpcw First Nations	X	X	X
Environment Canada		X	X
Independent – George Smith	X	X	X
Yellowstone to Yukon Conservation Initiative		X	X
Aseniwuche Winewak Nation of Canada		X	X
Federation of British Columbia Naturalists			X
Trout Unlimited	X	X	X
Jasper National Park	X	X	X
Canadian Parks and Wilderness Society – BC Chapter	X	X	X
Sierra Club of Canada – Prairie Chapter			X
Rocky Mountain Elk Foundation Canada			X
Canadian Parks and Wilderness Society			X
World Wildlife Fund			X
Western Canada Wilderness Committee			X
Ministry of Water, Land and Air Protection Omineca Region		X	X
West Coast Environmental Law			X
Chetwynd Environmental Society			X
Jasper Environmental Association		X	X
Federation of Alberta Naturalists			X
The Pembina Institute for Appropriate Development			X

<b>Organization</b>	<b>Dec 8/9 Attendee</b>	<b>April 29/30, 2005 Attendee</b>	<b>Ongoing Mailing List</b>
Alberta Wilderness Association			X
Independent – Martha Kostuch			X
Model Forests Grizzly Bear Project			X
B.C. Ministry of Water, Land and Air Protection – B.C. Parks	X	X	X