

April 30, 2018

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

Attention: Trans Mountain Pipeline ULC

RE: Determination of Application Area Number 100102930

Permit Holder: Trans Mountain Pipeline ULC

Date of Issuance: April 30, 2018

Effective Date: April 30, 2018

Application Submitted Date: March 9, 2018

Application Determination Number: 100102930

Approved Disturbance Footprint: 0.1384 ha

ACTIVITIES APPROVED

NEB Ancillary Activity No: 00183074	Type: Access
NEB Ancillary Activity No: 00183075	Type: Investigative Use - General
Changes In and About a Stream: 0004399	

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 NEB 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 *National Energy Board Act (Canada)*:
 - a) To construct and maintain ancillary activities as detailed in the Activity Details table(s) below.
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.

Forest Act

- 4. The Commission, pursuant to section 47.4 of the *Forest Act*, hereby approves the removal of Crown timber from the activity area under the cutting permits associated with the Master Licence(s) as follows:

Master Licence to Cut No.: M02362

Cutting Permit No.: 13

Timber Mark No.: MTC296

Total New Cut: 0.07

Forest District: (DCK) Chilliwack Natural Resource District

Region: Interior

- 5. The cutting permits are deemed spent upon the submission of the post-construction plan or upon either the cancellation or expiry of the activities approved under the permit.

Water Sustainability Act

- 6. The Commission, pursuant to section 11 of the *Water Sustainability Act*, approves the changes in and about a stream, as detailed in the Activities Approved table above, within the activity area for construction and maintenance activities, unless otherwise restricted by this approval
 - a) Instream works must be carried out in accordance with the methods and any mitigations, as specified in the application.

CONDITIONS

Notification

- 7. 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.
- 8. 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.
- 9. 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

- 10. 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.
- 11. 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.
- 12. The Permit Holder must make reasonable efforts to prevent establishment of invasive plants on the activity area associated with the related activities set out in the Authorized Activities table above resulting from the carrying out of activities authorized under this permit.
- 13. Following completion of construction associated with the associated activities set out in the Authorized 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; and
- 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) Following completion of construction activities authorized herein, 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.

Clearing

- 14. 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 according to *Workers Compensation Act* 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.
- 15. The holder of the cutting permit must pay to the government, stumpage and any waste billing determined in accordance with the terms of this approval.
- 16. The approved cutting permit does not grant the Permit Holder the exclusive right to harvest Crown timber from the activity area. Authority to harvest some or all of the timber may be granted to other persons. The Permit Holder's right to harvest timber applies to any timber found on the site at the time they undertake harvesting activities.
- 17. All harvested Crown timber must be marked with the cutting permit's associated timber mark.
- 18. Stumpage for cutting permits falling within the Interior Area, as defined in the Interior Appraisal Manual (the "Manual") will be calculated in accordance with the Manual as amended from time to time. In the current version of the Manual, stumpage will be determined in accordance with Table 6-3 (volume based)
- 19. Any waste assessments applied under the Master Licence to Cut are subject to the merchantability specifications and monetary waste billing requirements in the Provincial Logging Residue and Waste Manual specific to the region associated with the cutting permit approval.

Water Course Crossings and Works

- 20. Stream, lake and wetland crossings must be constructed in accordance with the methods and any mitigations, as specified in the application.
- 21. In-stream activities within a fish bearing stream, lake or wetland must occur:
 - a) during the applicable reduced risk work windows as specified in the Region 2 Lower Mainland - Reduced Risk Timing Windows for Fish and Wildlife; or
 - b) in accordance with alternative timing and associated mitigation recommended by a qualified professional and accepted by the National Energy Board and provided to the Commission; or
 - c) in accordance with an authorization or letter of advice from Fisheries and Oceans Canada that is provided to the Commission.
- 22. At any time, the Commission may suspend instream works approved under this permit. Suspensions on instream works will remain in place until such time as the Commission notifies Permit Holders that works may resume. Reasons for suspension of works may include, but are not limited to, drought conditions and increased environmental or public safety risks.
- 23. Wetland crossings must be constructed, maintained and removed in accordance with the following:
 - a) Organic cover within and adjacent to the wetland must be retained;
 - b) Minimize erosion or release of sediment within the wetland;
 - c) Any padding materials must be placed on the wetland surface only and must not be used for infilling;

- d) Any padding materials must be removed as soon as practicable following construction, considering weather and ground conditions; and
- e) The wetland, including banks and bed, must be restored, to the extent practicable, to the condition that existed before the crossing was initiated.

Archaeology

- 24. An AIA report must be submitted to the Commission as soon as practicable.
- 25. If artifacts, features, materials or things protected under section 13(2) of the Heritage Conservation Act are identified the permit holder must, unless the permit holder holds a permit under section 12 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.

ACTIVITY SPECIFIC DETAILS and CONDITIONS

NEB ANCILLARIES

ACTIVITY DETAILS

Activity Number: 00183074	Type: Access
Land Act Tenure No.: 9000325 Document No.: 956224	
Activity Number: 00183075	Type: Investigative Use
Land Act Tenure No.: 9000325 Document No.: 956224	

ADVISORY GUIDANCE

- 1. Construction plan, fig_123512431_iup_001_Vedder_River_geotech_construction_plan_1k.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. 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*.
- 3. Appropriate tenure will 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.
- 4. 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.

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



Lori Phillips
Authorized Signatory
Commission Delegated Decision Maker

Copied to:

First Nations – Peters Band, People Of The River Referrals Office (PRRO), Seabird Island First Nation
Ministry of Forests District Office – (DCK) Chilliwack Natural Resource District