

Information Session

2012



NEB Pipeline Provincial Authorizations



Donna Bozarth

BC Oil and Gas Commission

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Topics

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BC Oil and Gas Commission

The BC Oil and Gas Commission (Commission) is an independent, single-window regulatory agency responsible for overseeing oil and gas operations in British Columbia.

In October 2010, the Commission transitioned to the Oil and Gas Activities Act (OGAA). This regulatory model is designed to provide a streamlined one-stop regulatory agency.



Mission

We regulate oil and gas activities for the benefit of British Columbians.

We achieve this by:

- **Protecting public safety,**
- **Respecting those affected by oil and gas activities,**
- **Conserving the environment, and**
- **Supporting resource development.**

Through the active engagement of our stakeholders and partners, we provide fair and timely decisions within our regulatory framework.

We support opportunities for employee growth, recognize individual and group contributions, demonstrate accountability at all levels, and instill pride and confidence in our organization.

We serve with a passion for excellence.

Upcoming Legislative Changes:

Effective April 15, 2012 legislative changes will create the ability for the Commission to provide certain provincial authorizations to federally regulated pipeline permit holders.

Oil and Gas Activities Act amended
to include pipelines under the jurisdiction of Canada.

Forest Act amended
to include construction of a pipeline under the NEB.

Applications in progress versus New Applications:

Applications in progress will remain with FLNRO.

New applications can be submitted to the Commission.

The Commission serves as a “one window” agency able to provide authorizations under specified provisions of several Acts in addition to OGAA. These Acts include:



Specified Enactments

Land Act:

Section 14 Temporary Occupation of Crown Land
Section 39 Licence of Occupation
Section 40 Right of Way

Water Act:

Section 8 Short Term Use of Water
Section 9 Changes in and About a Stream
Section 26 Permits over Crown Land

Forest Act:

Section 47 Master Licence to Cut
Section 117 Road Use Permit

Other Enactments:

Section 12 Heritage Conservation Act
Sections 9, 14 & 15 Environmental Management Act



Application Overview

NEB Pipeline Provincial Authorizations Application

Intended to provide NEB pipeline permit holders with certain provincial authorizations required to construct and operate an NEB approved pipeline.

In one application, NEB pipeline permit holders can apply to the Commission for:

- Land act permit, for the RoW and temporary sites adjacent to the pipe RoW which are on Crown land.
- Cutting Permit for any Crown land to be cleared.
- Stream crossing approvals for the entire length of the pipeline.

One online submission ➤ One application process ➤ One permit approval letter.

Note: In relation to NEB Pipeline Provincial Authorizations, the commission does not have the ability to provide provincial authorizations related to:

- The Environmental Management Act
- The Heritage Conservation Act
- The Agricultural Land Reserve



Application Framework

NEBPPA Applications

Crown Land rights holder engagement

Carried out by applicant prior to application

First Nations consultation

Carried out by Commission on behalf of Crown

Commission technical reviews

Carried out internally by Commission

Application Determinations

Made by statutory decision maker in consideration of rights holder engagement, FN consultation, technical reviews and any other relevant information.

First Nations Consultation

Obligation to consult:

The Province of British Columbia has the duty to consult and where required accommodate First Nations whenever it proposes a decision or activity that could have potential impact to treaty rights or aboriginal rights recognized and affirmed by Section 35(1) of the Constitution Act, 1982.

Commission fulfils consultation obligations:

As an agent of the Crown, the Commission fulfills any provincial obligation to consult with First Nations prior to the authorization of activities under the Oil and Gas Activities Act, and related specified enactments.

Applicants must provide First Nations consultation packages:

First Nations packages for each community impacted have to be submitted to the Commission by the applicant.



Rights Holder Engagement

Requirement to engage rights holders

- The province makes every effort to ensure that resource management is coordinated and that oil and gas activities will not adversely affect long-term rights holders' interests.
- The Commission requires that applicants engage rights holders prior to submitting an application.

Rights Holder Engagement must be carried out by the applicant, prior to application

- The Commission encourages companies and the affected rights holder(s) to try to resolve any concerns.
- The Commission recommends the applicant document their completed rights holder engagement process and include the documentation with the application.
- Companies are required to attach a current Crown Land Status Sheet to their application submission.



Application Process

Pre-applicant requirements

Companies submitting applications to the Commission for the first time must ensure all pre-application requirements have been met.

- ✓ **New permit holder application** – must be processed by the Commission prior to the submission of applications to the Commission.
- ✓ **Master Licence To Cut** – an MLTC must be completed and submitted before an application for oil and gas activity is made, as the MLTC will govern the cutting permit that authorizes the removal of timber on Crown land.
- ✓ **EPASS account creation** – all spatial data submission must be made via an ePASS account. All companies new to the Commission must create an ePASS account.

Application Preparation

Required Application Components

- Prepare construction plan for the project
- Crown land status and rights holder engagement

Additional Considerations

- Engagement of First Nations prior to application
- Obtain any other provincial approvals required which are not authorized via NEBPPA Applications, including but not limited to:
 - Agricultural Land Reserve approvals
 - Heritage Conservation Act approvals
 - Environmental Management Act approvals

Application Preparation

Submission

- NEBPPA applications can be submitted to the Commission once NEB approval of the project has been received.

Application Fees

- NEBPPA application fees are set out in the OGAA Fee, Levy and Security Regulation
 - (i) \$200 per kilometre of pipeline for pipelines with an outside diameter of less than 152 millimetres,
 - (ii) \$400 per kilometre of pipeline for pipelines with an outside diameter of 152 millimetres or greater;

Application Review & Determination

Application Screening

- Initial step in review process focuses on ensuring application is complete for the purpose of review.

Application Review & First Nations Consultation

- Land, habitat and forestry reviews
- First Nations consultation

Application Determinations

- Permit determination made in consideration of technical reviews, rights holder engagement, First Nations consultation and any other relevant consideration.

Note: **Revisions** to an application can be made prior to a determination being made. Post-determination any changes must be made via an application **amendment**.

Pre & Post Construction Requirements

Notice of Construction Start:

- Must be submitted 48 hours prior to the construction start of the project/segment(s).

As-Cleared Plan:

- An As-Cleared Plan is required only if a Cutting Permit was issued for an activity, and it reflects the actual area of Crown land clearing carried out in the construction. This includes all amendments that result in a change to the total area used. As a condition of the MLTC, permit holders are required to submit an As-Cleared Plan Form to the Commission within 60 days of clearing activities. The information will then be forwarded to the Ministry of Forests and Range for stumpage billing.

Post-Construction Plan Submission:

- To ensure the Commission has the most current digital and spatial information of actual area cleared for oil and gas activity, Post-Construction Plans must be submitted within 60 days of completed construction.

Land Act Tenuring for NEB Pipeline Provincial Authorizations

Land Act Section 14 Temporary Access to Crown Land

- With the original permit approval letter, permit holders will receive a Land Act s.14 Temporary Access to Crown Land Approval for the pipeline RoW and any ancillary sites, as presented on the project construction plans.

Land Act Section 39 License of Occupation

- The tenure will transition to a Land Act s.39 License of Occupation when post construction plan is received, or at the expiry of the temporary Section 14 approval.

Land Act Section 40 Statutory Right of Way

- The tenure will transition to a Land Act s.40 Statutory RoW at the point when a permit holder has met the necessary posting and surveying requirements.



How to Apply

How to Apply for NEB Pipeline Provincial Authorizations

Applications for NEB Pipeline Provincial Authorizations are made electronically via the Commission's online application system: **KERMIT**

Once an online submission has been made, the applicant must also submit hard copies of:

- First Nations Consultation Packages
- Construction Plans for the projects

Found at url:

<https://kermit.bcogc.ca/>

Home > Applications > Pipeline Permit

Pipeline Permit

New Land Required

- [Pipeline \(New\)](#)
- [Pipeline Amendment](#)
- [Pipeline Permit Extension](#)
- [NEB pipeline provincial authorizations \(New\)](#)
- [NEB pipeline provincial authorizations \(Amendment\)](#)



Application Requirements

Application Requirements – Application Tab

Area of Activity

Zone: Involves: SYD ALR MKMA

Proponent

Company: Contact:

or, provide contact information in the fields below...

First Name: Last Name: Phone #: () - Fax #: () - Email: Company File #:

Companies applying for pipeline and/or facility activity for the first time in BC must ensure the pre-application requirements have been met. See the [Pipeline and/or Facility Manual](#) for details.

Land/Referral Agent (Optional)

Company: Contact: Agent File #:

Application Requirements – Land Tab (part 1)

Land Status & Land Use Planning

Indian Reserve Land: No Yes - IOGC Agreement attached

Crown Land: No Yes - Status attached

Private Land: No Yes

Is there a Timber Reservation charged against the title? No Yes

BCGS Map Sheet(s) (eg. 093P.028):

Total Area of Crown Land (ha):

Total Area of Private Land (ha):

Enters SYD Road Right-of-Way: No Yes - Ledcor Agreement is in place

ALR: No Yes

Construction Timelines:

LRMP:

Name (Other):

Resource Management Zone Name:

Development Zone:

MKMA Pre-tenure Plan (Name:)

Application Requirements – Land Tab (part 2)

Additional Application Information

Spatial or Identified areas:

- | | | | |
|-----------------------------------------------------------------|---------------------------|---------------------------|--------------------------------|
| Special Management Zones as per BC Land or Coastal Marine Plans | <input type="radio"/> N/A | <input type="radio"/> Yes | - Justification Attached |
| Park, Protected Area or Ecological Reserve | <input type="radio"/> N/A | <input type="radio"/> Yes | - Mitigation Strategy Attached |
| Areas established by Order under the Oil and Gas Activities Act | <input type="radio"/> N/A | <input type="radio"/> Yes | - Mitigation Strategy Attached |
| Areas established by the Commission | <input type="radio"/> N/A | <input type="radio"/> Yes | - Mitigation Strategy Attached |
| Streams and waterbodies identified by the Commission | <input type="radio"/> N/A | <input type="radio"/> Yes | - Mitigation Strategy Attached |

Guidance Requirements:

- | | | | |
|----------------------------------------|---------------------------|---------------------------|--------------------------------|
| Variance to the EPMR Guidance Document | <input type="radio"/> N/A | <input type="radio"/> Yes | - Mitigation Strategy Attached |
|----------------------------------------|---------------------------|---------------------------|--------------------------------|

If any portion of the project falls within an identified area or deviates from industry standards, additional information is required. The inclusion of additional information as identified above will trigger a non-routine review. Please provide a comprehensive explanation as per the Pipeline Application Manual as an attachment or within the space provided.

Non-Routine Explanation:

Application Requirements – Engineering Tab

Engineering

Activity Description:

Pipeline Specifications

Segment #	From Location	To Location	Length (m)
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New Pipeline Segment...

Pipeline Segment

Save

Details

Location

Segment #:

From Location

NTS: - - / - -

DLS: - - -

UTM (NAD83): (N ▾) - m easting, m northing

To Location

- - / - -

- - -

(N ▾) - m easting, m northing

Pipeline Details

Pipe Length (m):

Application Requirements – Forestry Tab

Forestry

Application Information

Forest License:

MLTC #:

Effective Date: Expiry Date: Total New Crown Land Area Disturbed (ha): (not including woodlot area)Merchantable Timber Volume (cu.m): Coniferous Deciduous

If over 2000 cu.m:

ECAS Reference #: or attach a Rate Request FormArea within woodlot (ha): Woodlot holder consent receivedIs the use of a Forest Service Road required? No Yes - Application attached, or Valid Permit In Place

Documents

Type

File Name

File Size (KB)

Time Uploaded

Application Requirements – First Nations Tab

First Nation(s) Consultations/Notifications

First Nation(s)

Type

New Consultation/Notification...

First Nation(s) Consultations/Notification

Save

Details

First Nation(s): (None) ▼

Other:

Type: (None) ▼

Cover Letter

File Name

File Size (KB)

Time Uploaded

Upload...

Save

Cancel

Application Requirements – Stream Crossings Tab

Routine Stream Crossings

Crossing #	Zone	Easting (m)	Northing (m)	Stream/Waterbody Name	
<input type="text"/>	UTM (NAD83): (Noi ▾)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="button" value="Delete"/>

Non-Routine Stream Crossings

Crossing #	Zone	Easting (m)	Northing (m)	Stream/Waterbody Name	Type of Crossing
<input type="text"/>	UTM (NAD83): (None ▾)	<input type="text"/>	<input type="text"/>	<input type="text"/>	(None) ▾
Stream Details - Riparian Class: (None) ▾ Width (m): <input type="text"/> Gradient (%): <input type="text"/>					
Frozen - Access: (None) ▾ Pipeline: (None) ▾ Non-Frozen - Access: (None) ▾ Pipeline: (None) ▾					
<input type="button" value="Delete"/>					

Application Requirements – Attachments Tab

Missing Documents

- [Attachments]
- [Attachments]

Attachment List

Revision #	Type	File Name	Size (KB)	Time Uploaded	File Reference	Author Name	Author Email	Accepted
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Application Requirements – Finalize Tab

Calculated Charge

Calculated Charge:

Outstanding Issues

- No "Zone" has been selected for this application. [Application]

Submit / Cancel

Use the following buttons to submit or cancel your application. A submitted application will no longer be editable and will enter the application approval process. A cancelled application will be discarded, cannot be edited and will not be processed by OGC.

Submit Application

Cancel Application

Save



Related Application Processes

Related Application Processes

NEB pipeline provincial authorizations (Amendment) – the purpose of this application is to facilitate NEB approved changes to pipeline projects where new land or provincial authorizations are required due to new facts or changes in design (e.g. a new crossing or newly found arch site).

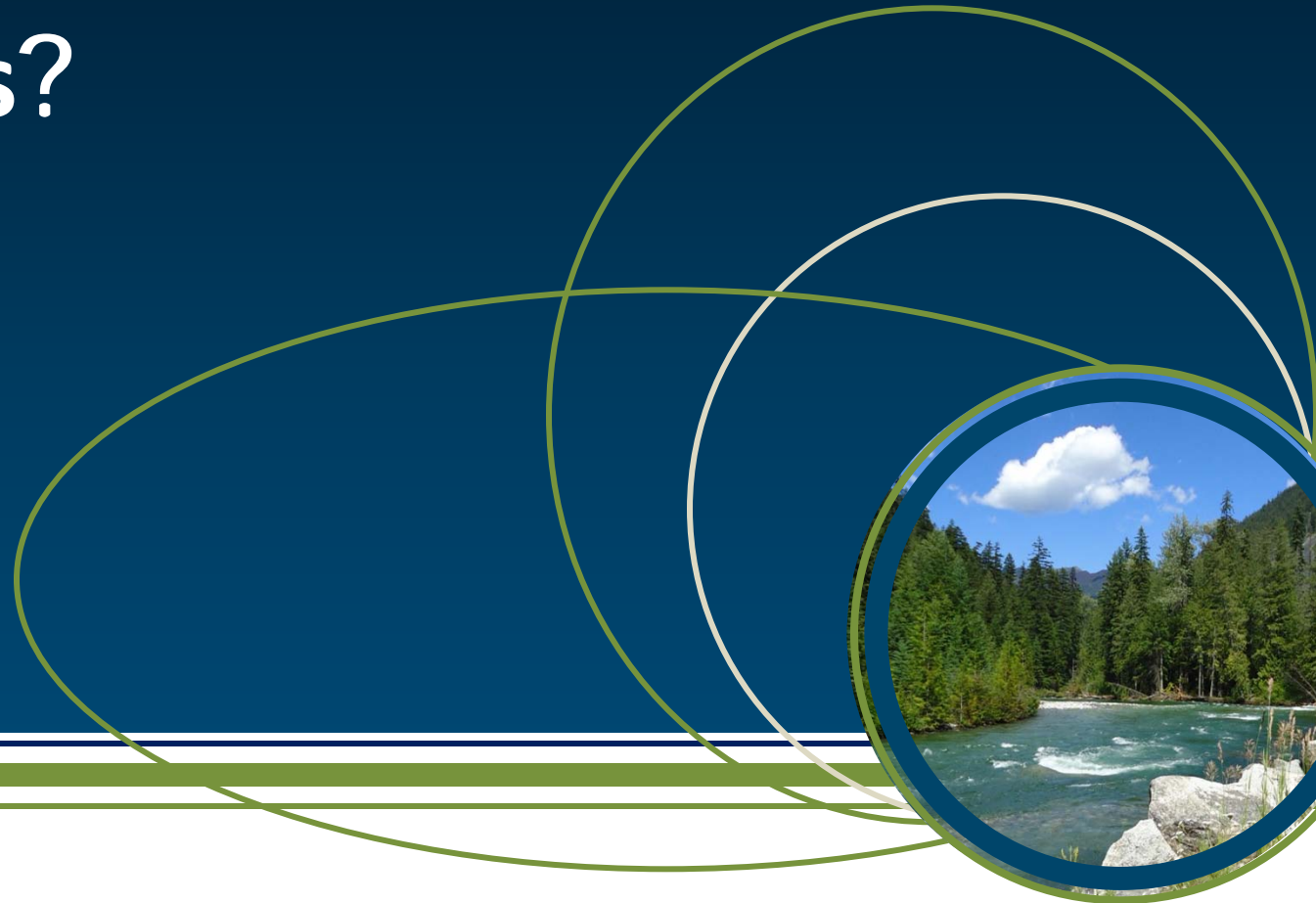
Crown Land Applications – In relation to NEB projects, Crown Land Applications can be submitted to the Commission for stand-alone requirements. (e.g. pre-works such as geotechnical examinations)



Summary

- Applications for NEB pipeline provincial authorization applications can be submitted to the Commission as of Apr. 15. These applications will provide provincial authorizations for access to crown land and stream crossings as well as cutting permits.
- One application submission, one application process, one permit letter for authorizations.
- Must complete pre-applicant requirements before submitting applications to the Commission.
- Submit online via Commission's application system: <https://kermit.bcogc.ca/>
- Draft application manual on Commission website as of April 1.

Questions?



Donna Bozarth

Donna.Bozarth@bcogc.ca

250-794-5273