

#### Permittee: 0964118 BC Ltd

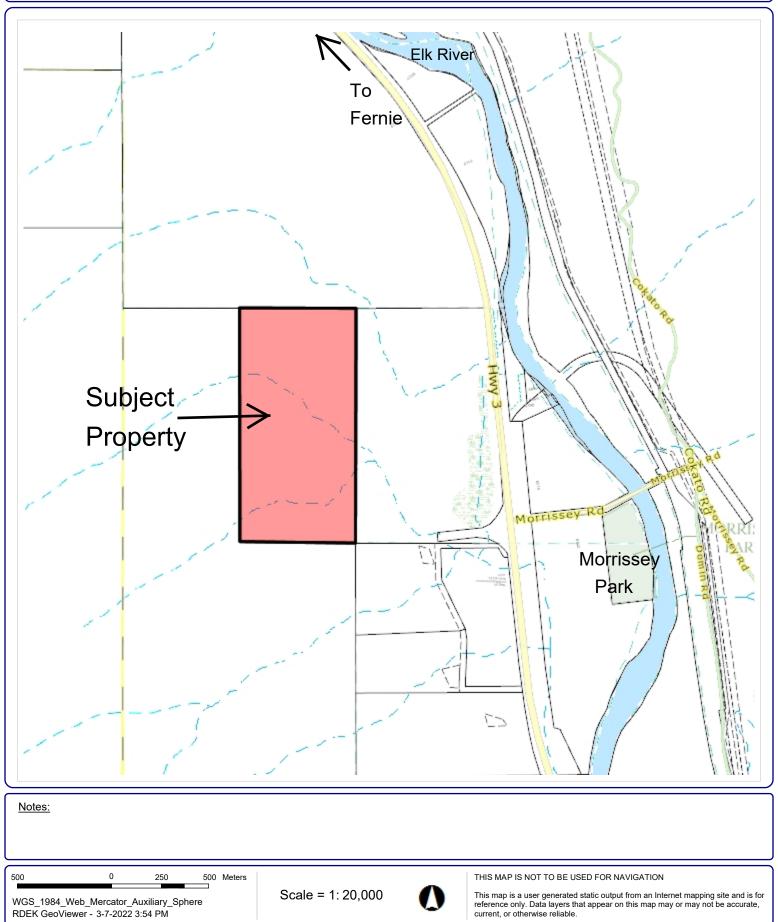
- 1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on District Lot 6672, Kootenay District in strict accordance with the terms and conditions herein.
- 2. The temporary use allowed by this Permit is an approximately 16 ha construction yard to facilitate off site construction of approximately 32 km of pipeline located east of Fernie. Uses included in the construction yard are:
  - Offices and warehouses with approximately 50 staff;
  - Approximately 75 field staff onsite in the morning;
  - Approximately 25 non-light duty vehicles dropping off and picking up equipment daily; and
  - Temporary communications tower for receiving and repeating signals;
- 3. The development of the subject property shall be in substantial compliance with information provided in the Temporary Use Permit application received March 7, 2022.
- 4. This Permit shall expire three (3) years from the date of issuance.
- 5. Upon expiry of this Permit, the temporary light industrial use shall be discontinued and the property shall be used for rural residential purposes only.
- 6. It is understood and agreed that this Permit does not imply approval for future rezoning of the land for light industrial use.
- 7. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the property owner other than those in this Permit.
- 8. The development allowed by this permit is subject to all other RDEK Bylaws.

Authorizing Resolution No.		adopted by the Board of the Regional District of East
Kootenay on the	day of	, 2022.

Tina Hlushak Corporate Officer

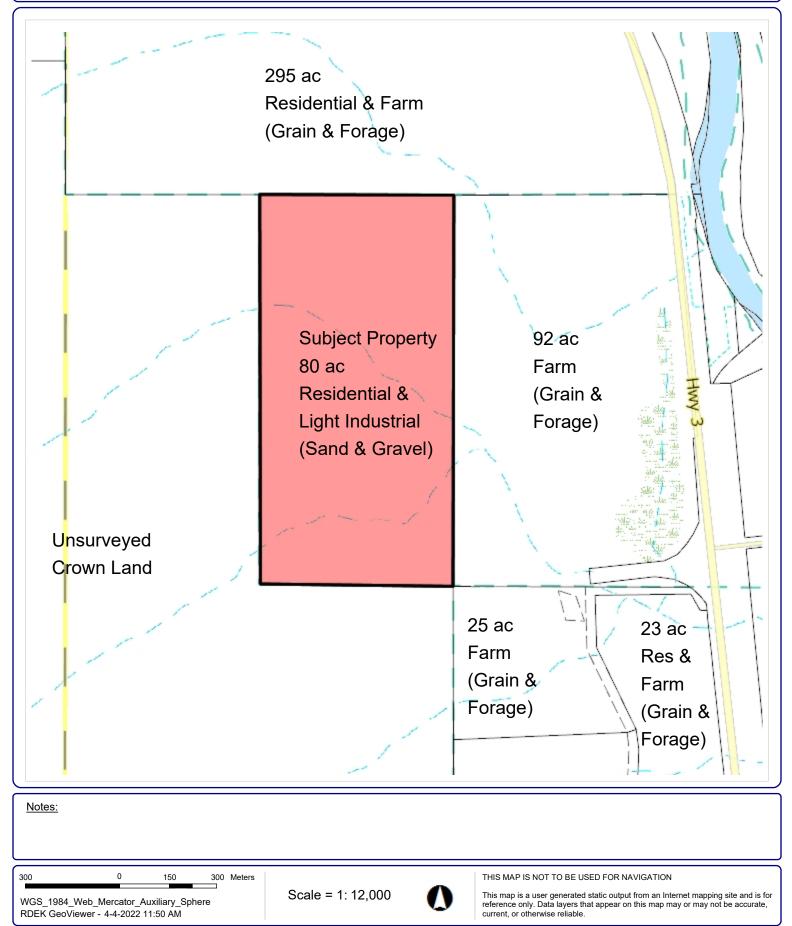


## Location Map





## Land Use Map





# Zone Designation Map

		RR-8	
RR-4	50	Subject Property RR-8 Elk Valley Zo	Hwy 3
Notes:			
300 0 15 WGS_1984_Web_Mercator_Auxiliar RDEK GeoViewer - 4-4-2022 11:51 /	y_Sphere	Scale = 1: 12,000	THIS MAP IS NOT TO BE USED FOR NAVIGATION This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

TC Energy 450 - 1 Street S.W. Calgary, AB Canada, T2P 5H1 Tel: 403-863-7602 jenna\_wood@tcenergy.com



March 7, 2022

Regional District of East Kootenay Cranbrook Office 19–24th Avenue South Cranbrook BC V1C 3H8

RE: Temporary Use Permit – Foothills Zone 8 West Path Delivery 2023 (BCML Loop 2 Elko Section) –Site E-031 Ancillary Site ("Project") PID: (#1) 010-612-084 PARCEL A (SEE V18930) OF PARCEL 1 (SEE 24964I) DISTRICT LOT 2315 KOOTENAY DISTRICT (#2) 010-613-676 DISTRICT LOT 6672 KOOTENAY DISTRICT

Foothills Pipe Lines (South B.C.) Ltd. ("**Foothills**"), provides the following information as supplemental material to the Temporary use application for Site E-031.

#### **SECTION 4 Purpose of Application:**

This document outlines the Foothills Zone 8 West Path Delivery 2023 Project's ("Project") plan for securing a site location near the Project location to accommodate a ~40-acre construction yard that is required to facilitate construction activities.

#### **Project Summary**

Foothills Pipe Lines (South BC) Ltd. (Foothills), a wholly-owned subsidiary of TransCanada PipeLines Limited (TCPL), an affiliate of TC Energy Corporation (TC Energy), is investigating options for prospective future growth on our Foothills System in British Columbia (B.C.). The proposed Foothills Zone 8 West Path Delivery 2023 Project (Project) is necessary to supply growing demand in southern B.C. and downstream North American markets, with natural gas produced in Western Canada.

The proposed British Columbia Mainline Loop 2 Elko Section will consist of approximately 32 km of 48-inch diameter pipeline located approximately 18 km east of the Town of Fernie, B.C.

Figure 1 shows the location of the proposed construction yard. Note the imagery is not current and the area of existing disturbance/gravel within the site boundaries (purple lines) is larger than it appears. Given the existing disturbed nature of the site, no disturbance to vegetation is required by the Project. Reclamation objectives include: returning the site to maintain equivalent land capability as existed prior to the proposed use and ensuring the ability of the land to support various land uses similar to the uses that existed prior to the Project

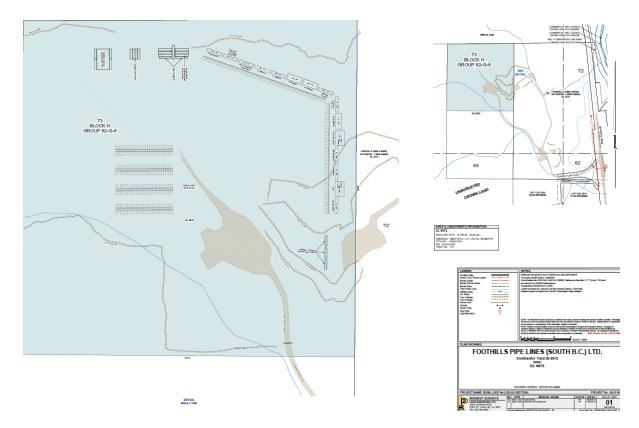


Figure 1 – Proposed Contractor Yard location.



Quonset

Fuel Tanks

Offices



Figure 2 – Examples of Contractor Yard/Office Setup

Figure 2 above shows an example of contractor yard setup from previous projects.

#### 1.0 PERSONNEL

#### 1.1 Office/Warehouse Staff

- Approximately 50 office and warehouse staff will be present on site between 6:00am 7:00pm, Monday through Saturday (note: some people may work Sundays).
- Workers will travel to the proposed site from surrounding communities via pickup truck/SUV's.
- Peak traffic times for the office/warehouse staff accessing the site will be around 6:00am 7:00am in the morning and 5:00pm 7:00pm in the evening.

#### 1.2 Field Staff

- Approximately 75 field staff will be present at the proposed yard between 6:00am and 8:00am, Monday through Saturday (note: some people may work Sundays).
- Workers will travel to the proposed site from surrounding communities via pickup trucks.
- Peak traffic times for the field staff access the site with be 6:00am to 8:00am. Workers will leave the yard to head to the work site and do not typically return until the following morning.

#### **1.3** Deliveries and Drop-offs

• Approximately 25 non-light duty (tractor trailer) vehicles dropping off and picking up equipment are expected daily for approximately the first month of construction as equipment is mobilized to the site. Once equipment is on site, volumes will be reduced and pick back up as equipment is demobilized at the end of the seasons

#### 2.0 ACCOMMODATIONS

- Currently planning for accommodations in local hotels, short-term rentals and RV sites TC Energy's Workforce accommodations team is preparing additional details at this time. Accommodations will be located primarily in Fernie with overflow towards Cranbrook and surrounding areas.
- The location of the proposed contractor yard is the ideal to minimize travel times for workers on Highway 3 from their accommodations. Fatigue management is critical to minimize safety incidents especially since the construction season overlaps with peak summer tourism season.

#### 3.0 TRAFFIC, SECURITY & VISUALS

#### 3.1 Traffic

- The site has been strategically located near one of the main Project access points (Morrissey Road) to allow for reduced construction traffic on highways, through towns and along local roads.
- The benefits of reducing impacts of construction traffic on the surrounded communities are also trickled down to the workers and their safety by removing/reducing traffic on higher risk areas along Highway 3 i.e. tunnel and winding sections south of Mount Broadwood pull-off.
- Access is planned via Highway 3, with traffic coming from both north (Fernie) and south (Elko).
- The Project has already obtained a permit from MoTI to upgrade the Highway 3 and Morrissey Road intersection and will be looking to amend the permit to account for the proposed site.
- Upgrades and/or engineered control measures will be addressed with the MoTI and implemented as required.

#### 3.2 Security

- The proposed site will have gated access into the private property.
- Signage will be placed at the entrance of the site notifying of an active work site and provide contact information.

• Site security will be present during off hours to ensure the site stays secured to mitigate potential trespassing and vandalism concerns.

#### 3.3 Visual Disturbance

• Given the location, existing vegetation and elevation of the proposed site the visual disturbance is anticipated to be limited to ground disturbance and the removal of trees along the highway for the intersection upgrade.

#### 4.0 UTILITIES AND WASTE

#### 4.1 Utilities

- Power for the site would either be brought in from the existing highline power already located on the proposed property or by utilizing generators.
- Heat to the offices will likely be provided by portable propane bullets
- Communications will be addressed either by cellular hubs, satellite and or temporary communications tower for receiving and repeating the signal.
- Fresh water required for the temporary washroom facilities will be trucked from an approved and licensed vendor on an as needed basis.

#### 4.2 Solid Waste

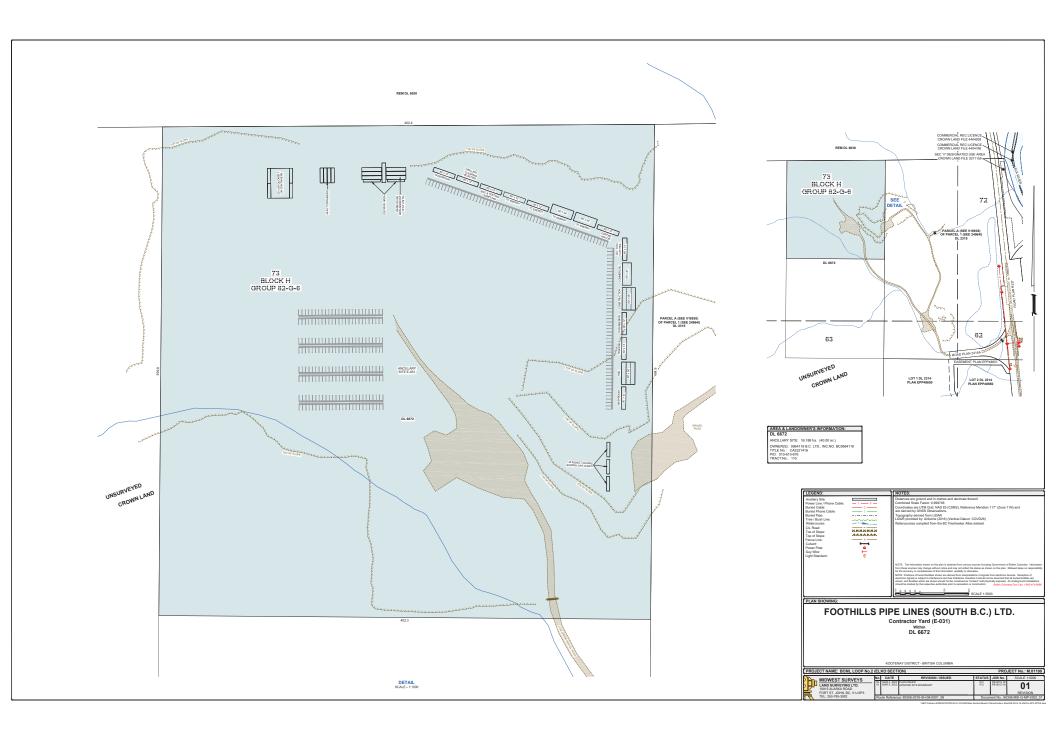
- Solid waste generated on the pipeline right of way will be brought back to the yard and disposed of in bins along with waste generated at the yard
- Waste will be separated for recycling purposes
- Disposal bins on site will be bear proof and kept closed when not in use
- As needed, waste will be trucked to an approved facility for final disposal

#### 4.3 Liquid Waste

- Grey and Blackwater from the temporary washroom facilities, is stored in temporary aboveground holding tanks will be removed utilizing a vacuum truck on an as needed basis
- All waste will be trucked to an approved facility for final disposal

#### 5.0 PRELIMINARY PROJECT WORKFORCE

The Project's labour resources will ramp up and down over the next two summer construction seasons (2022 and 2023) as per Figure 3 below. There will be a smaller work crew in the summer of 2024 for final cleanup activities.



#### **Krista Gilbert**

From:	Branswell, Laura TRAN:EX <laura.branswell@gov.bc.ca></laura.branswell@gov.bc.ca>
Sent:	April 14, 2022 11:02 AM
То:	Krista Gilbert
Subject:	RE: Temporary Use Permit Referral - 0964118 BC Ltd
Attachments:	002_Morrissey Rd & HWY 3 Int_P1pdf

Hi Krista,

Please disregard my previous message requesting to discuss this referral. Director Sonowski phoned.

Thank you for the opportunity to comment on the Temporary Use permit. TC's access and road works permit is conditional on RDEK's land use approval for the subject property. The Ministry's interests will be addressed through TC's MoTI permit application 2021-01137.

Should it be useful for the board and your department I am providing information on three matters the Ministry's identified while reviewing impacts to the intersection.

1. TC is required to upgrade the Hwy 3 intersection at Morrissey Road to accommodate the additional traffic on the east side of the hwy. Should TC receive RDEK approval to use the gravel pit they will be required to further upgrade the intersection to a 4-leg design. The accepted design is based on a traffic impact assessment conducted by McElhanney. It should be noted that the intersection's level of service for east bound traffic (leaving gravel pit, crossing hwy 3 to Morrissey) will be delayed due to Hwy 3 traffic volumes. This delay will impact TC traffic. MoT traffic engineers have indicated the delay is an acceptable length for the short duration of operation the Ministry has accepted the design. Director Sonwoski raised his concern for driver behaviour to rush breaks in traffic to make the crossing.

The Ministry will monitor the situation once the project is operational. TC has accepted the responsibility to provide traffic control measures during peak hours to ensure safe crossing of Hwy 3.

- 2. Trit Trot Farm's existing highway access is located within the intersection improvement polygon. The Ministry requested TC work with the land owners to consolidate the residential access with the intersection. This consolidation would allow the property owners to use the new left turn lane to access their properties. TC and the property owners are still in discussions for the design.
- 3. Based on local knowledge of Morrissey Road the Ministry recognizes the seasonal use of the road's shoulder by Elk River Users for parking purposes. The Elk River Alliance, Tourism Fernie, BC Parks and MoTI are working together to identify ways to improve the access to water and provide additional parking space south of the road. The group does not expect to have improvements in place for Summer 2022. As such TC has been notified of the local use and should expect heavy river user traffic volumes. Should the existing condition of Morrissey Road impact TC's operation they are expected to find a solution. TC is in contact with Elk River Alliance and Director Sonowski on this matter. TC is aware that the Ministry will not support the erection of "No Parking" signs along Morrissey Road.

If there are further questions please don't hesitate to contact me or share my contact information with others. Thanks,

#### Laura Branswell (MPA)

A/ Senior Development Officer | Development Services BC Ministry of Transportation & Infrastructure | Rocky Mountain District April 29, 2022

Dear Sheri Wannamaker,

We are reasonable people and are not against pipelines/oil/gas/ect.

We are willing to consider proposal(s) for this undefined project. Please fully disclose, both the full scope of this project, reasons for and what you're wanting from us in writing.

We will not be attending nor engaging in any other verbal communication. All communication going forward will be in writing. We are extremely disappointed with the lack candor and clarity of all and prior communications to date which have destroyed all basis of trust in your operation. (See Stakeholder Engagement Commitment Statement)

Our concerns are but not limited to,

- 1. As verbally stated we refuse to sign the open ended attempt to defraud us of our rights.
  - a. Future contracts and proposals, etc will be reviewed by our lawyer at TC Energy's expense if you want them to be considered. This is necessary to protect our rights and enjoyment of our property.
  - b. The lawyers that we use and consult with are located at Borden Ladner Gervais LLP.
  - c. We will require a retainer for our time and legal expenses.
- 2. We have no interest in moving our access. All expenses, including ALL future expenses, arising from your proposal must be covered by TC Energy.
- 3. Why do we need a new access/driveway? Will it create any inconvenience to us? How will we be compensated for any all present and future inconveniences and potential loss of our property value?
- 4. Who is requiring us to move our driveway?
- 5. Who will be financially and legally responsible for;
  - a. Building the new access?
  - b. Moving Gates and Structures?
  - c. Ongoing maintenance and liabilities of the new section of road?
  - d. Legal expenses associated with rearranging the easements so all the titles have legal access?
  - e. Legal expenses related to explaining why you need to rearrange the easement?
  - f. Specifications, Quality control, Design, Materials and Contractor Selection of this new section of road?
  - g. Security of Road onto Private Property?
    - i. A gate is necessary because highway traffic will and has in the past used our property and access to defecate, litter, camp, nap, hunt, walk their dogs, vandalize, theft and etc.
    - ii. By putting in our gate that is visible from our house we were able to mitigate most of these problems.
    - iii. The turnout by the gravel pit is an example of what could be expected in terms of litter, random parking and difficulty accessing the Gravel pit safely due to all sorts of random habitation.

Thank you and we look forward to your response.

Regards,

\*All Rights Reserved Non-Assumsit

a. Kehler Stra

Andrew Kehler and Jennifer Schmidt Property Owners @ 4991 Hwy 3 Fernie (Lots 2, 3,4) trittrotfarms@gmail.com

# Engaging with our stakeholders.

With more than 65 years' experience, TC Energy is a leader in the responsible development and reliable operation of North American energy infrastructure including natural gas and liquids pipelines, power generation and gas storage facilities. We safely deliver the energy that millions of North Americans rely on every day to power their lives and fuel industry.

#### Responsible stakeholder and rightsholder engagement

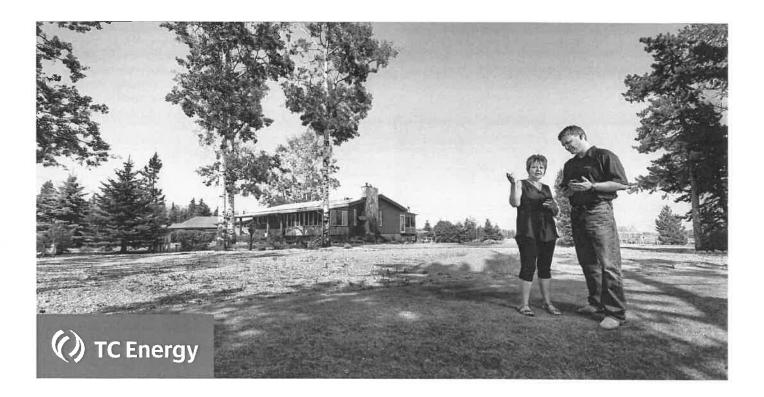
Guided by our values of safety, responsibility, collaboration and integrity, we are proud of the positive relationships we have built with our neighbours for the last 65 years. We recognize that making sure Indigenous groups, as rightsholders, and our stakeholders are engaged and respected are engaged and respected is critical to TC Energy's success.

We are committed to sharing information and seeking public input which will result in better plans – for us, our stakeholders, rightsholders and our communities as a whole. We document the entire stakeholder engagement process including the issues raised by stakeholders and rightsholders and the ways we address these issues.

#### Commitment to engagement and addressing concerns

Our approach to consultation and engagement with stakeholders, landowners and Indigenous groups is focused on understanding concerns and addressing and resolving issues related to our projects and operations. We engage and consult early and often, always invite feedback and provide updates and address concerns throughout the regulatory process and throughout operations.

Our preferred method for addressing concerns is through direct and respectful discussion. Issues received or identified during these discussions are systemically tracked and followed to promote mutual resolution. In the event that mutual resolution through this approach is not achievable, the parties may consider use of the Canadian Energy Regulator's (CER) collaborative Alternative Dispute Resolution (ADR) process.



#### **Engaging Indigenous groups**

Building and maintaining relationships with Indigenous groups near our proposed projects and existing facilities has long been an integral part of our business. We recognize Indigenous groups as rightsholders who have a distinct relationship to the land. We know that our activities have the potential to affect the lives of Indigenous groups in a tangible way.

We aim to conduct our activities in a way that fosters mutual understanding and benefit – this includes working with communities to identify and manage potential effects of our activities and provide enduring economic opportunities. TC Energy also provides business, employment, training opportunities, community investment and scholarships to the Indigenous groups on whose lands we operate.

#### **Community benefits**

Our projects offer long-term economic benefits and help strengthen the economy on a local, provincial and national level:

- Employment and business opportunities Construction requires the services of equipment operators, welders, mechanics, truck drivers, labourers and more, as well as creates demand for local goods and services. Vendors interested in working with us can visit TCEnergy.com to register as an interested local service provider. We award contracts to qualified pipeline construction contractors and work with them to provide local employment opportunities.
- Annual revenue to support local services Project



construction results in tax payments to all levels of government. When the project is operational, annual tax payments help support schools, hospitals, emergency services and other local programs vital to communities.

Investment in local communities and Indigenous groups

 Giving back to the communities where we operate has
 always been part of our culture. Whether it's partnering with
 community groups, supporting local initiatives or encouraging
 our employees to be involved in their neighbourhoods, the
 goal of our Build Strong community investment program is to
 build strong and vibrant communities across North America.
 Visit TCEnergy.com/BuildStrong for more information.

#### Managing our environmental footprint

Whether it's designing, building or operating energy infrastructure, we are committed to being responsible environmental stewards on the land we share – and our environment principles of stewardship, protection and performance help guide our decisions. As part of our commitment, and in support of regulatory processes, we assess the potential effects that may be associated with construction and operation of a proposed project. Some examples of possible effects associated with meter station, compressor station or pipeline projects include potential effects to soil, water, fish and wildlife, air quality and noise.

The Environmental and Socio-Economic Assessment prepared for a proposed project considers potential project effects, proposes mitigation and enhancement measures and evaluates the significance of residual effects once these measures are implemented. An Environmental Protection Plan is also developed to identify the necessary measures to be used during the life cycle of the project to manage effects and maintain equivalent land capability.

#### What to expect during and after construction

During pipeline construction there is an increase in traffic flow in and around the project area as well as heavy equipment onsite for earthworks, material handling/hauling, welding and testing. We adhere to construction plans and the Environmental Protection Plan to ensure that the effects of construction activities on local communities are minimized.

Once construction is completed, the impacted land area is reclaimed to an equivalent land capability, so that the land can support various uses such as wildlife habitat or agricultural purposes, similar to the ability that existed previously. Measures are taken to prevent topsoil/surface material loss from wind and water erosion and to establish a vegetative cover native to the surrounding vegetation and land use. After the facilities are constructed, there will be minimal traffic associated with ongoing operations and maintenance.

On freehold lands, landowners have the right to fully use and enjoy the right of way subject to the terms of the right-of-way agreement, the Canadian Energy Regulator Act and Damage Prevention Regulations. To provide public safety and to protect property and the environment, written consent from TC Energy is required for certain activities on the pipeline right of way and within the 30-metre prescribed area. These activities include but are not limited to: operating motor vehicles or mobile equipment, reducing or adding soil cover and any excavation or ground disturbance. Stakeholders may contact TC Energy with at least 10 working days' notice to apply for written consent at writtenconsent.transcanada.com. After written consent has been received, request a locate by visiting www.ClickBeforeYouDig.com or calling the appropriate provincial One-Call Centre.

#### Ensuring our pipelines are safe

Our safety program starts before construction. We use only high-quality materials, the latest proven technology and industry-leading practices to ensure the integrity of our pipelines begins before they go in the ground. We are a leader in North America in the use of automatic welding and ultrasonic testing technologies to construct pipelines. These technologies ensure high quality welds are made to construct our pipelines, with every weld inspected by qualified independent inspectors during construction. Prior to placing a pipeline in service, the pipeline is hydrostatically tested with water at a higher pressure than it will see during operations. In addition, a computerized gauge tool with high resolution sensors is run through the pipeline to check for any other irregularities.

Once operational, we use state-of-the-art leak detection systems, safety features such as shut-off valves and provide highly specialized training for people working on our assets. Our pipeline systems are monitored 24 hours a day, 365 days a year by trained operators in our Operations Control Centres who manage the most sophisticated pipeline monitoring equipment and technology available. Our industry-leading asset integrity programs manage our pipeline and facilities for their entire life cycle to ensure they provide safe and reliable energy to consumers throughout North America.

#### **Emergency preparedness and response**

Our goal is to ensure that our pipeline and energy facilities operate safely every day and that the public, our employees and the environment are never negatively affected by an incident involving our assets. We are proud to have safety records that are among the best in the industry, but we believe that no safety related incidents are acceptable and continue to work towards our goal of zero incidents. Being prepared for the rare cases when something does go wrong is part of our commitment to ensuring the safety of the communities where we operate.

At the first sign of any potential issue on our pipeline systems, our control centre operators can stop the flow of product through the pipeline in minutes and investigate. If an irregular condition is detected, pipeline operators immediately dispatch emergency personnel to the scene to investigate. The pipeline is not restarted until it has been confirmed on site that it is safe to do so.

In the unlikely event of an incident, all our assets have a specific Emergency Response Plan that outlines the steps we'll take to respond. Our Emergency Preparedness and Response team is focused on quickly and effectively responding to emergencies and mitigating any impacts that may have occurred to public safety, property or the environment in a timely manner.

If there is an incident, we work closely with authorities, emergency responders and the media to ensure local residents are safe and aware of the situation.

### In the event of an emergency, please contact TC Energy's 24-hour emergency line at 1-888-982-7222.

Find out more by visiting www.TCEnergy.com.



#### **Contact us**

Contact us with any questions about the proposed project:

Phone: 1-855-895-8754 Email: public\_affairs\_ca@tcenergy.com Web: www.TCEnergy.com

Or write to us at:

**TC Energy** 450 – 1 Street S.W. Calgary, AB Canada, T2P 5H1

For further information regarding the CER's approval process, please contact us or contact the regulator directly:

#### Canadian Energy Regulator

Suite 210, 517 - 10 Avenue S.W. Calgary, AB Canada, T2R 0A8 Phone: 1-800-899-1265 Web: www.cer-rec.gc.ca



### Stakeholder engagement commitment statement.

At TC Energy, our reputation matters. We recognize that excellence in stakeholder engagement helps deliver value and ensures we do so in a socially and environmentally responsible manner.

Our four core values of Integrity, Collaboration, Responsibility and Innovation are at the heart of our commitment to stakeholder engagement. These values guide us in our interactions with our stakeholders.

TC Energy generally defines stakeholders as those people or groups who significantly affect, or who may be affected by, our business activities.

We strive to engage stakeholders early and often. Engaging with stakeholders means listening, providing accurate information, and responding to stakeholder interests in a prompt and consistent manner. TC Energy uses two-way communication processes with stakeholders to assist us in reaching better quality business decisions.

The following principles are used as a filter to test and align engagement activities:

- We identify and consider the perspectives of our stakeholders;
- We are visible, present and approachable in the community;
- We recognize that diverse thoughts, opinions and experiences contribute to better decisions and outcomes;
- We take ownership and accountability for our decisions and outcomes; and
- We track, measure and report on our performance to learn and improve.

We encourage reporting of suspected incidents of non-compliances, as well as hazards, potential hazards, incidents and near-hit. We take every report seriously, investigate to identify facts and ensure immunity for the good faith reporting of such concerns.

#### **References and links**

- Questions and Comments
- Stakeholder Engagement Commitment Statement Poster



UNCONTROLLED IF PRINTED ID: 006426372 STATUS: APPROVED 2015/02/11

LAST REVIEWED: 2015/02/11 EFFECTIVE DATE: 2015/02/11 To: The Directors/Committee members of the RDEK

Re: TC Energy (Foothills Pipeline.) Temporary use permit application or Morrissey gravel pit

As property owners directly adjacent to the lands proposed in the temporary use permit, I wish to express our support for this proposal of TC energy (Foothills Pipelines.), to install their temporary contractor yard at the gravel pit owned by Skeet Podraski in Morrissey BC. I believe that this location makes sense from a location perspective, (across from the access to the project), zoning perspective, (RR8), and most importantly, from a safety perspective. The amount of traffic volume on already extremely busy highways will be greatly reduced and will be directed out of the surrounding towns, lowering the potential risk of heavy/light vehicle/recreational user interaction.

In addition, the upgrades that will be undertaken by TC Energy at the Morrissey/Highway 3 intersection will be beneficial to all users of this area, and are much needed improvements, as anyone familiar to this area will be aware of. I also wish to express my support of this traffic upgrade from a taxpayer perspective as the continual increases in traffic volume will require that these changes be executed in the near future regardless, and this is a chance to gain a lasting improvement within a partnership that would reduce the overall expense, saving the Ministry, money.

After reviewing the proposal, I believe that this location is the least disruptive for our community and our tourism guests, and minimizes the environmental impact for a project of this size as it is in an already established gravel pit, and I am looking forward to the successful and long term improvements to our infrastructure.

My hope is that this will move forward quickly and efficiently and that it may be completed in a timely manner.

Warm regards,

Tyler and Elizabeth Francis

Lot 1 4991 Highway 3