

February 11, 2020

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

Attention: Trans Mountain Pipeline ULC

**RE: Determination of Application Number 100108200**

**Permit Holder:** Trans Mountain Pipeline ULC  
**Date of Issuance:** February 11, 2020  
**Effective Date:** February 11, 2020  
**Application Submission Date:** June 26, 2019  
**Application Determination Number:** 100108200  
**Approved Disturbance Footprint:** 1 ha

## **ACTIVITIES APPROVED**

<b>CER Ancillary No:</b> 00197690	<b>Type:</b> Access
<b>CER Ancillary No:</b> 00197692, 00197693	<b>Type:</b> Staging Area
<b>CER Ancillary No:</b> 00197691, 00197694	<b>Type:</b> Workspace

## **GENERAL APPROVALS AND CONDITIONS**

### **APPROVALS**

#### **Land Act**

1. The BC Oil and Gas Commission (the "Commission") under section 39 of the *Land Act* hereby approves the permit holder referenced above to construct and operate the following CER related activity(s), and the activities detailed in the Activities Approved table above, subject to the conditions contained herein, for the purposes of constructing and operating a pipeline under the *Canadian Energy Regulator Act* (Canada):
  - a. To construct and maintain ancillary activities as detailed in the Activities Approved table above.
2. The approvals granted under this permit are limited to the area identified in the spatial data submitted to the Commission in the permit application as identified and dated above; herein after referred to as the 'activity area'.

3. The Commission, pursuant to section 39 of the *Land Act*, hereby approves the occupation and use of any Crown land located within the activity area.
  - a. A licence approved under section 39 of the *Land Act* for the Crown land portion of this application will follow. The permit holder is subject to the conditions contained in the Licence.
  - b. The approval to occupy and use Crown land under the Licence expires two years from the date of issuance, unless the Commission has received notice of construction start, or this permit is otherwise extended, suspended, cancelled, surrendered or declared spent.
  - c. The approval to occupy and use Crown land does not entitle the permit holder to exclusive possession of the activity area.
  - d. The total disturbance within the activity area must not exceed the total approved disturbance footprint as referenced above.

## CONDITIONS

### Notification

4. A notice of construction start must be submitted, as per the relevant Commission process at the time of submission, at least 48 hours prior to the commencement of activities under this permit.
5. Within 60 days of the completion of construction activities under this permit, the permit holder must submit to the Commission a post-construction plan as a shapefile and PDF plan accurately identifying the location of the total area actually disturbed under this permit. The shapefile and plan must be submitted via eSubmission.
6. At least 5 (five) working days prior to the commencement of construction, the Permit Holder must provide a notice of works to any First Nation(s) who may have Aboriginal Interests identified, as per the BC First Nations Consultative Areas Database, within the area in which the works are to occur.

### Environmental

7. Construction activities must not result in rutting, compaction or erosion of soils that cannot be reasonably rehabilitated to similar levels of soil productivity that existed on the activity area prior to the construction activities taking place.
8. Any temporary access must be constructed and maintained in a manner that provides for proper surface drainage, prevents pooling on the surface, and maintains slope integrity.
9. The permit holder must make reasonable efforts to prevent establishment of invasive plants on the activity area resulting from the carrying out of activities approved under this permit.
10. Following completion of construction associated with the associated activities set out in the approved Activities table above, the permit holder must, as soon as practicable
  - a. decompact any soils compacted by the activity;
  - b. if natural surface drainage pattern was altered by the carrying out of the activity, the permit holder must restore, to the extent practicable, to the drainage pattern and its condition before the alteration;
  - c. re-vegetate any exposed soil on the activity area including, where necessary, using seed or vegetative propagules of an ecologically suitable species that:
    - i. promote the restoration of the wildlife habitat that existed on the area before the oil and gas activity was begun, and
    - ii. stabilize the soil if it is highly susceptible to erosion.
  - d. any retrievable surface soils removed from the activity area must be redistributed so that the soil structure is restored, to the extent practicable, to its condition before the activity was begun.

11. The permission to occupy and use Crown land excludes the area within *Land Act* Section 16 map reserve 3401475 unless the reserve has been amended to accommodate the approved activity.

### **Clearing/Forest Act**

12. The permit holder is permitted to fell any trees located on Crown land within 1.5 tree lengths of the activity area that are considered to be a safety hazard under applicable regulations and must be felled in order to eliminate the hazard. Trees or portions of these trees that can be accessed from the activity area without causing damage to standing timber may be harvested.

### **Archaeology**

13. If artifacts, features, materials or things protected under Section 12.1 of the *Heritage Conservation Act* are identified the permit holder must, unless the permit holder holds a permit under Section 12.4 of the *Heritage Conservation Act* (site alteration permit) in respect of that artifact, feature, material or thing, immediately cease all work in the vicinity of the artifacts, features, materials or things.

## **ADVISORY GUIDANCE**

1. Construction Plan - fig\_123512431\_cw\_iup\_001\_5k\_detail\_site\_map.pdf is for the permit holder's internal reference only and was not reviewed as a decision tool for this permit, nor does it form an integral part of this permit.
2. Instructions for submitting notice of construction start, as required by regulation, can be found in the Oil and Gas Activity Operations Manual on the Commission's website.
3. Unless a condition or its context suggests otherwise, terms used in this approval have the same meaning as the Environmental Protection and Management Regulation under the *Oil and Gas Activities Act*.
4. Appropriate tenure may be issued upon acceptance of the post-construction plan. Submission of the original application and submission of the post-construction plan is considered an application for all subsequent applicable *Land Act* tenures. Upon the Commission's acceptance of the post-construction plan no further applications for replacement tenure are required.
5. Temporary access is intended to be short term access to facilitate construction of an oil and gas activity. It is not intended for sustained use and is not constructed to oil and gas road standards.
6. The Commission requests Trans Mountain share methodology and results of the authorized geotechnical investigation, including the data collected, with Coldwater Indian Band as soon as practicable.

All pages included in this permit and any attached documents form an integral part of this permit.



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Justin Anderson  
Authorized Signatory  
Commission Delegated Decision Maker

Copied to:

First Nations – Ashcroft Indian Band, Boston Bar First Nation, Cook's Ferry Indian Band, Coldwater Indian Band, Kanaka Bar Indian Band, Lower Nicola Indian Band, Lower Similkameen Indian Band, Nooaitch Indian Band, Nicomen Indian Band, Nlaka'pamux Nation Tribal Council (NNTC), Okanagan Indian Band, Penticton Indian Band, Siska Indian Band, Shackan Indian Band, Upper Nicola Band