

**VIA ELECTRONIC SUBMISSION**

July 15, 2019

Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada  
Pacific Region  
200-401 Burrard Street  
Vancouver, BC V6C 3S4

To: Mr. Alston Bonamis, Team Lead, Fisheries Protection Program

Dear Mr. Bonamis:

**Re: Trans Mountain Pipeline ULC (Trans Mountain)  
Trans Mountain Expansion Project (TMEP or Project)  
Fisheries Act Authorization No. 17-HPAC-00071**

On September 8, 2017, Fisheries and Oceans Canada (DFO) issued Fisheries Act Authorization 17-HPAC-00071 (the Authorization) to Trans Mountain for the Westridge Marine Terminal Expansion, a component of the TMEP. Subsequently, in August 2018, the Federal Court of Appeal issued a decision to set aside the Governor in Council's approval of the TMEP, rendering National Energy Board (NEB) Certificate of Public Convenience and Necessity (CPCN) OC-064 a nullity.<sup>1</sup> A new CPCN was recently issued for the TMEP on June 21, 2019, following a reinitiated Indigenous consultation process, reconsideration of Project-related marine shipping effects by the NEB, and approval by the Governor in Council on June 18, 2019.

As detailed in our submissions to the NEB, Trans Mountain intends to commence construction of the Project, and specifically the Westridge Marine Terminal Expansion, in August 2019. There have been no material changes to the application for a Fisheries Act Authorization<sup>2</sup> and no design changes to the WMT have been made. The information contained in the Application and the Authorization remains current and valid, with the exception of the schedule:

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<sup>1</sup> *Tsleil-Waututh Nation v Canada (Attorney General)*, 2018 FCA 153 ("*Tsleil-Waututh*"), para 768.

<sup>2</sup> Application submitted to DFO on February 1, 2017, along with the addendum that was submitted on June 16, 2017

1. Construction timelines for the works, undertakings or activities related to the WMT expansion are proposed to be extended to December 31, 2022 to reflect the new proposed construction schedule.
2. The deadline for completing fish and fish habitat offsetting measures is proposed to be extended to December 31, 2021 to reflect the new proposed construction schedule.

These changes are not material to the Application for a Fisheries Act Authorization. Therefore, further to the new CPCN that was recently issued for TMEP, we are submitting TMEP's previous Application for DFO's consideration pursuant to s. 35(2)(b) of the Fisheries Act and we ask that your consideration be completed as expeditiously as possible.

Should you have any questions or wish to discuss this matter further, please contact the undersigned at [regulatory@transmountain.com](mailto:regulatory@transmountain.com) or 403.514.6400.

Yours truly,



Scott Stoness  
Vice President, Regulatory and Compliance  
Trans Mountain Canada Inc.

Enclosures