

**GENERAL ORDER 2021-0106-02**  
Section 49 *Oil and Gas Activities Act*

**Issued to:**

Trans Mountain Pipeline ULC  
2700, 300-5<sup>th</sup> 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. By June 30, 2021, cease using any area of Crown land identified in amendment application 100112466 submitted to the BC Oil and Gas Commission (Commission) on May 21, 2021.

**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](mailto: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](http://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



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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.