

August 24, 2017

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

Attention: Trans Mountain Pipeline ULC

**RE: Determination of Application # 9644368**

**Permit Holder: Trans Mountain Pipeline ULC**  
**Date of Issuance: August 24, 2017**  
**Effective Date: August 24, 2017**  
**Application Submitted Date: May 27, 2016**  
**Approved Disturbance Footprint: 0.74ha**

### ACTIVITIES APPROVED

<b>NEB Ancillary Activity</b>	<b>Type: Investigative Use - General</b>
<b>Changes In and About a Stream</b>	<b>Stream Impact No.: 1</b>

## **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), 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 areas described in construction plan Map Number: PER\_00915\_CW3A\_REV0\_CP, Revision 0, dated April 28, 2016 (the "construction plan") by CH2M Hill Energy Canada, Ltd. as submitted to the Commission in the permit application dated May 27, 2016 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 is attached. 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.:** M02365

**Cutting Permit No.:** 4

**Timber Mark No.:** MTB 876

**Total New Cut:** 0.09 ha

**Forest District:** (DCS) Cascades 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.

## CONDITIONS

### Notification

- 6. A notice of construction start must be submitted prior to the commencement of activities under this permit 48 hours before or as per the relevant legislation if longer than 48 hours. Notification must be submitted via Kermit for pipelines and facilities. For all other activity types notification must be submitted through [OGC.ExternalNotifications@bcogc.ca](mailto:OGC.ExternalNotifications@bcogc.ca).
- 7. 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.
- 8. The permit holder must notify Ashcroft Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 9. The permit holder must notify Cook's Ferry Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 10. The permit holder must notify Coldwater Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 11. The permit holder must notify Lytton First Nation a minimum of five (5) days prior to commencing any construction activities under this permit.
- 12. The permit holder must notify Lower Nicola Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 13. The permit holder must notify Lower Similkameen Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 14. The permit holder must notify Nooaitch Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 15. The permit holder must notify Oregon Jack Creek Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 16. The permit holder must notify Okanagan Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
- 17. The permit holder must notify Okanagan Nation Alliance a minimum of five (5) days prior to commencing any construction activities under this permit.

18. The permit holder must notify Penticton Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
19. The permit holder must notify Siska Indian Band a minimum of five (5) days prior to commencing any construction activities under this permit.
20. The permit holder must notify Spuzzum First Nation a minimum of five (5) days prior to commencing any construction activities under this permit.
21. The permit holder must notify Upper Nicola Band a minimum of five (5) days prior to commencing any construction activities under this permit.
22. The permit holder must notify Boston Bar First Nation a minimum of five (5) days prior to commencing any construction activities under this permit.

### Environmental

23. 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 operating area prior to the construction activities taking place.
24. 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.
25. The Permit Holder must make reasonable efforts to prevent establishment of invasive plants on the activity area resulting from the carrying out of activities authorized under this permit.
26. Following completion of the construction activities authorized herein, 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

27. 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.
28. 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.
29. 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.
30. All harvested Crown timber must be marked with the cutting permit's associated timber mark.
31. 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)

- 32. 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**

- 33. Stream, lake and wetland crossings must be constructed in accordance with the methods and any mitigations, as specified in the application.
- 34. In-stream activities within a fish bearing stream, lake or wetland must occur:
  - a) in accordance with alternative timing and associated mitigation recommended by a qualified professional and accepted by the Commission.
- 35. 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.
- 36. The Permit Holder must ensure that the activities approved under this approval do not result in any deleterious materials being deposited into a stream, wetland or lake.

**CHANGES IN AND ABOUT A STREAM**

**ACTIVITY DETAILS**

<b>Stream Impact No.:</b> 1	<b>Stream/Water Course Name:</b> Coldwater River
<b>Location (UTM):</b> Zone 10, Northing 643471, Easting 5512137	

*All approvals for this activity are subject to the following conditions:*

**Changes In and About a Stream conditions**

- 37. Any substance, sediment, debris or material that could adversely impact the stream:
  - a) must not be allowed or permitted to enter or leach or seep into the stream from an activity, construction, worksite, machinery or from components used in the construction of any works, or
  - b) must not be placed, used or stored within the stream channel.

**Archaeology**

- 38. An AIA report must be submitted to the Commission as soon as practicable.  
 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.

**ADVISORY GUIDANCE**

- 1. 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*.
- 2. 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.

3. Coldwater Indian Band requests Trans Mountain share methodology and results of the geotechnical investigation.

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



A handwritten signature in blue ink, appearing to read "Andrew Osmond", is centered on a white rectangular background.

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For:  
Andrew Osmond  
Authorized Signatory  
Commission Delegated Decision Maker

Copied to:

First Nations – Ashcroft First Nation, Boston Bar First Nation, Cook's Ferry Indian Band, Coldwater Indian Band, Esh-kn-am Cultural Resource Management, Lytton First Nation, Lower Nicola Indian Band, Lower Similkameen Indian Band, Nooaitch Indian Band, Nlaka'pamux Nation Tribal Council, Nicola Tribal Association, Oregon Jack Creek Band, Okanagan Indian Band, Okanagan Nation Alliance, Penticton Indian Band, Siska Indian Band, Spuzzum First Nation, Upper Nicola Band  
Ministry of Forests District Office – (DCS) Cascades Natural Resource District