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**CITY OF BURNABY**  
**OFFICE OF THE MAYOR**  
**DEREK R. CORRIGAN**  
**MAYOR**

January 11, 2016

The Right Honourable Justin Trudeau  
Prime Minister  
Office of the Prime Minister  
80 Wellington Street,  
Ottawa, ON K1A 0A2

Dear Prime Minister Trudeau:

On November 10, 2015, I wrote to you regarding the City of Burnaby's appreciation for your recognition of the need for an overhaul of the National Energy Board process for review of pipeline projects in Canada. We are pleased that you made clear your understanding of the need for a new process to replace the politicized abdication of process introduced by the previous government. Your statement in May of last year made it clear that you would not allow for the current NEB process to proceed unchallenged:

"It's obvious the Harper government's politicization of the National Energy Board, the process around approval for projects like this, is not working, and if there's any hope for projects like this and others to go forward there needs to be a restoration of public trust. That's why we've announced we're going to engage in a new open process *for all pipelines*,"

Further, your statement:

"We will also ensure that environmental assessments include an analysis of upstream impacts and greenhouse gas emissions resulting from projects under review"

stressed that a decision will not be reached on the Trans Mountain proposal without first ensuring such environmental assessments take place.

In my November letter, I noted that we look forward to working with you to overhaul the flawed review process. On behalf of Burnaby City Council, I also requested that the overhaul begin with suspension of the current Trans Mountain NEB review process.

As you know, your government has since committed to proceed with the current NEB review process, with Minister Jim Carr saying on November 18, "There will be a transition as we amend the ways in which the National Energy Board goes about the process of evaluating these projects, and we will announce those changes as soon as we can, but the process continues."

Because there has been no announcement since that time on how the evaluation process will be amended and given that the NEB hearings begin on January 18, I am now writing to request that the amendments be expedited to avoid perpetuation of the current, deeply flawed NEB process that the public and your government have already acknowledged is inadequate.

As you know, the current review process has seen withdrawal of many approved intervenors, as one-by-one they have recognized its systemic unfairness. The more time that passes before amendments and mitigation measures to address the flaws inherent to the current process are determined and corrected, the greater the concern that it will not be possible to ensure a review of the Trans Mountain proposal that ensures that all stakeholders, First Nations and potential environmental impacts are duly represented and considered.

As noted in my November 10 letter, the process for the testing of Trans Mountain's evidence has been a failure. Burnaby has diligently filed information requests to Trans Mountain in each round provided by the NEB. However, Trans Mountain has refused to answer most requests or provided responses that dodge the heart of the request – leaving Burnaby without answers to important matters that may impact the safety and well-being of its residents. The NEB has condoned these “non-answers” by failing to compel full and adequate responses by Trans Mountain in response to notices of motion brought by Burnaby.

It is evident that the NEB process is broken, and there is little value in a fact-finding process that has no reasonable prospect for testing evidence.

Along with the Union of British Columbia Municipalities, the Federation of Canadian Municipalities and, specifically the mayors of eight Metro Vancouver municipalities, we look forward to the development of a rigorous, balanced process that will fulfill the NEB's mandate “to promote safety and security, environmental protection and efficient energy infrastructure and markets in the Canadian public interest within the mandate set by Parliament in the regulation of pipelines, energy development and trade.” This can only happen if appropriate environmental reviews are reinstated for this process and if the currently skewed definition of ‘public interest’ is reviewed. We ask for a Panel that reflects environmental and local community views and values.

Your Mandate Letter to your minister correctly recognized that the current NEB process needs to be ‘modernized’ and that its composition must be changed to include “regional views” and a broader expertise in “community development” as well as environmental and aboriginal matters. We completely agree, and welcome your prioritizing this change. It is essential that these changes be applied to the major pipeline proposed through our community.

We therefore urgently request that you put the current NEB Panel review on hold until the new process and a broadened Panel have been implemented. We ask that you immediately suspend the current hearings.

Assuming that your government intends to keep its promises, the changes need to be made before the current panel completes its deliberations and delivers a Report based on a flawed process and without the necessary modernized expertise. It would obviously be quite prejudicial to the credibility of any subsequent process if the current Panel is allowed to complete and make findings on the critical questions of public interest, based upon a too narrow view and composition. Any additional process subsequent to findings from the NEB would be irreparably tainted by the prior findings. It would also be highly unfair to the citizens of Burnaby and other Lower Mainland municipalities, who have been asking for a better process from the beginning.

We also note that if your government intends to implement additions to the process, or new steps, that asking Intervenors to make Final Argument at this stage is unfair and pointless. It is therefore advisable to suspend the current process before Final Arguments, which are scheduled to commence January 19, 2016.

We recognize that the timelines being imposed on this review are arbitrary, resulting only from the previous federal government's desire to expedite this process for the benefit of the proponent. Given the fact that properly determining public interest clearly requires more time than currently allowed – postponement of the proceedings in favour of appropriate process is essential. Further, there is no ‘rule of law’ entitlement to a decision now – to avoid creating legal rights, the government must get the process right at this stage.

We also would like to see and participate in development of a national energy strategy that would duly consider the role that all Canadian energy resources can best play in our country – one that focuses on benefits to Canadians, not on benefits to corporations at the expense of Canadians. It is our hope that this strategy would consider the potential benefits of building new oil refineries in Canada, versus exporting raw bitumen to Asia for refining, simultaneously bypassing Canadian job-creation opportunities and increasing environmental risks and climate-change impacts. Such a strategy would set the stage and provide a framework for review of all energy infrastructure proposals.

Thank you very much for what we trust will be your prompt consideration of this critical matter – action that we know will help pave the way for a robust energy future in Canada.

Sincerely,



Mayor Derek Corrigan on behalf of  
Burnaby City Council

cc. The Honourable Catherine McKenna, Minister of Environment and Climate Change  
MP, Terry Beech  
MP, Peter Julian  
MP, Kennedy Stewart  
MLA, Raj Chouhan  
MLA, Kathy Corrigan  
MLA, Richard Lee  
MLA, Jane Shin  
Mayor Wayne Baldwin, City of White Rock  
Mayor John Becker, City of Pitt Meadows  
Mayor Henry Braun, City of Abbotsford  
Mayor Malcolm Brodie, City of Richmond  
Mayor Karl Buhr, Village of Lions Bay  
Mayor Mike Clay, City of Port Moody  
Mayor Jonathan Côté, City of New Westminster  
Mayor Ralph Drew, Village of Belcarra  
Mayor Jack Froese, Township of Langley  
Mayor Linda Hepner, City of Surrey  
Mayor Lisa Helps, City of Victoria  
Mayor Lois Jackson, Corporation of Delta  
Mayor John McEwen, Village of Anmore  
Mayor Greg Moore, City of Port Coquitlam  
Mayor Darrell Mussatto, City of North Vancouver  
Mayor Nicole Read, City of Maple Ridge  
Mayor Gregor Robertson, City of Vancouver  
Mayor Ted Schaffer, City of Langley  
Mayor Murray Skeels, Bowen Island Municipality  
Mayor Michael Smith, District of West Vancouver  
Mayor Richard Stewart, City of Coquitlam  
Mayor Richard Walton, District of North Vancouver