

Project Name	Trans Mountain Expansion Project	Inspection Status	Final
EA Certificate #	E17-01	Inspection No.	20230080_IR001
Project Status	Certified - construction	Inspection Start	2023-12-13
Inspection Type	Field and Administrative	Trigger	Complaint
UTM	10 U 682907 E 5611126 N to 10 U 682039 E 5610316 N		
Project Description	The Trans Mountain Expansion Project (Project) expands the existing 1,147-kilometre Trans Mountain pipeline system for oil transport. The expansion creates a twinned pipeline and includes a marine shipping aspect involving tankers serving the Westridge Marine Terminal.		
Location Description	The pipeline is between Edmonton, Alberta and Burnaby, British Columbia (BC). This inspection is specific to locations in Section 5 of the Project near Kamloops, BC.		
Inspection Summary	<p>The Officers conducted an unannounced inspection of the Project right-of-way (ROW) between kilometre-post (KP) 851+800 and 853+000. This inspection was conducted in response to concerns received regarding mitigations for archaeological and heritage resources, including potential burial sites, in the Jacko Lake area (Pipsell). Pipe installation was complete at the time of the inspection, with the exception of the tie ins for the tunneled sections. The inspection included a debrief of observations with Project staff on December 13, 2023.</p> <p>The following requirements were inspected against:</p> <ol style="list-style-type: none"> 1. Condition 27 with respect to consultation with Indigenous groups on the mitigation of impacts to archaeological and heritage sites or resources. 2. Condition 27 with respect to site-specific mitigations from onsite Indigenous Monitors. 3. Condition 27 with respect to avoidance of impacts to archaeological and heritage sites or resources during Construction. <p>Additional detail regarding these findings may be found in the sections below.</p> <p>The compliance determinations in this report reflect the findings from the inspection dates noted above. These determinations can change at any time upon information gathered through future inspections or if new information is obtained by the Environmental Assessment Office (EAO) Compliance and Enforcement Branch.</p>		
In Attendance	Environmental Monitor, Trans Mountain (x 2)		
Certificate Holder	Trans Mountain Pipeline ULC		
Mailing Address	300 5th Avenue, SW, Suite 200, Calgary, AB T2P 5J2		
Inspecting Officer(s)	<p>Christie Lombardi Compliance & Enforcement Officer</p> <p>Gio Casponi Compliance & Enforcement Officer</p>		
Record Prepared By:	<p>Christie Lombardi Compliance & Enforcement Officer</p>		

Record Approved By	Chris Parks Deputy Director, Compliance and Enforcement
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INSPECTION DETAILS

Requirement 1: Condition 27 of EAC# E17-01 Schedule B (Appendix 1)

The Holder must cause a Qualified Professional to develop a plan . . . for the mitigation of any impacts of the Project on archaeological and heritage resources in accordance with the Heritage Conservation Act. The plan must . . . include the means by which the Holder will:

- a) Consult with Aboriginal Groups – Terrestrial on the reporting, management and mitigation of impacts to archaeological/heritage sites or resources, including incorporating the input of the Aboriginal Groups – Terrestrial regarding site-specific management.

The plan and any amendments thereto, must be implemented throughout Construction under the supervision of a Qualified Professional and to the satisfaction of EAO.

*This is an excerpt from Condition 27 relevant to the inspected elements, see Appendix 1 for the full condition requirements.

Archaeological – Heritage Resources Plan (Appendix 2)

Section 2.0 Consultation and Engagement – Indigenous Groups

Trans Mountain continues dialogue with affected Indigenous groups to further refine and discuss site-specific mitigation measures to avoid or reduce impacts to previously identified archaeological/heritage sites or resources, [Traditional Land Use (TLU)] sites, or other areas of interest, and to address any concerns raised.

Inspection Details:

On November 16, 2023, Officer Lombardi requested the Certificate Holder provide Indigenous consultation records in relation to the development of site-specific measures to protect archaeological and heritage resources during construction activities in the Jacko Lake area (Pipsell), between KP 851+600 to 852+950. A change in construction methodology in this section of the Project ROW, from directional drill to open cut, was approved by the Canada Energy Regulator (CER) on September 25, 2023. As noted in Requirement 2 below, the Stk'emlupsemc te Secwepemc Nation (SSN) is the community identified in association with the Pipsell sacred site between KP 851+025 and 859+000. SSN consists of the Tk'emlúps te Secwépemc and Skeetchestn Indian Band, both are identified as *Aboriginal Groups – Terrestrial* in EAC #E17-01.

On November 20, 2023, the Certificate Holder provided Officer Lombardi with the following documents:

- A record of engagement with SSN since September 25, 2023 (Appendix 3);
- A copy of the grade plan and the horizontal directional drill (HDD) profile and pullback drawing for KP 851+500 to 853+000 provided to SSN for review and comment on July 10, 2023 (Appendix 4);
- A copy of the notification to Indigenous groups, sent between August 4 and 11, 2023, advising of the proposed change to the construction methodology and routing between KP 851+600 to 852+950 (Appendix 5);
- A copy of the August 11, 2023 notification to Indigenous groups of the CER application for the change in construction methodology (Appendix 6);
- A copy of the September 25, 2023 notification to SSN of the CER application approval that day (Appendix 7);
- A copy of the September 26, 2023 notification to other Indigenous groups of the September 25, 2023 CER application approval (Appendix 8); and,

- A copy of the timeline of construction activities, indicating a start date of October 2, 2023, sent to SSN on September 27, 2023, which also includes coordination information for a requested SSN site visit (Appendix 9).

The Certificate Holder's November 20, 2023 response (Appendix 10) notes that avoidance measures for the features and archaeological site EdRc-68 in this area "were discussed and viewed by the [SSN] knowledge keeper during the site walk on September 28, and no identification or mention of burial sites or additional features was discussed by the SSN knowledge keeper when on site".

The consultation records and supporting documenting provide evidence of compliance with Condition 27 with respect to consultation with Indigenous groups on the mitigation of impacts to archaeological and heritage sites or resources.

Compliance Finding	In
Enforcement Action	Not Applicable

Requirement 2: Condition 27 of EAC# E17-01 Schedule B (Appendix 1)

The Holder must cause a Qualified Professional to develop a plan . . . for the mitigation of any impacts of the Project on archaeological and heritage resources in accordance with the Heritage Conservation Act. The plan must . . . include the means by which the Holder will:

- c) Address potential disturbance of archaeological/heritage sites or resources during Construction;

The plan and any amendments thereto, must be implemented throughout Construction under the supervision of a Qualified Professional and to the satisfaction of EAO.

*This is an excerpt from Condition 27 relevant to the inspected elements, see Appendix 1 for the full condition requirements.

Archaeological – Heritage Resources Plan (Appendix 2)

Section 3.1.2 – Consultation and Engagement with Indigenous Groups – Reporting, Management and Mitigation of Impacts - Traditional Land Use Resources

TLU sites have been identified through ongoing consultation and engagement with Indigenous groups, and as a result of TLU studies completed along the pipeline footprint. Mitigation measures have been developed in consultation with Indigenous group as part of the Condition 100 Heritage Resources Plan (Appendix A) . . .

Appendix A - Section 4.0 Sacred and Cultural Sites

Table 4-2 Summary of Sacred and Cultural Sites Not Previously Identified

KP 851.025 to 859.000 - Sacred Site - Pipsell (Jacko Lake Area) – Stk'emlupsemc te Secwepemc Nation

Site Specific Mitigation for Pipsell (Jacko Lake Area), Note 1 – General Measures

Indigenous Monitors on-site through the construction of the Project will work with Environmental Inspectors to provide traditional knowledge to the construction program to ensure protection of the environment; to discuss upcoming traditional and western science elements with the Environmental Inspector to insure protection and monitoring;

Inspection Details:

During the field inspection on December 13, 2023, Officer Lombardi spoke with the Indigenous Monitor who was present on-site. The Indigenous Monitor identified themselves as an SSN Indigenous Monitor. The Indigenous Monitor noted that they were on-site conducting monitoring during all works and that this monitoring would continue until reclamation is complete. The Indigenous Monitor noted that they are advised of, and have an

opportunity to discuss, new activities with Project staff before works start, and that they effectively work with Project staff to avoid impacts to resources.

These findings provide evidence of compliance with Condition 27 with respect to site-specific mitigations from on-site Indigenous Monitors.

Compliance Finding	In
Enforcement Action	Not Applicable

Requirement 3: Condition 27 of EAC# E17-01 Schedule B (Appendix 1)

The Holder must cause a Qualified Professional to develop a plan . . . for the mitigation of any impacts of the Project on archaeological and heritage resources in accordance with the Heritage Conservation Act. The plan must . . . include the means by which the Holder will:

- c) Address potential disturbance of archaeological/heritage sites or resources during Construction;

The plan and any amendments thereto, must be implemented throughout Construction under the supervision of a Qualified Professional and to the satisfaction of EAO.

*This is an excerpt from Condition 27 relevant to the inspected elements, see Appendix 1 for the full condition requirements.

Archaeological – Heritage Resources Plan (Appendix 2)

Section 3.3 Plan to Address Potential Disturbance of Archaeological/Heritage Sites or Resources and TLU Sites

Trans Mountain strives to mitigate impacts to archaeological sites using avoidance. Techniques for avoidance include engineering, routing, and workspace modifications.

Inspection Details:

The Certificate Holder's November 20, 2023 information request response (Appendix 10) provides the following information with respect to the avoidance of archaeological and heritage sites or resources in the Jacko Lake area (Pipsell):

Trans Mountain notes that there were no burial sites or archaeological/heritage resources identified within the footprint that would be impacted by Trans Mountain construction activities (i.e. sites not planned for footprint avoidance by Trans Mountain) during the development of construction plans for the deviation area, consultation and engagement activities with SSN, numerous cultural walks with SSN knowledge keepers through the area (prior to and after the deviation application) and through information gained from archaeological surveys.

Trans Mountain committed to modifying its footprint to avoid the registered archaeological site EdRc-68, the [feature] (avoided through the approximately 455m horizontal directional drill . . .), and the [feature] within the footprint . . . (fenced off and avoided with a 7m buffer).

As part of this response, the Certificate Holder provided Officer Lombardi with a copy of the close-out notifications sent to SSN on October 4, 2023, which note that the features are to be avoided and flagged (Appendix 11). A copy of the Archaeological Site Plan for EdRc-68 was also provided, which specifies the site is to be avoided and clearly marked in the field "to facilitate protection during construction" (Appendix 12).

During the field inspection on December 13, 2023, the Officers observed exclusion fencing around archaeological site EdRc-68 (Photo 1). The Indigenous Monitor who was on-site identified that a copy of the Archaeological Site Plan was contained in the document tube on the fencing to allow Project workers ready access to the site

requirements. The Officers also observed a number of fenced and signed heritage features along the margin of the ROW (Photo 2).



Photo 1. Exclusion fencing around archaeological site EdRc-68 at the edge of the Project ROW.



Photo 2. Fenced and signed feature at the margin of the Project ROW.

These findings provide evidence of compliance with Condition 27 with respect to avoidance of impacts to archaeological and heritage sites or resources during Construction.

Compliance Finding	In
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Enforcement Action	Not Applicable
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Actions Required by Certificate Holder & Additional Comments		
None at this time.		
Enforcement Summary		
None at this time.		
Regulatory Considerations		
None at this time.		
Inspection Record Version Dates		
Date Preliminary		
n/a		
Date Finalized		
2024-02-01		
Appendices:		
Appendix 1: Environmental Assessment Certificate # E17-01 with Schedules A and B Appendix 2: Archaeological-Heritage Resources Plan R4 June 2022 Appendix 3: SSN Record of Engagement from September 25, 2023 Appendix 4: Grade Plan and HDD Drawings to SSN on July 10, 2023 Appendix 5: Notification of Proposed Change in Construction Methodology sent Aug 4-11 2023 Appendix 6: Notification of CER Application sent Aug 11, 2023 Appendix 7: Notification of CER Application Approval to SSN sent Sept 25, 2023 Appendix 8: Notification of CER Application Approval to Indigenous Groups sent Sept 26, 2023 Appendix 9: Notification of Construction Schedule to SSN on Sept 27, 2023 Appendix 10: Certificate Holder Information Request Response Nov 20, 2023 Appendix 11: Feature Close-Out Notifications to SSN on Oct 4, 2023		
Environmental Assessment Office - Compliance & Enforcement Branch		
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