

September 1, 2021

Enforcement File: 2021-0106

Trans Mountain Pipeline ULC
2700,300-5th Avenue SW
Calgary, Alberta T2P 5J2

Attention: Nathan Zaseybida, Senior Director, TMEP Execution and Advisory Services

Re: General Order 2021-0106-01

Dear Mr. Zaseybida:

On June 29, 2021, the BC Oil and Gas Commission (Commission) issued General Order 2021-0106-01 to Trans Mountain Pipeline ULC (Trans Mountain).

Trans Mountain has satisfied all the requirements of the Order.

Please be advised that pursuant to section 49(8) of the *Oil and Gas Activities Act*, General Order 2021-0106-01 is hereby terminated.

If you have any questions or concerns, please do not hesitate to contact the Commission.

Sincerely,



Patrick Smook
Executive Director, Oil & Gas Commission
BC Oil and Gas Commission

GENERAL ORDER 2021-0106-01
Section 49 *Oil and Gas Activities Act*

Issued to:

Trans Mountain Pipeline ULC
2700, 300-5th Avenue SW
Calgary, Alberta T2P 5J2

Attention:

Nathan Zaseybida
Senior Director, TMEP Execution and Advisory Services

Order:

Pursuant to section 49(1)(d) of the *Oil and Gas Activities Act* (the Act), I, Patrick Smook, order that Trans Mountain Pipeline ULC (Trans Mountain) must:

1. Conduct a review to identify any unauthorized use of Crown land in British Columbia by Trans Mountain related to the Trans Mountain Expansion Project, other than area within proposed workspace identified by Commission file number 00214770 in amendment application 100112466, and submit a report to the Commission regarding the results of the review, including the location and details of any unauthorized use, by July 16, 2021.
2. Submit the report required by item 1 electronically to C&E@bcogc.ca.

Conditions:

- A. This order shall remain in effect until amended or terminated in whole or in part by the Commission.

Reasons:

I make this order for the following reasons:

- i. Trans Mountain is currently constructing an expansion to the existing Trans Mountain pipeline system (Trans Mountain Expansion Project).
- ii. Trans Mountain is the holder of an approval under application determination number 100100349 and licence of occupation No. 959446, File No. 9000669 issued by the Commission on July 20, 2020, to occupy and use land identified in Schedule A attached to the licence of occupation.
- iii. On May 21, 2021, Trans Mountain submitted application 100112466 to amend application determination number 100100349 (amendment application) to the

Commission seeking, among other things, approval under section 39 of the *Land Act* to occupy and use Crown land for additional temporary workspaces to support construction of Spread 6A of the Trans Mountain Expansion Project, including proposed workspace identified by Commission file number 00214770.

- iv. The amendment application is currently being reviewed and to date no determination has been made by the Commission.
- v. On June 14, 2021, an inspection by a Commission Compliance and Enforcement Officer found that clearing had been carried out on Crown land within the proposed workspace identified by Commission file number 00214770.
- vi. I am of the opinion that Trans Mountain has used Crown land without lawful authority, in noncompliance under section 60(b) of the *Land Act*.

Review and Appeal:

Trans Mountain may request a review of this order under section 70 of the Act by submitting a request for review to ogc.determinationreviews@bcogc.ca.

Trans Mountain may appeal this order to the Oil and Gas Appeal Tribunal under section 72 of the Act. The process for appeals may be found at www.ogat.gov.bc.ca and a notice of appeal may be sent to the Oil and Gas Appeal Tribunal at:

Oil and Gas Appeal Tribunal
PO Box 9425 Stn Prov Govt
Victoria, BC, V8W 9V1



Patrick Smook
Executive Director, Compliance and Enforcement
Oil and Gas Commission

DATED AT Fort St. John, in the Province of British Columbia, this 29th day of June, 2021.