

Matt Hulse and Andhra Azevedo
390 – 425 Carrall Street
Vancouver, BC V6B 6E3
Tel: 604-685-5618 ext. 255/256
Email: mhulse@ecojustice.ca;
aazevedo@ecojustice.ca
File No.: 2207

December 18, 2024

Sent via e-mail

The Honourable Tamara Davidson
Minister of Environment and Parks
ENV.Minister@gov.bc.ca

Alex MacLennan
Chief Executive Assessment Officer
Alex.MacLennan@gov.bc.ca

Dear Minister Davidson and Mr. MacLennan:

Re: Impending Substantial Start Determination for Prince Rupert Gas Transmission Pipeline

On behalf of the Skeena Watershed Conservation Coalition, Kispiox Valley Community Centre Association, and the Kispiox Band, we write regarding your impending decision on whether sufficient work has been completed on the Prince Rupert Gas Transmission pipeline project (“PRGT Pipeline”) for it to be considered “substantially started” pursuant to s. 31 of the *Environmental Assessment Act*, SBC 2018, c 51 (“2018 EAA”). Please ensure that this submission and attached materials are put before the Minister, the Chief Executive Assessment Officer, and any other person involved in making this substantial start determination.

The PRGT Pipeline is a fracked gas pipeline up to 900 km long that is proposed to run from Hudson’s Hope in northeast British Columbia to Lelu Island, south of Prince Rupert. Skeena Watershed Conservation Coalition, Kispiox Valley Community Centre Association, and Kispiox Band are an environmental non-profit organization, a local community association, and an Indigenous community, respectively, who are located along the PRGT Pipeline route, will be significantly affected by the construction and operation of the pipeline, and have members who have observed the minimal construction completed so far on the pipeline.

In 2014, the relevant Ministers granted an environmental assessment certificate (“EA Certificate”) for the PRGT Pipeline, which was supposed to expire on November 25, 2019 if construction had not substantially started. By 2019, no construction had started and the pipeline no longer had a viable export terminal on Lelu Island. The then Minister extended the EA Certificate for another five years, to expire on November 25, 2024. Despite having ten years to start construction, PRGT Ltd. only just started construction on a small section of the right of way in late August of this year, three months before the EA Certificate expiry deadline.

The Minister (or their delegate) now must decide whether the PRGT Pipeline has been substantially started based on the limited construction that has occurred. Having reviewed PRGT Ltd.'s Substantially Started Determination Application (the "Application"),¹ Skeena Watershed Conservation Coalition, Kispiox Valley Community Centre Association, and Kispiox Band take the position that the pipeline has not been substantially started — for reasons described further in this letter.

This substantial start determination is a significant decision that will particularly impact local communities along the proposed pipeline route. If the Minister decides that the PRGT Pipeline is substantially started, then the EA Certificate will be valid for the life of the project, despite it being based on a decade-old assessment. If the Minister decides otherwise, PRGT Ltd will require a new, up-to-date environmental assessment if it wants to proceed with the pipeline. Because of the significance of this decision, Skeena Watershed Conservation Coalition and Kispiox Valley Community Centre Association have also sent letters to the Minister and the Environmental Assessment Office ("EAO") requesting that the EAO conduct a public comment period and enhance the transparency in making this decision.²

Since no public comment period has been announced, our clients have made this submission shortly after November 25, 2024 and the publication of the Application to ensure that their information and perspectives are before the decision-maker.

1. Requirements for a substantial start determination

Under s. 31(6) of the *2018 EAA*, an EA Certificate expires if, "in the reasonable opinion of the minister, the project has not yet been substantially started by the deadline specified in the environmental assessment certificate or by the end of the period of the extension if an extension is granted". This same provision existed in the previous *Environmental Assessment Act*, SBC 2002, c 43 ("*2002 EAA*") when the EA Certificate for the PRGT Pipeline was granted.

"Substantially started" is not a defined term in the *2018 EAA*. As described by the BC Court of Appeal, the purpose of requiring that a project is substantially started by a certain date under the *Environmental Assessment Act* is to strike a balance between the protection of the environment and proponents' desire to carry out a project:

"The legislation, however, is also mindful of the fact that environmental science progresses. The perceived impact of a proposed project may change over time, not only due to changes in public attitudes, but also due to increasing knowledge of the harm caused by certain types of development. Further, the character of a development site may change substantially over time. Finally, advances in technology may result in more effective mitigation measures becoming available. It would be unwise to allow

¹ PRGT Ltd. (19 Nov 2024) *Substantially Started Determination Application – Prince Rupert Gas Transmission Project*, online.

² Letter was sent by Skeena Watershed Conservation Coalition with over 90 signatories on December 3, 2024. The KVCCA sent the letter on November 19, 2024.

long-delayed projects to proceed based on reports and conditions that have become outdated.”³

This purpose should inform how the Minister interprets what the Legislature meant by “substantially started”. If there have been significant changes to the project, development site, or impacts, then this should be considered when the Minister determines the threshold required for substantial start.

Court cases have also helped determine the reasonable interpretation of “substantially started”. These cases have confirmed the following:

- To be substantially started a project needs to be started “in its essentials in a real and tangible way.”⁴
- The decision-maker must focus on physical activities that have occurred since the EA Certificate was granted that have a long-term impact on the site.⁵ Temporary structures are less important than permanent structures. Bureaucratic, planning and financial activities should not be given as much weight as physical activities.
- Determining whether a project has been substantially started is not simply a question of whether the proponent has made reasonable efforts to proceed with the project. A proponent may have failed to commence a project — through no fault of their own — due to external factors. However, external factors are not relevant to assessing whether the project is substantially started; the question is still whether sufficient physical construction has actually started.⁶
- It is reasonable to compare the construction completed with the construction planned in the environmental assessment report, rather than comparing the construction completed to a smaller project that was not the subject of the environmental assessment report.⁷

The findings of these cases are also summarized in the EAO’s Substantial Start Determination Policy (“SSD Policy”), which is intended to guide substantial start determinations.⁸

2. PRGT Ltd. has not substantially started the PRGT Pipeline

The proponent, PRGT Ltd., has not substantially started construction on the PRGT Pipeline, as demonstrated by the fact that it has completed very little physical construction of the pipeline

³ *Glacier Resorts Ltd v British Columbia (Minister of Environment)*, 2019 BCCA 289 (“*Glacier Resorts*”) at para [52](#).

⁴ *Taku River Tlingit First Nation v British Columbia (Minister of Environment)*, 2014 BCSC 1278 (“*Taku River*”) at para [37](#).

⁵ *Taku River* at paras [38-39](#).

⁶ *Glacier Resorts* at para [55](#).

⁷ *Glacier Resorts* at para [56](#).

⁸ BC EAO (2021) *Substantial Start Determination Policy*, [online](#) (“SSD Policy”).

(both in absolute and relative terms), is still waiting for approval on key route amendments, and has not fulfilled all of its permit conditions.

2.1 PRGT Ltd. has completed very little construction and fails to describe how this construction compares to the pipeline as a whole

The minimal physical work completed by PRGT Ltd. as of November 25, 2024 is not a “substantial start” on the up-to-900 km-long pipeline approved in the EA Certificate. Further, the Application does not put the construction completed in its proper context by comparing it to the construction needed for the whole pipeline project. This ignores direction from the SSD Policy, which states that EA Certificate holders should consider including a description of what construction remains to be completed before the project can become operational.⁹ PRGT Ltd. does not provide this information, which is needed to understand whether the work to-date is substantial in the context of the entire project.

Table 1, below, outlines the construction activities that PRGT Ltd. has completed before the EA Certificate deadline and compares them with the construction that is necessary to build a complete pipeline, based on information provided by the PRGT Pipeline’s Environmental Assessment Application (“EA Application”) and EA Certificate.

Table 1. Construction on PRGT Pipeline as of Nov 25, 2024 in context of the entire pipeline			
Construction activity	Proposed in EA Application/ permitted by EA Certificate¹⁰	By Nov 25	Percentage
Right of way (“ROW”) cleared:	780 km 3,900 ha (assuming 50m-wide ROW)	42 km 104 ha	5.4% 2.7%
Pipeline laid:	780 km (land) 120 km (marine)	0 km 0 km	0% 0%
Compressor stations built:	Up to 8 stations	0	0%
Road upgraded:	850 km ¹¹	47 km	5.5%
New road constructed:	6 km ¹²	0 km	0%
Camps built:	12 (up to 15)	1	8%
Watercourses crossed: Total project	1,236 ¹³	0	0%

⁹ SSD Policy, [p.9](#).

¹⁰ Prince Rupert Gas Transmission Project (2014) *Application for an Environmental Assessment Certificate - Project Overview* (“EAC Application – Project Overview”), [online](#).

¹¹ EAC Application - Project Overview, p.1-14.

¹² EAC Application - Project Overview, p.1-15.

¹³ EAC Application – Freshwater Aquatic Resources, [online](#), p.10-14. Note: the EAO Assessment Report (p.33) states that there will be 1,360 watercourse crossings.

Section 5B	53 ¹⁴	0	0%
Bridges built:	Not stated	9	N/A
Employment:	8,570 person years (PYs) of direct employment during construction ¹⁵	110,700 hrs (57.9 PYs) ¹⁶	0.67%
Financial expenditure <i>Total</i>	<i>Not given</i>	\$584 million (total expenditure, 2013 - Nov 2024)	Unknown
<i>Construction costs</i>	\$5 billion (2013 dollars) ¹⁷	\$70 million (construction, Aug-Nov 2024)	1.4%

These figures demonstrate that PRGT Ltd.’s construction activities, as of November 25, 2024, are a small fraction of what is necessary to build a complete pipeline.

PRGT Ltd. frequently states in its Application that it has cleared “more than 42 km” of the right of way (“ROW”) and notes that this amounts to 65% of Section 5B.¹⁸ These figures are paltry in the context of the 900 km-long pipeline, but they also appear to overestimate the extent of the work that PRGT Ltd. has completed in Section 5B.

The EAO Assessment Report for the PRGT Pipeline states that the proposed width of the “construction ROW on level, flat terrain would be approximately 50m wide” and “up to 300m wide, depending on site characteristics and specific construction activities.”¹⁹ If PRGT Ltd. had cleared a width of 50 m along 42 km of the ROW, it would have cleared 210 hectares (ha) of land.

It does not appear that PRGT Ltd. has cleared 210 ha of ROW. At tables 4-2 and 4-4 of the Application, PRGT Ltd. states the clearing progress of the pipeline ROW at the eastern and

¹⁴ Number of watercourse crossings in Section 5B derived from EAC Application, Appendix K, *Table K-1 Proposed Watercourse Crossing Locations, Fish Bearing Status, and Stream Class*, [online](#).

¹⁵ EAC Application – Project Overview, p.1-83. PRGT Ltd. defines “person year” as the “the equivalent of one person being employed full time for one year: EAC Application – Project Overview, p.1-78.

¹⁶ Calculated using 1,912 hours/person year, which assumes 40 hours/week, 50 working weeks/year, and 11 statutory holidays.

¹⁷ Project Overview, p.1-78

¹⁸ PRGT Ltd. (October 2024) Substantially Started Determination Application – Prince Rupert Gas Transmission Project, p.62.

¹⁹ BC EAO (2014) *Prince Rupert Gas Transmission Project – Assessment Report*, [online](#), (“EAO Assessment Report for PRGT”), p.22.

western fronts as of November 12, 2024.²⁰ The total area of ROW cleared amounts to 104 ha, which is less than half of the area expected for 42 km of a 50 m-wide ROW.

PRGT Ltd. has not graded the ROW²¹ and there is no mention of whether it has removed the trees that it cut down. This suggests that not only has PRGT Ltd. cleared less than half of area for the 42 km ROW (of a 900 km route), but it will have to go over the same ground again and conduct additional work before even the cleared sections are usable.

PRGT Ltd. also acknowledges that it has avoided watercourse crossings when undertaking the Year-1 Construction Program in Section 5B.²² There are 53 watercourses in Section 5B that the pipeline will have to cross, three of which will require horizontal directional drilling (“HDD”): the Ksi Sii Aks, Ksi Matin, and Kai Hlginx rivers. HDD is a particularly expensive and time-consuming method for crossing a river. The EAO Assessment Report notes that a HDD crossing can take four months or more.²³

This corresponds with on-the-ground observations from locals, who report that the ROW that PRGT Ltd. has cleared is around 20-30m wide, the cleared portion of the ROW has not been graded, that harvested trees are topped and limbed and laying in stacks, there are slash piles every few meters, and that PRGT Ltd. has left buffer zones around water crossings.²⁴

Although the Minister must focus primarily on the physical work completed in their substantial start determination, the Application also focusses on financial expenditures by the proponent. PRGT Ltd. prominently and repeatedly states that it has spent \$336 million on “Project Management and Construction” from 2013 to November 2024.²⁵ However, the Application does not define this category and there is no breakdown of how and when this \$336 million was spent. Indeed, it appears that the majority of this was spent before physical construction actually started in August 2024. Less prominent and mentioned only once is the much smaller sum of “approximately \$70 million” that has been invested into the work undertaken between August 24 and November 12, 2024.²⁶

Regardless, as shown in the table above, these financial expenditures are a small proportion of the overall capital costs, which is cited as \$5 billion in the Application.²⁷ Notably, this is a 2014 estimate using 2013 dollars, based on “the original route, engineering, and Project planning” and this figure is likely much higher today given inflation and expected cost overruns that we have seen in similar projects like Coastal Gaslink (from \$6.2 to \$14.5 billion) and the Trans Mountain

²⁰ Application, pp.39-40, 43.

²¹ Application, p.62.

²² Application, p.51.

²³ EAO Assessment Report for PRGT, p.33.

²⁴ Pers. Comm. Kai Nagata.

²⁵ Application, pp.6, 7, 61.

²⁶ Application, p.7.

²⁷ Application, p.12.

Expansion Project (from \$7.4 to \$30 billion).²⁸ As such, PRGT Ltd.’s financial expenditures to-date are likely a much smaller proportion of the overall cost.

Further, PRGT Ltd. emphasizes in the Application that the PRGT Pipeline was “construction ready” in 2017²⁹ and lists several activities taken prior to 2017 as being part of demonstrating “investment, commitment and intention to construct and operate the Project”.³⁰ However, PRGT Ltd. fails to note that TC Energy (the previous owner) had an agreement with the owners of Pacific NorthWest LNG project (the originally intended terminus of the PRGT Pipeline) to reimburse TC Energy “for the full costs and carrying charges incurred to advance the PRGT project” when Pacific NorthWest LNG was cancelled in 2017.³¹ PRGT Ltd. must explain if this reimbursement occurred — if it did, then no weight should be given to activities that TC Energy was reimbursed for, as they do not show a continued “investment, commitment and intention to construct and operate the Project” by the proponent.

2.2 The Minister must make the substantial start determination based on a comparison of construction to the project elements as described in the environmental assessment

The Application states that the Year-1 Construction Program is 100% complete as of November 12 and that 65% of the ROW in Section 5B has been cleared.³² However, these metrics are not appropriate for assessing substantial start, which is meant to be an assessment of progress on construction on the overall project approved in the Certified Project Description.

In *Glacier Resorts*, the Court of Appeal determined that substantial start could be measured against progress in constructing the first phase of the ski resort as had been described in the environmental assessment for that project.³³ However, the Court noted that it did not make sense to compare construction completed to a more limited project that was not represented in the environmental assessment.

In the case of the PRGT Pipeline, as neither Section 5B nor the Year-1 Construction Program were described in the environmental assessment, measures of progress against the length of Section 5B or the completion of the Construction Program are not relevant to a substantial start determination. Progress should be measured against the fully completed pipeline, which makes sense since the PRGT Pipeline can only operate if the full length of the pipeline is constructed. There is no option in the EA Certificate that allows for a smaller operational phase of the

²⁸ Stephenson, A. (14 March 2024) *Oil Shippers demand explanation from Trans Mountain for massive pipeline cost overruns*, Global News, [online](#); Potkins, M. (1 Feb 2023) *Coastal GasLink price tag climbs to \$14.5 billion and could go even higher*, Financial Post, [online](#).

²⁹ Application, p.15.

³⁰ Application, pp.14-15.

³¹ TC Energy (2017) *TransCanada responds to PNW LNG decision; company to be reimbursed for full costs to advance PRGT Project*, [online](#).

³² Application, pp.26, 38, 63.

³³ *Glacier Resorts*, para 56

pipeline. Although construction of a large pipeline takes time, whether the PRGT Pipeline is substantially started should still be measured — like all projects — against the whole project as it was proposed in the environmental assessment application and described in the EA Certificate.

2.3 PRGT construction is not substantial compared to previous substantial start determinations

The key decision for the Minister is whether PRGT Ltd. has *substantially* started the construction of the PRGT Pipeline. This is distinct from whether construction has “merely started”.³⁴ In late August 2024 — only three months ahead of the expiry of the EA Certificate — PRGT Ltd. started construction on the Project, despite having had 10 years to do so. The question for the Minister is whether the amount of construction that PRGT has completed in this time is “substantial”, meaning that construction has “started in its essentials, in a real and tangible way”.³⁵

Although not binding, past substantial start decisions are instructive in setting out what ministers have previously determined was a substantial start and what was not. For example, the 472 km Pacific Trail Pipelines (“Pacific Trail”) was “substantially started” when approximately 20% (approximately 94 km) of its ROW was cleared. The cleared ROW had a minimum width of 38 m. The proponent had also completed 85% of the access road work needed for the westernmost quarter of the pipeline and had installed 36 bridges and 93 culverts.³⁶ By comparison, the PRGT Pipeline is nearly double the length and yet only 42 km of the ROW has been cleared by the proponent, representing about 5% of the total length and much less based on area, as PRGT Ltd. has not even finished clearing all of this 42 km of ROW. PRGT Ltd. has also only constructed 9 bridges.

Further, Pacific Trail should be viewed as the bare minimum threshold to be met — and a cautionary tale — when assessing substantial start. Eight years after this substantial start finding, which made the EA Certificate permanent, Pacific Trail is currently on hold, construction has not progressed, and the pipeline is not operational.³⁷ The longer that Pacific Trail takes to get built, the further out of date its assessment and certificate conditions become, an issue that is much more difficult to resolve once the EA Certificate is made permanent.

An example where the Minister found that a project was not substantially started was the Jumbo Glacier Resort Project, where the proponent argued that it had substantially started a small day skiing area, but had an EA Certificate for a large, multi-phase ski resort.³⁸ The construction of a small section of ROW for an small section of the PRGT Pipeline is more similar to the activities completed for Jumbo Glacier Resort, which did not warrant a decision that the project was

³⁴ Minister’s Decision, Jumbo Glacier.

³⁵ *Taku River*, para 37.

³⁶ *Substantially Started Determination: Pacific Trails Pipelines Project*, [online](#)

³⁷ Pacific Trail Pipelines (16 July 2024) *Quarterly Report for 2024 Q2 Pacific Trail Pipelines Project EAC 08-01*, [online](#).

³⁸ *Reasons for Minister’s Determination Jumbo Glacier Resort Project*, [online](#); *Glacier Resorts*.

substantially started. Like Jumbo Glacier Resort, the completion of the Year-1 Construction Program in Section 5B for PRGT Pipeline is not a substantial start when compared to the project approved in the EA Certificate. In addition, as described further below, the BC Energy Regulator (“BCER”) allowed construction to start on PRGT without meeting all of the permit conditions, in particular a cumulative effects assessment of the project. This is analogous to elements of Jumbo Glacier Resort, which were constructed counter to permit conditions and therefore given little weight.

2.4 PRGT Ltd.’s pending EA Certificate amendment applications weigh against a positive substantial start determination

The Application discusses PRGT Ltd.’s applications for EA Certificate amendments when describing the time, effort, and resources that have been invested to physically develop the main project elements.³⁹ However, contrary to what the proponent appears to be arguing, these not-yet-approved applications for significant amendments to the pipeline route do not weigh in favour of a finding that the PRGT Pipeline is substantially started.

The applications for EA Certificate amendments propose significant changes to the PRGT Pipeline:

- the Eastern Route Amendment proposes changing the starting point and the proposed route for approximately a quarter of the length of the pipeline; and
- the Marine Route Amendment proposes changing the endpoint of the pipeline to no longer go to Lelu Island, but instead go north through the Nasoga Gulf and the Portland Inlet to the proposed Ksi Lisims LNG terminal on Pearse Island.

PRGT Ltd. applied for these amendments two months prior to the substantial start deadline for the Eastern Route Amendment and three months prior for the Marine Route Amendment. According to the EAO’s policy, three months is much too short for approval of typical or complex amendments like the significant route changes proposed by the proponent.⁴⁰ It would be premature to determine that the PRGT Pipeline has been substantially started and allow the EA Certificate to be valid for the life of the pipeline when the full impacts of the pipeline have not been considered and major proposed amendments were not approved prior to the substantial start deadline.

Further, while PRGT Ltd. states that these EA Certificate amendments are “options”, it is evident that PRGT Ltd. needs these amendments to make the PRGT Pipeline viable. The pipeline needs the Marine Route Amendment to connect to Ksi Lisims LNG to have a customer to supply with

³⁹ Application, p.32.

⁴⁰ BC EAO (2024) *Amendments to Environmental Assessment Certificates and Exemption Orders - Guidance for Holders*, [online](#): typical amendments can take approximately six months to a year and complex amendments can take a year to four years to approve.

gas because there is no viable terminal at Lelu Island. PRGT Ltd. needs the Eastern Route Amendment to the concerns of the Treaty 8 Nations.

The fact that PRGT Ltd. is not planning to construct the pipeline as currently approved, needs significant amendments to its EA Certificate in order to have a viable pipeline, and does not have the necessary amendments approved prior to the substantial start deadline should weigh against a substantial start determination. At minimum, the fact that the proponent has applied for amendments to the pipeline route does not support a finding that the PRGT Pipeline has been substantially started.

2.5 PRGT Ltd. has started construction without meeting key permit conditions for a cumulative effects assessment of the project

PRGT Ltd. claims that it “is in compliance with all [EA Certificate] and BCER conditions relevant to this stage of the Project and the Year-1 Construction Program.”⁴¹ This is incorrect because an updated cumulative effects assessment for the project was not completed before construction on Section 5B started, which is currently subject to a judicial review brought by the Skeena Watershed Conservation Coalition, Kispiox Valley Community Centre Association, and Kispiox Band.

If the BC Supreme Court allows the judicial review and finds that the BCER was not reasonable in allowing construction to start without an updated cumulative effects assessment of the project, then PRGT will have started construction without being in compliance with the BCER permit conditions. The Gitanyow Hereditary Chiefs have also noted in public correspondence to the BCER that this key condition has not been met in their view.⁴²

The BCER pipeline permits for the PRGT Pipeline require a cumulative effects assessment “of the project” prior to construction start for any section of the pipeline. Rather than complete an up-to-date cumulative effects assessment of the entire project prior to allowing construction, the BCER amended the Section 5 pipeline permit to create a smaller pipeline section, Section 5B, and then determined that construction could start on Section 5B based on prior environmental assessments, rather than an updated cumulative effects assessment of the PRGT Pipeline. The amendment of this permit was determined with input from PRGT Ltd.⁴³

The fact that the proponent could not fulfill the conditions for Section 5 prior to starting construction, but instead worked with the BCER to split the permit to start construction in a smaller section of the pipeline should weigh against a positive substantial start determination.

⁴¹ Application, p.51.

⁴² Gitanyow Hereditary Chiefs (13 Aug 2024) Letter from Glen Williams/Malii to Ryan Stark (BCER), “Requested commitment to cumulative effects assessment”.

⁴³ Email exchange between Adair Rigney (PRGT Ltd/TC Energy) and Shannon Weatherill (BCER) (4 April 2024), accessed through FOI Request BCER2024-002, pp.93-96.

Outside of Section 5B, PRGT Ltd. has not completed a cumulative effects assessment and mitigation measures for any other section of the pipeline. This means that PRGT Ltd. is not ready to start construction in any other section of the pipeline according to the conditions of BCER permits. This should also weigh against a positive substantial start determination.

3. PRGT Ltd. makes unreasonable legal arguments to support its claim

The Application makes legal arguments about the PRGT Pipeline to try to support a substantial start determination, but which are unsupported by relevant case law. These include using the wrong legal test for a substantial start determination, trying to apply the wrong EA Certificate timeline, and suggesting that a substantial start determination for a pipeline should be treated differently than other previous substantial start determinations.

3.1 PRGT Ltd. applies the wrong legal test for a “substantially started” determination

PRGT Ltd. attempts to establish that it has substantially started the Project because it has cleared a length of ROW (42 km) that exceeds the threshold to trigger an environmental assessment in BC under the *Reviewable Projects Regulation* 40/2009 for a large diameter pipeline (diameter > 323.9 and a length of ≥ 40 km).⁴⁴ However, this is not the legal test for determining whether construction has been substantially started.

Further, the trigger for an environmental assessment is the construction of a large diameter oil and gas pipeline with a length of over 40 km, not the clearing of a ROW of over 40 km. In proposing this test, the proponent is trying to suggest to the Minister that they should assess substantial start based on whether the proponent has substantially started a reviewable project rather than the reviewable project for which it received an EA Certificate. If the proponent held an EA Certificate to construct a pipeline that is only 40 km long, then clearing a 40 km ROW could arguably be a substantial start to that project. However, PRGT Ltd. holds an EA Certificate to build an up-to 900 km pipeline; it is against that benchmark that the Minister must determine whether the Project has been substantially started.

3.2 PRGT Ltd. inappropriately seeks the benefit of the longer EA Certificate timeline in the 2018 *Environmental Assessment Act*

PRGT Ltd. claims that the extension of the EA Certificate duration from 10 to 15 years under the 2018 EAA demonstrates that the BC Government recognizes that the science used to complete an environmental assessment and to support the conclusions of an environmental assessment are sufficiently robust to allow for the authorization to remain valid for up to 15 years.⁴⁵ In making this argument, PRGT Ltd. seeks to reassure the EAO that the project can proceed on the strength of an environmental assessment and EA Certificate from 2014 and it is not a long-delayed

⁴⁴ Application, p.31.

⁴⁵ Application, pp.8, 18.

project based on reports and conditions that have become outdated. It seeks to undermine the need for a new environmental assessment.

This is unreasonable for two reasons. First, the PRGT Pipeline was not assessed under the 2018 EAA, which imposes a more rigorous assessment than the previous 2002 *Environmental Assessment Act*.⁴⁶ The PRGT Pipeline's environmental assessment under the 2002 EAA was not as robust and does not give the EA Certificate the longevity as those projects that have been assessed under the 2018 EAA.

Second, and more importantly, extending an EA Certificate from a maximum of 10 years to 15 years under the 2018 EAA is a determination that is made on a case-by-case basis following an application by a proponent for an extension and a review by the EAO or Minister that considers whether it is appropriate to grant an extension in the circumstances. It cannot and should not be assumed that every EA Certificate is automatically valid for 15 years, including the EA Certificate for the PRGT Pipeline.

In *Glacier Resorts*, the BC Court of Appeal noted the legislative purpose of setting an EA Certificate deadline and stated that it is “unwise to allow long-delayed project based on reports and conditions that have become outdated.”⁴⁷ The PRGT Pipeline is exactly the type of “long-delayed” project that the Court was concerned about. There are valid concerns about the relevancy and completeness of the information in the Project's decade-old environmental assessment. There have been meaningful changes in environmental science, global and local circumstances, and the regulatory regime since the EA Certificate was granted in 2014 that demonstrate that a new environmental assessment is necessary to provide a more thorough understanding of the PRGT Pipeline's impacts and necessary mitigations. These include:

- Our understanding of climate change impacts and the debunking of LNG as a transition fuel;⁴⁸
- Public concern regarding new fossil fuel infrastructure in BC (particularly after seeing the impacts of Coastal GasLink);⁴⁹

⁴⁶ E.g., Section 25 of the *Environmental Assessment Act*, 2018, introduced “required assessment matters” listing matters that must be considered in every assessment including effects on current and future generations and the project's impact on BC's greenhouse gas emission targets.

⁴⁷ *Glacier Resorts*, para 52.

⁴⁸ International Energy Agency (2021) *Net Zero by 2050*, [online](#); International Institute for Sustainable Development (June 2024) *Why Liquefied Natural Gas Expansion in Canada is Not Worth the Risk*, [online](#); Pembina Institute (2023) *Squaring the Circle: Reconciling LNG Expansion with B.C.'s Climate Goals*, [online](#); O'Connor, M. (Oct 2024) *Turning Tides: The economic risks of B.C.'s LNG expansion in a changing energy market*, [online](#); Clean Energy Canada, *An Uncertain Future* (March 2024), [online](#); Howarth, R. (Oct 2024) *The greenhouse gas footprint of liquefied natural gas (LNG) exported from the United States*, Energy Science and Engineering, [online](#).

⁴⁹ Simmons, M. (12 Sept 2024) *Coastal GasLink pipeline hit with \$590,000 fine – its biggest one yet*, The Narwhal, [online](#); Amnesty International (2023) *Criminalization, intimidation, and harassment of Wet'suwet'en Land Defenders*, [online](#).

- Opposition to the project from several Indigenous nations, organizations and youth,⁵⁰
- More stringent air quality guidelines;⁵¹ and
- Increased pressures on salmon, woodland caribou, and old growth along the pipeline route.⁵²

3.3 Determining whether a pipeline has been “substantially started” is not a unique or new determination for the Minister

The Application describes how pipelines are constructed in a phased approach, noting that the placement of pipeline does not happen until relatively late in the construction process.⁵³ This appears to be an effort to bolster the substantiveness of the minimal physical activities that have been completed by PRGT Ltd. as of November 25, 2024: clearing a small portion of the ROW.

However, other pipelines that have been substantially started have completed significantly more work. Since 2019, the Minister has been asked on at least three occasions to determine whether a pipeline was substantially started: the Trans Mountain Expansion Project, the North Montney Mainline, and the Towerbirch Expansion Project. These pipelines varied in length from 69 km to 1000 km and, in each case, the pipelines were operational or had significant proportions of pipeline laid by the time of the substantial start determination. The Minister should not lower the threshold for what is required to establish substantial start merely because the proponent chose to start construction for a project as complex and large as a trans-provincial pipeline three months before the substantial start deadline.

4. PRGT uses irrelevant evidence to substantiate its claim

Throughout the Application, PRGT Ltd. relies on irrelevant information and unsupported claims to bolster its claim that it has substantially started the PRGT Pipeline, including information about activities that did not advance physical construction, project benefits, and external factors that delayed construction.

As determined by previous case law on substantial start decisions, these factors should not be given significant weight in the ultimate decision of whether the proponent has substantially advanced physical, permanent construction on the project.

⁵⁰ See, e.g., Union of British Columbia Indian Chiefs, 56th General Assembly, September 24-26, 2024, *Resolution no. 2024-45*, [online](#).

⁵¹ Government of British Columbia (2021) *Provincial Air Quality Objectives for Nitrogen Dioxide*, [online](#).

⁵² Skeena Sustainability Assessment Forum (2021) *State of the Value Report for Fish and Fish Habitat*, [online](#); Environment and Climate Change Canada (2018) *Imminent Threat Assessment for Southern Mountain Caribou*, [online](#); Stand.earth (2022) *Tall Talk: Corporate loggers rush to cut old growth while province stalls on protection*, [online](#), p.15.

⁵³ Application, pp.29-30.

The proponent also fails to support its claims that construction has started on the most challenging section of the PRGT Pipeline. It would be unreasonable to give weight to this claim unless supported by evidence.

4.1 PRGT Ltd. includes irrelevant activities and makes inaccurate claims that all work to-date is significant and important

The Application lists any-and-all activities that the proponent has undertaken as part of developing this the PRGT Pipeline—regardless of the activity’s significance in advancing permanent, physical construction of the project—which exaggerates the relevant activities completed towards substantial start. As noted in the SSD Policy, the Minister should primarily focus on physical permanent construction to advance the project as described in the EA Certificate.

In section 4.1 of the Application, PRGT Ltd. provides three pages of bullet points related to the construction preparation and permitting activities that it has undertaken.⁵⁴ However, this list lacks the relevant information needed to make a reasonable substantial start determination supported by case law because it includes:

- **Activities that occurred before the relevant time period:** Several of the listed activities acknowledge that they were completed prior to the issuance of the EA Certificate on November 25, 2014, which means they are not relevant to the substantial start determination.⁵⁵ Many of the other listed activities lack detail (e.g. dates) and a description of the stage of the project at which they occurred. Some are the type of activities that could have taken place as part of developing the initial project application—i.e. before the EA Certificate was granted—and not as part of construction.
- **Bureaucratic activities:** The Application includes a list of 18 “non-physical pre-construction activities”, which are bureaucratic activities that do not affect the land. These should be given very little weight.⁵⁶
- **Temporary activities:** The Application lists ten “physical construction preparation activities”, all of which lack dates, some of which are bureaucratic activities, and many of which involve temporary structures. These should be given little weight.⁵⁷

Importantly, there is no discussion about the significance of the contribution of these activities to the development of the overall project. That is, whether they are “activities in relation to a significant or important step, or are they ancillary, secondary, or temporary”—as required by the

⁵⁴ Application, p.33-35.

⁵⁵ E.g., Page 7 of the Application provides a list of expenditures since 2013 (see also pp.59-60) and describes engagement with Indigenous nations beginning in 2012 (see also pp.14, 26, 66). Page 66 also describes “significant time, effort and resources to physically develop the Project since 2012”, before the EA Certificate.

⁵⁶ *Taku River*, para 34.

⁵⁷ *Taku River*, para 35.

SSD Policy. PRGT Ltd. simply claims that “construction and permitting activities detailed in 4.1” are all “significant and important steps”⁵⁸ and leaves it to the EAO to sift through the irrelevant information.

Reviewing the list of activities in the Year-1 Construction Program in the Application, most appear to be ancillary or temporary when compared to the PRGT Pipeline’s EA Application:

Construction activity listed in Year-1 Construction Program⁵⁹	Permanent or temporary	Primary or ancillary/secondary
Clearing of more than 42 km of pipeline ROW	Permanent	Primary
Installing nine new permanent bridges and associated infrastructure, including culverts	Permanent	Ancillary (all bridges along one access road, Ginlulak Road) ⁶⁰
Developing and using four borrow pits to source materials for the Year-1 Construction Program;	Temporary	Ancillary
Upgrading and maintaining 47 km of access roads (all access roads included in the Access Right of Way Agreement to be permanent through to operations)	Some permanent, some temporary	Ancillary
Constructing workforce accommodations and on-site office facilities	Temporary	Ancillary
Establishing ancillary sites for equipment storage (laydown yard, stockpile site, contractor storage yard)	Temporary	Ancillary
Mobilizing more than 200 pieces of equipment	Temporary	Ancillary

For reference, the EA Application lists the following under the heading “Temporary Ancillary Infrastructure”:

- Construction Access (850 km of existing forestry roads that may require updating)
- Shoo-flies;
- New Access Roads (approximately 6 km);

⁵⁸ Application, p.61.

⁵⁹ Application at p.38.

⁶⁰ Application at p.45-46.

- Ancillary sites, including temporary storage (temporary staging, stockpile sites, equipment storage, contractor yards, rail sidings) and construction camps;
- Borrow Sites; and
- Permanent Disposal Sites.⁶¹

The temporary and ancillary activities that PRGT Ltd. has undertaken to-date should not be given much weight in a substantial start determination. The only permanent non-ancillary construction activity that PRGT Ltd. has started is clearing the ROW, which represents a tiny fraction of the pipeline ROW. As described above in Table 1, PRGT Ltd. has not started any construction on other main project elements identified in the Certified Project Description including the pipeline, the compressor stations, and the meter station.

4.2 PRGT Ltd. makes unsubstantiated claims about the difficulty of construction in section 5B, which should be given little weight in the substantial start determination

When making the substantial start determination, the Minister should not give weight to the proponent's claims that it started construction on Nisga'a Lands because it was the most complex. The Application does not provide evidence to support these claims.

In the Application, the proponent attempts to explain why construction as of November 25, 2024 is only within Nisga'a Lands by claiming that it focused its efforts there because:

“construction on Nisga'a Lands is the most complex and long-lead construction on the entire Project route, due to the work required to construct and achieve safe access routes to critical Project areas. Therefore, it was essential to commence construction in this section, as it requires a longer overall construction duration to complete”.⁶²

⁶¹ EAC Application -Project Overview, pp.1-14 – 1-17.

⁶² Application, p.30.

PRGT further claims that the portion in Nisga’a Lands “is a critical path forwards...requires significant permanent infrastructure upgrades (such as access roads)...[allowing it to] focus on long-lead components which are crucial to the pipeline’s full build out...while confining initial impacts to a single segment of the route”.⁶³

However, the proponent has not provided any evidence to substantiate these claims. For example, it does not explain why construction on Nisga’a Lands is more complex than construction on any other section of the Project, why the Nisga’a section is a “critical path”, or why this section requires infrastructure upgrades that need a longer lead time or are any more crucial than those in other sections.

From PRGT Ltd.’s description of the construction to-date, as well as updates from people who live locally and have seen the construction, it is apparent that the construction on Nisga’a Lands is not the most complex of the entire pipeline and that PRGT Ltd. has not even undertaken the most complex aspects of construction on Nisga’a Lands. We understand that PRGT Ltd. has undertaken work on relatively flat, dry terrain, avoided construction on steep slopes, and that they have not undertaken any construction along aspects of the pipeline route that could pose greater difficulty, including:

- across watercourses and roads;
- areas that require blasting for the ROW;
- in the Lava Bed Memorial Park; and
- in the foreshore or along the seafloor.

The original EA Application also identifies two places along the route where the proponent needs to construct *new* access roads, neither of which are on Nisga’a Lands or Section 5B.⁶⁴ The proponent has not explained why upgrading roads in Section 5B is more complex or has a longer lead-time than the hundreds of kilometers of road upgrades and the new access roads that need to be developed in other sections.

Finally, it is clear through correspondence between PRGT Ltd. and the BCER—accessed through a freedom of information request—that PRGT Ltd. selected Section 5B as the place to start construction in order to avoid areas where there remains significant opposition to pipeline construction.⁶⁵ If the Minister is considering whether construction has started in areas where construction is complex, the Minister must also consider that PRGT Ltd. has intentionally started

⁶³ Application, p.32.

⁶⁴ EAC Application -Project Overview, pp. 1-14 to 1-15.

⁶⁵ Email exchange between Adair Rigney (PRGT Ltd/TC Energy) and Shannon Weatherill (BCER) (4 April 2024), accessed through FOI Request BCER2024-002, pp. 93-96.

construction in areas that avoid the complexity that comes with established community opposition to the pipeline. As one example, the Gitanyow Hereditary Chiefs recently burned their 10-year agreement with PRGT Ltd., closed a local service road within Section 5A to pipeline vehicles, and have announced a plan for an Indigenous Protected Area along the route.⁶⁶

4.3 PRGT Ltd. places undue emphasis on Project benefits, which should be given no weight in the substantial start determination

The Application includes information about project benefits that is not relevant to determining whether the Project has been substantially started.

The Application includes a section called “Purpose and Need for the Project”, which discusses the role of the Project in fulfilling the Nisga’a Final Agreement as well as the Project’s economic impact and its contribution to Indigenous economic reconciliation and environmental sustainability.⁶⁷ The Application also includes a section called “Project Benefits”, which outlines the “lasting economic and social benefits to the Province of BC and Canada” and discusses Indigenous and local employment and procurement, community contributions and benefits, Indigenous benefits, and Indigenous support.⁶⁸ This information is not required by the EAO in the SSD Policy and is not relevant to determining whether construction on a project has been substantially started.

Further, some of this information is incorrect and/or unsubstantiated, for example:

- PRGT Ltd. claims that “Canadian natural gas presents a compelling opportunity to offset higher-emitting fuels like coal and LNG from other jurisdictions like Russia” and that “global emissions may be substantially reduced, contributing to international efforts to mitigate climate change and promote a cleaner, more sustainable energy future”.⁶⁹ There is no evidence that Canadian LNG will offset higher emitting fuels or that increasing Canadian LNG supply will help meet global climate goals. In fact, the International Energy Agency (“IEA”) has concluded that, in order to meet the global climate goal of limiting warming to 1.5°C, no new long-term oil and gas projects can occur.⁷⁰ This includes Canada’s planned LNG expansion.⁷¹

⁶⁶ Simmons, M. (24 Aug 2024) *Indigenous leaders burn pipeline agreement, set up B.C. road blockade*, The Narwhal, [online](#); Gitanyow Hereditary Chiefs (27 Nov 2024), “Gitanyow Chiefs Celebrate End of PRGT Pipeline, Plan Indigenous Protected Area to Prevent Pipeline Resurrection, Send Message to Potential Financiers & Investors”, [online](#).

⁶⁷ Application, pp.20-22.

⁶⁸ Application, pp.65-67.

⁶⁹ Application, p.22.

⁷⁰ International Energy Agency (2021) *Net Zero by 2050: A Roadmap for the Global Energy Sector*, [online](#), p.21.

⁷¹ IISD (2024) *Why LNG Expansion in Canada is not worth the risk*, [online](#),

- PRGT Ltd.’s promise of economic benefits from this pipeline and LNG ignores the fact that all of BC’s proposed LNG projects are at risk of generating lower than expected returns as there is a glut of LNG supply on the market and the IEA expects gas demand to peak before 2030.⁷²

These statements about purported Project benefits should not be given any weight by the EAO in making a determination.

4.4 PRGT Ltd. relies on external factors to justify the delayed construction

PRGT Ltd. claims that there are a number of “external factors” — LNG market changes, COVID-19, and the Ksi Lisims LNG Project’s delays⁷³ — that have hindered the progress of the PRGT Pipeline and explain why construction is starting so late in the available time frame.

As stated by the BC Court of Appeal in *Glacier Resorts*, a proponent may fail to commence a project through no fault of their own for a number of reasons, but this does not change the fact that the statutory test has not been met.⁷⁴ As such, these external factors should not be given any weight when assessing whether the PRGT Pipeline has been substantially started.

5. Conclusion

PRGT Ltd. has not shown that the PRGT Pipeline has been substantially started by November 25, 2024. In the 10 years since the EA Certificate was granted, the proponent has only very recently undertaken a small fraction of the physical construction work that is required to complete the pipeline. Despite this, PRGT Ltd. has attempted to convince the Minister of a substantial start using irrelevant information and unreasonable legal arguments.

PRGT Ltd. seeks to gloss over the fact that the PRGT Pipeline is now a “long-delayed project” that is based on reports and conditions that have become outdated. Due to changes over the past 10 years, its EA Certificate no longer reflects current circumstances: climate change impacts, increased public and Indigenous opposition to the project, cumulative negative effects on ecosystems along the pipeline route (particularly salmon), and fundamental changes to the pipeline route. If PRGT Ltd. wants to proceed with the PRGT Pipeline, a new environmental assessment is required to assess the impacts of the pipeline, identify adequate mitigations, and determine whether it is in the public interest of British Columbians.

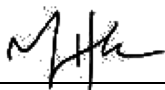
⁷² O’Connor, M. (2024) *Turning Tides: the economic risks of B.C.’s LNG expansion in a changing energy market*, [online](#). International Energy Agency (2023) *World Energy Outlook 2023*, [online](#), p.77.

⁷³ Application, p.16.

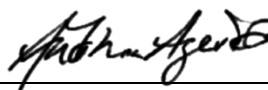
⁷⁴ *Glacier Resorts*, para 55.

The Skeena Watershed Conservation Coalition, Kispiox Valley Community Centre Association, and the Kispiox Band believe that a determination that the PRGT Pipeline has not been substantially started is the only reasonable conclusion that the Minister could make based on the extent of construction by November 25, 2024 and the purpose of BC's environmental assessment legislation, as interpreted by case law. There is no justification for finding that the PRGT Pipeline has been substantially started.

Sincerely,



Matt Hulse
Barrister and Solicitor



Andhra Azevedo
Barrister and Solicitor

Encl. FOI Request BCER2024-002, pp 93-96.

cc: Premier David Eby,
Kelly Wintemute (EAO),
Tanner May-Poole (EAO),
Rob Botterell, Jeremy Valeriote

From: Adair Rigney (Contractor) <adair_rigney@tcenergy.com>
Sent: Wednesday, April 3, 2024 2:22 PM
To: Weatherill, Shannon M
Subject: RE: [EXTERNAL] Section 5B and 5A Construction Plans

Hi Shannon, thank you for your patience!

Due to the file size I have uploaded the separate files for 5A, 5B and 5C here: [BC Energy Regulator - BCER - Amendment - All Documents \(sharepoint.com\)](#). Please let me know if you have any trouble retrieving them.

A few notes:

- Section 5A (far east portion of section 5) and 5B (Nisga'a Lands) both contain SHEET 30 (the beginning of Nisga'a Lands is in the middle of SHEET 30 – KP/coordinates in the table below)
- Section 5B and 5C (Nisga'a Lands but Lax Kw'alaams overlaps) both contain SHEET 49 (the end of the original Section 5 is on SHEET 49 – KP/coordinates in the table below)

The KPs/coordinates are as follows:

Description	Sec 5 Permit Plan Chainage*	Northing	Easting
Section 5A Start	532+153	6147250	588235
Section 5B Start	647+611	6139413	506186
Section 5C Start	724+046	6093185	462240
Section 5C End	726+592	6092503	459797

Please let me know if you need anything else!

Adair Rigney
Project Regulatory Lead
Contractor representing TC Energy

Adair_Rigney@tcenergy.com
mobile: s22



450 – 1 Street S.W. Calgary, AB
Canada, T2P 5H1
TCEnergy.com

From: Weatherill, Shannon M <Shannon.Weatherill@bc-er.ca>
Sent: Wednesday, April 3, 2024 10:02 AM
To: Adair Rigney (Contractor) <adair_rigney@tcenergy.com>
Subject: RE: [EXTERNAL] Section 5B and 5A Construction Plans

Good morning, Adair.

Yes, I believe this will work. My goal is to be able to reference a plan or a set of plans that shows where the pipeline and associated workspaces etc. are without room for question.

If there is any potential that the shape file that was already provided to us will not match the construction plans, then yes please provide us with the shapefile as well.

Thank you.



Shannon Weatherill
Director, Authorizations
Shannon.Weatherill@bc-er.ca

Prince George
[Office Address Directory](#)
[BCER Web Site](#)

T. 250 645-2906
F. 250-794-5390

We acknowledge and respect the many Indigenous Territories and Treaty areas, each with unique cultures, languages, legal traditions and relationships. We also acknowledge the Métis and Inuit people living across B.C.

This email and any attachments are intended only for the named recipient and may contain confidential and/or privileged material. Any unauthorized copying, dissemination or other use of this information is strictly prohibited. If you are not a named recipient, please notify the sender and destroy all copies of this email immediately.

From: Adair Rigney (Contractor) <adair_rigney@tcenergy.com>
Sent: Tuesday, April 2, 2024 5:22 PM
To: Weatherill, Shannon M <Shannon.Weatherill@bc-er.ca>
Subject: RE: [EXTERNAL] Section 5B and 5A Construction Plans

Apologies that I misunderstood Shannon! I will get you these broken out by tomorrow morning. Do you want the shapefiles as well or pdf is fine?

In reviewing the files with the team we had identified that the KPs in the construction plans that form the current s. 5 permit don't align with the remainder of the project (they were based on route 9003, and the approved route overall is on 9006). So what we will provide if it works for you is the KP start/end with coordinates as shown on the plans, and confirmation of what the KPs are overall currently (same coordinates). Does that work?

Adair Rigney
Project Regulatory Lead
Contractor representing TC Energy

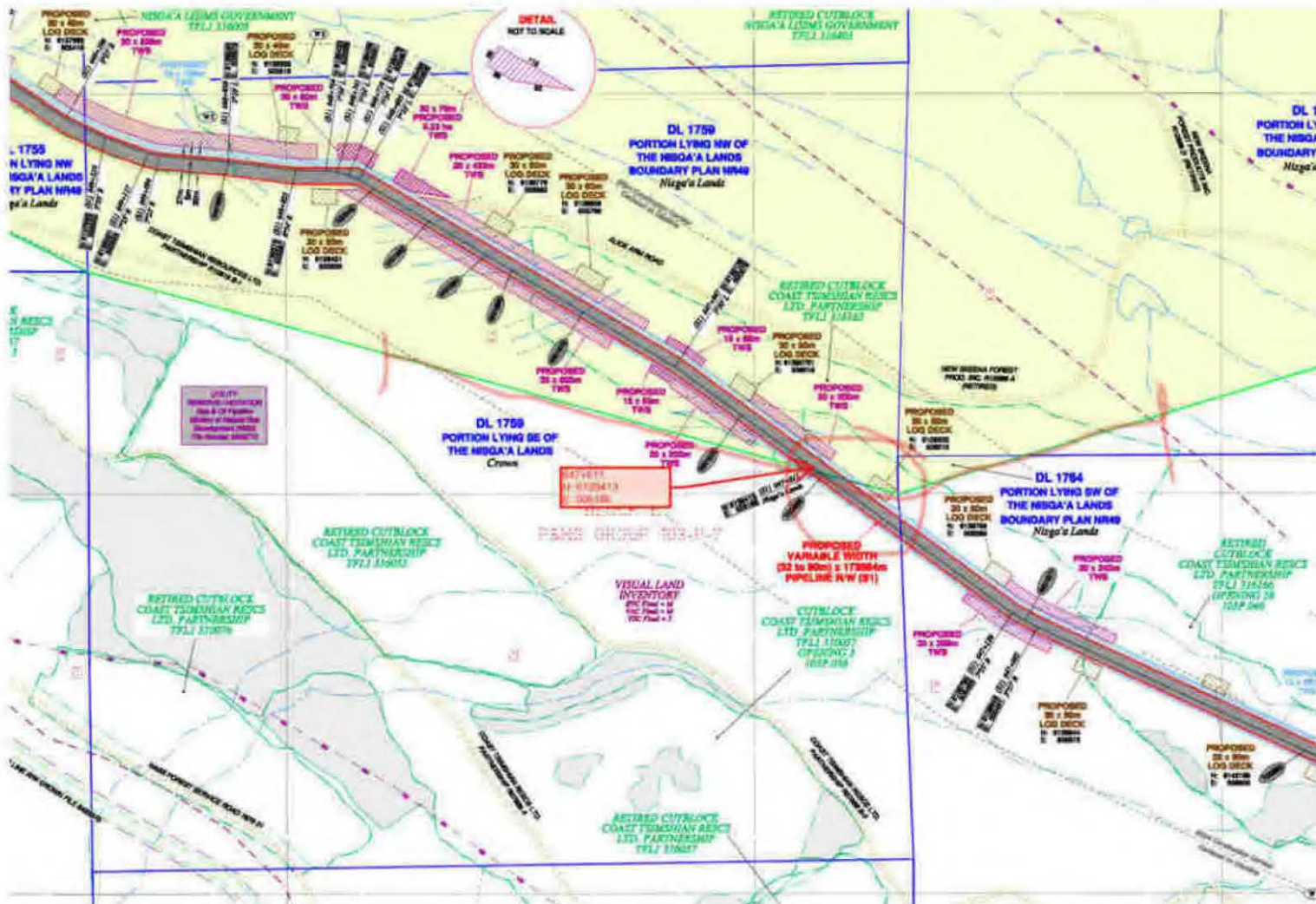
Adair_Rigney@tcenergy.com
mobile s22



450 – 1 Street S.W. Calgary, AB
Canada, T2P 5H1
TCEnergy.com

From: Weatherill, Shannon M <Shannon.Weatherill@bc-er.ca>
Sent: Tuesday, April 2, 2024 5:37 PM
To: Adair Rigney (Contractor) <adair_rigney@tcenergy.com>
Subject: RE: [EXTERNAL] Section 5B and 5A Construction Plans

We have these construction plans from 2014. Exactly where does the new 5B start and end? Does the segment for 5B start right at Nisga'a Lands? I was under the impression the segment started more within the Nisga'a Lands is that incorrect? Thanks



Shannon Weatherill
Director, Authorizations
Shannon.Weatherill@bc-er.ca

Prince George
[Office Address Directory](#)
[BCER Web Site](#)

T. 250 645-2906
F. 250-794-5390

We acknowledge and respect the many Indigenous Territories and Treaty areas, each with unique cultures, languages, legal traditions and relationships. We acknowledge the Métis and Inuit people living across B.C.

This email and any attachments are intended only for the named recipient and may contain confidential and/or privileged material. Any unauthorized copying, dissemination or other use of this information is strictly prohibited. If you are not the named recipient, please notify the sender and destroy all copies of this email immediately.

From: Adair Rigney (Contractor) <adair_rigney@tcenergy.com>
Sent: Tuesday, April 2, 2024 3:52 PM
To: Weatherill, Shannon M <Shannon.Weatherill@bc-er.ca>
Subject: RE: [EXTERNAL] Section 5B and 5A Construction Plans

Hi Shannon!

Attached is what we had provided to NLG initially for 5B (sheets 39-49 will be provided in the next email due to file size). Is this what you are looking for?

We can then progress this for the rest of section 5.

Adair Rigney

Project Regulatory Lead

Contractor representing TC Energy

Adair_Rigney@tcenergy.com

mobile: s22



450 – 1 Street S.W. Calgary, AB

Canada, T2P 5H1

TCEnergy.com

From: Weatherill, Shannon M <Shannon.Weatherill@bc-er.ca>

Sent: Tuesday, April 2, 2024 3:15 PM

To: Adair Rigney (Contractor) <adair_rigney@tcenergy.com>

Subject: [EXTERNAL] Section 5B and 5A Construction Plans

EXTERNAL EMAIL: PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe. If this email looks suspicious, report it.

Hi Adair. As per our phone conversation this morning, I am looking at the construction plans for the new permit over the Nisga'a Lands. I know that this new permit is setback within the Nisga'a Lands boundary to avoid area where other nations lands may overlap, from the old construction plans I can't be 100% sure exactly where section 5B starts and since this project has opposition I don't want to guess or just say "within Nisga'a Lands" as that will likely be questioned. Could PRGT provide me with a new construction plan showing the pipeline right of way and the associated oil and gas activities along the right of way for only the new permit for section 5B? And then provide me with a new construction plan for the rest of the original 5A permit including the Nisga'a Memorial Lava Bed Park Protected Park area?

This will save me much time and eliminate any room for error. Let me know if this is doable within the next week or so.

Thank you.



Shannon Weatherill
Director, Authorizations
Shannon.Weatherill@bc-er.ca

Prince George
[Office Address Directory](#)
[BCER Web Site](#)

T. 250 645-2906
F. 250-794-5390

We acknowledge and respect the many Indigenous Territories and Treaty areas, each with unique cultures, languages, legal traditions and relationships. We acknowledge the Métis and Inuit people living across B.C.

This email and any attachments are intended only for the named recipient and may contain confidential and/or privileged material. Any unauthorized copying, dissemination or other use of this information is prohibited. If you are not the named recipient, please notify the sender and destroy all copies of this email immediately.

We respect your right to choose which electronic messages you receive. To stop receiving this and similar communications from TC Energy please [Click here to unsubscribe](#). If you are unable to click the request link, please reply to this email and change the subject line to "UNSUBSCRIBE". This electronic message and any attached documents are intended only for the named addressee(s). This communication from TC Energy may contain information that is privileged, confidential or otherwise protected from disclosure and