



Commission File No: 9640279

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

Attention: Margaret Mears

Re: Investigative Permit - Section 14 over Crown Land, Yale Division Yale District  
Within units 81 and 91 of Block H, Group 92-H-11.

Date of Issuance: June 12, 2015  
Commission File No: 9640279

## PERMISSIONS

The Oil and Gas Commission (Commission) hereby authorizes the holder of permit number 9640279, under Section 14 of the *Land Act*, to allow Trans Mountain Pipeline ULC (the "permit holder") to occupy Crown land within the areas described as investigative use area and access trail in the attached construction plan 204103\_MAP\_TERA\_PER\_00548\_REV2\_CW4, Revision 2, dated June 11, 2014 as submitted to the Commission in the permit application dated June 4, 2014 (hereafter referenced together as the "Site"), to conduct appraisals, inspections, analyses, inventories, surveys or other investigations under Authorization Number 944603, subject to the conditions set out below.

## CONDITIONS

1. The permit holder may use and occupy the Site only for the purposes of investigating the site for potential oil and gas activities and related activities as defined in the *Oil and Gas Activities Act*.
2. This permit authorizes investigative work only for the areas described as BH CW4-01 and BH CW4-03 in the attached construction plan.
3. The total disturbance within the investigative area must not exceed 0.56 ha.
4. The permit holder must notify the following First Nations prior to commencement of activities:
  - a. Ashcroft Indian Band
  - b. Boston Bar First Nation
  - c. Boothroyd Band
  - d. Cook's Ferry Indian Band
  - e. Coldwater Indian Band
  - f. Kanaka Bar First Nation
  - g. Lytton First Nation

- h. Lower Nicola Indian Band
  - i. Lower Similkameen Indian Band
  - j. Nooaitch Indian Band
  - k. Nicomen Indian Band
  - l. Nlaka' pamux Nation Tribal Council
  - m. Nicola Tribal Association
  - n. Osoyoos Indian Band
  - o. Oregon Jack Creek Indian Band
  - p. Okanagan Indian Band
  - q. Okanagan Nation Alliance
  - r. Penticton Indian Band
  - s. Siska Indian Band
  - t. Shackan Indian Band
  - u. Skuppah First Nation
  - v. Spuzzum First Nation
  - w. Upper Nicola Band
5. The permit holder will restore the Site to the satisfaction of the Commission following the completion of the investigative works.
  6. The permit holder must not assign or sub-tenure this Permit. The permit holder must not transfer this permit without the Commission's written consent, which consent may be granted or withheld at the Commission's sole discretion.
  7. This permit expires two years from the date of issuance.
  8. The permit holder must notify the Commission 24 hours prior to commencing construction. Notification must be sent to [C&E@bcogc.ca](mailto:C&E@bcogc.ca).
  9. An Archaeological Impact Assessment (AIA) is required for the proposed operating area authorized under this permit prior to any development activities taking place.
  10. If an archaeological site is recorded as a result of this assessment, a report must be submitted immediately to the Archaeology Branch of the Ministry of Forestry, Lands and Natural Resource Operations and the Commission and all mitigation measures must be approved by the Archaeology Branch prior to the start of construction.
  11. If no archaeological site is recorded during this assessment, an AIA report is still required and must be submitted to the Archaeology Branch of the Ministry of Forestry, Lands and Natural Resource Operations and the Commission as soon as possible as per the Archaeology Process Guidelines.
  12. 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* issued by the Commission in respect of that artifact, feature, material or thing:
    - a. immediately cease all work in the vicinity of the artifacts, features, materials or things;
    - b. immediately notify the Commission and the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations; and

- c. refrain from resuming work in the vicinity of the artifacts, features, materials or things except in accordance with an appropriate mitigation plan that has been prepared in accordance with the *Heritage Conservation Act* and approved by the Commission.
13. The permit holder will indemnify the Province of British Columbia (the Province) and the Commission against all losses, damages, costs and liabilities arising out of any breach or non-performance of any condition or agreement set out in this Permit and any personal injury, death or property damage occurring within the Site, or happening by virtue of its occupation of the Site, and the amount of such losses, damages and costs shall be payable to the Province or the Commission immediately.
14. The permit holder will immediately effect, and keep in force while this Permit is in effect, insurance of an amount not less than \$1,000,000 protecting the Province, the Commission and the permit holder (without any rights of cross-claim or subrogation) against claims for personal injury, death, property damage, or third party or public liability claims arising from any accident or occurrence on the Site.
15. The authorization to occupy and use Crown land does not entitle the permit holder to exclusive possession of the Site. The permit holder will not interfere with any person found on the Site who has a public right of access over the Site or is using the Site pursuant to a prior or subsequent *Land Act* disposition.
16. The rights granted by this permit are subject to all subsisting grants to or rights of any person made or acquired under the *Coal Act, Forest Act, Mineral Tenure Act, Petroleum and Natural Gas Act, Range Act, Water Act or Wildlife Act*, or any extension or renewal of the same, any prior dispositions made under the *Land Act*, and the exceptions and reservations of rights and interests under section 50 of the *Land Act*.
17. The permit holder will acknowledge and agree that any interference with rights granted under this permit by virtue of the exercise or operation of the rights or interests set out in the Sections (6) or (7) above shall not constitute a breach of the Province's or the Commission's obligations under this permit and the permit holder will release and discharge the Province and/or the Commission from any claim for loss or damage arising directly or indirectly out of any such interference. The permit holder will also agree to pay all costs and expenses that arise out of the permit holder's interference with the rights or interests set out in Sections (6) or (7) and that the permit holder will not commence or maintain proceedings under Section 65 of the *Land Act* with respect to interference with the permit holder's rights arising out of exercise or operation of the rights set out in Sections (6) or (7).
18. The permit holder must pay to the Province, when due, the Fees, to the address and in accordance with the instructions set out in the attached covering letter.
19. Within 60 days of the completion of the clearing phase of the activity authorized, the permit holder must submit to the Commission a post-construction plan as an ePASS shape file accurately identifying the locations of the overall disturbance within the Site.
20. The permit holder must abide by and comply with all applicable laws, bylaws, orders, directions, ordinances, and regulations of any government authority having jurisdiction in any way affecting its use or occupation of the Site, including, without limitation, the provisions of the *Land Act* and the provisions of this Permit.

#### **ADVISORY GUIDANCE**

1. Coldwater Pit, in which BH CW4-03 is located, is active year round. The permit holder is requested to discuss the proposed drilling activity schedule with the Ministry of Transportation and Infrastructure.
2. The Ministry of Transportation and Infrastructure requests that the permit holder provides one (1) month written notice prior to the proposed work in and around Coldwater Pit.

3. The permit holder is requested to contact Esh-kn-am Cultural Resources Management Services to discuss potential sensitive areas prior to commencement of activities.
4. The Nooaitch Indian Band requests that the permit holder provide an opportunity for a First Nation Environmental monitor or representative to participate in permitted field work.
5. The Nicola Tribal Association, on behalf of the Nicomen Indian Band and the Shacken Indian Band, requests that the permit holder provide an opportunity for a First Nation Environmental monitor or representative to participate in permitted field work.

The attached plan(s) form an integral part of this authorization:  
204103\_MAP\_TERA\_PER\_00548\_REV2\_CW4, Revision 2



Johannes Bendle  
Review Approval Resource Officer

pc: TERA, a CH2M HILL Company  
pc: OGC File No. 9640279  
pc: Ashcroft Indian Band  
pc: Boston Bar First Nation  
pc: Boothroyd Band  
pc: Cook's Ferry Indian Band  
pc: Coldwater Indian Band  
pc: Kanaka Bar First Nation  
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