From:	McLerran, Dennis
To:	Opalski, Dan; Murchie, Peter
Cc:	Allnutt, David; Woods, Jim; Dunbar, Bill; Pirzadeh, Michelle
Subject:	FW: US government agency"s final arguments to NEB
Date:	Tuesday, January 05, 2016 5:24:43 PM
Attachments:	Gaydos et al., 2015 Energy threat and Coast Salish.pdf C214-31-2_-_Notice_of_Motion_to_file_late_evidence_-_A4W3Y9.pdf Ruling_No._105_Living_Oceans_Society_and_Raincoast_Conservation_Foundati....pdf

Dan and Peter:

I sent these to Dave Allnutt for follow up, but wanted to make sure you were aware of them because of their overlap with Treaty Rights at Risk work.

Dennis

From: Lovel Pratt [mailto:lovelpratt@gmail.com]
Sent: Tuesday, January 05, 2016 2:26 PM
To: McLerran, Dennis <mclerran.dennis@epa.gov>
Cc: dlekanof@swinomish.nsn.us; Stan Walsh <swalsh@skagitcoop.org>; Terry Williams <terrysuew@aol.com>; Patti Gobin <pgobin@tulaliptribes-nsn.gov>; Leslie R. Seffern <LeslieS@atg.wa.gov>; Linda Pilkey-Jarvis <JPil461@ECY.WA.GOV>
Subject: US government agency's final arguments to NEB

Hi Dennis,
Happy New Year!
Please consider engaging with Ecology, the only US government agency (state or federal) that's been granted intervenor status by Canada's National Energy Board (NEB), to encourage Ecology's advocacy for the inclusion of both the new study by the SeaDoc Society and the Swinomish Tribe (attached – see also this newsletter article: http://www.seadocsociety.org/collaboration-failure-puts-salish-sea-at-risk/?utm_source=newsletter&utm_medium=email&utm_content=Read%20more&utm_campaign=January%202016%20first) and the recent NAS study, *Spills of Diluted Bitumen from Pipelines: A Comparative Study of Environmental Fate, Effects, and Response* (http://www.nap.edu/catalog/21834/spills-of-diluted-bitumen-from-pipelines-a-comparative-study-of – and also attached fyi are the motion to the NEB and the NEB's denial of that motion). It's my understanding that Ecology's final arguments (due January12) are the last opportunity for US engagement with the NEB regarding their review of Kinder Morgan's Trans Mountain Pipeline Expansion project application.
Regardless of the NEB's previous ruling, I would hope that Ecology would advocate for inclusion of this important US NAS study which is uniquely relevant to the NEB's review of the Trans Mountain Pipeline Expansion project application and its potential impacts to US marine waters and ecosystems and species, tribal treaty rights, and public and private properties. The SeaDoc Society and Swinomish study is also timely and relevant to the NEB's review of this project application.
Leslie Seffern, Assistant Attorney General, is working with Linda Pilkey Jarvis, Ecology Spills Program Preparedness Section Manager (both copied here), to represent Ecology.
If you can see a more effective way to ensure that the NEB will address the findings from the NAS and the SeaDoc and Swinomish studies, that would be great.
Thank you for considering this request.
Lovel

Lovel Pratt
Mulno Cove Consulting
2551 Cattle Point Road
Friday Harbor, WA 98250
(360) 378-7172