



File OF-Fac-Oil-T260-2013-03 02
3 August 2018

Mr. Scott Stoness
Vice-President, Regulatory and Finance
Kinder Morgan Canada Inc. and/or
Trans Mountain Pipeline ULC
Suite 2700, 300 5th Avenue SW
Calgary, AB T2P 5J2
Email: regulatory@transmountain.com

Dear Mr. Stoness:

**Trans Mountain Pipeline ULC (Trans Mountain)
Trans Mountain Expansion Project
Request for relief to conduct pre-construction mitigation activities (Request)**

On 24 July 2018, Trans Mountain filed a Request ([A93216](#)) for the National Energy Board (Board) to allow Trans Mountain to commence pre-construction mitigation activities with respect to vegetation, archeology and wildlife on certain areas of Spreads 3 and 4. The activities include hand transplanting of rare plants, salvage/mitigation at archeology sites, and conducting badger den surveys. Trans Mountain indicated that the activities are time-sensitive and must be conducted during the summer/fall growing season and in advance of construction.

The Board has examined Trans Mountain's Request and notes the status of the following key conditions that apply to this Request:

- Letter Report No. 5, dated 6 September 2017 ([A85838](#)), approved Condition 100: *Heritage Resources Plan*, in which Trans Mountain confirmed it had obtained all required archaeological and heritage resources permits from provincial authorities, as well as Condition 44: *Wildlife Species at Risk Mitigation and Habitat Restoration Plans*, including the plan for American Badger;
- Letter Report No. 9 dated 22 December 2017 ([A88894](#)) approved Condition 72: *Pipeline Environmental Protection Plan*, subject to two directions;
- Letter Report No. 20 dated 3 August 2018 ([A93378](#)) approved the outstanding components of Condition 72: *Pipeline Environmental Protection Plan*, namely the Environmental Alignment Sheets and Resource-specific Mitigation Tables; and
- Letter Report No. 20 dated 3 August 2018 ([A93378](#)) accepted updates to the previously approved Condition 40: *Rare Ecological Community and Rare Plant Population Management Plan* filing.

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The Board recognizes that Trans Mountain has met the requirements for those conditions which apply to the pre-construction mitigation activities listed in Table 1. Therefore, the Board grants Trans Mountain relief pursuant to Condition 1 of the Certificate from the outstanding pre-construction conditions that apply to the pre-construction mitigation activities listed in Table 1 in Trans Mountain's letter dated 24 July 2018.

The Board reminds Trans Mountain that it must implement all applicable mitigation included in its Pipeline Environmental Protection Plan and related Management Plans while conducting the pre-construction mitigation activities. Further, for clarity, the relief granted is limited to the pre-construction mitigation activities listed in Table 1 and does not relieve Trans Mountain from the obligation to satisfy all applicable pre-construction conditions before construction can commence along any other portion of the pipeline route.

Yours truly,

Original signed by S. Wong

for
Sheri Young
Secretary of the Board