

April 1, 2016

Prince Rupert Gas Transmission Ltd. 450 - 1<sup>st</sup> Street SW Calgary, Alberta T2P 5H1

Attention: Prince Rupert Gas Transmission Ltd.

RE: Road Permit and Temporary Occupation of Crown Land - Road Permit

Segment 1: Road Location: From NTS: c-64-G, 103-P-10 To NTS: c-64-G, 103-P-10

Segment 1:From: UTM Zone 9 Northing 6165183 Easting 520638; To: UTM Zone 9 Northing 6165370

**Easting 520616** 

Segment 2: Road Location: From NTS: b-64-G, 103-P10 To NTS: c-54-G, 103-P-10

Segment 2:From: UTM Zone 9 Northing 6166174 Easting 520439; To: UTM Zone 9 Northing 6165943

Easting 520554.

Date of Issuance: April 1, 2016 Commission No.: 9641529 Road Permit No.: 03116

Road Name: Ancillary Site 126A & 126B Access Road

### **AUTHORIZATIONS AND CONDTIONS (Segment 1):**

## **AUTHORIZATIONS:**

- 1. The BC Oil and Gas Commission (the Commission), under section 39 of the Land Act, Authorization # 947384, hereby authorizes Prince Rupert Gas Transmission Ltd. (the "permit holder") to occupy and use the Crown land area identified in sketch plan number FOCUS: 131227SK03R2, sheet 1 of 1, revision 2, dated September 25, 2014(the "construction plan"), submitted to the Commission dated December 2, 2014 to construct and operate a road for the purposes of carrying out oil and gas activities as defined in the Oil and Gas Activities Act (the "site"), subject to the conditions set out below.
  - a. Permission to construct is limited to required modifications within the operating area except as otherwise restricted by this permit.
  - b. The authorization to occupy and use Crown land expires if this permit expires, or is suspended, cancelled, surrendered or declared spent..
  - The authorization to occupy and use Crown land does not entitle the permit holder to exclusive possession of the site.
- 2. A licence authorized under section 39 of the *Land Act* for the Crown land portion of the site is attached. The permit holder is subject to the conditions contained in the licence.

## CONDITIONS

- 3. 30 days prior to beginning construction activities on Disposition No. 893865, the permit holder must submit, to BC Hydro the following information, in tabular or other format;
  - a. a description of the works;

- b. a summary, including any outcomes, of engagement with BC Hydro and any other road tenure holders
- the approximate dates and maximum time that the works are expected to restrict or obstruct traffic;
- d. maximum vehicular weights expected during construction activities
- 4. 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.
- 5. The permit holder must not assign, sublicense or transfer this permit or permit any person to use or occupy the site, other than its employees, contractors, or representatives, without the Commission's written consent.
- 6. A notice of construction start must be submitted to the Commission a minimum of 72 hours prior to the commencement of construction or modification activities under this permit. Notification must be sent to 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 an ePASS shape file and PDF plan accurately identifying the location of the total area actually disturbed under this permit. The shape file and plan must be submitted to PostConstructionPlan@bcogc.ca
- 8. The permit holder must ensure that the site is free of garbage, debris and unused equipment.
- 9. 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:
  - 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 Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations.
- 10. The permit holder must ensure that the site is maintained in a condition so as to minimize hazards, including but not limited to hazards associated with storage of materials and equipment.
- 11. The permit holder must notify the Nisga'a Lisims Government a minimum of five (5) days prior to commencement of activities.
- 12. The permit holder must notify the Gitanyow Hereditary Chiefs a minimum of five (5) days prior to commencement of activities.
- 13. When using aircraft to undertake activities associated with the permit, the permit holder must provide written instructions to the pilot specifying that flights must not, except in the event of an emergency situation, directly approach, hover over, circle, or land near mountain goats, moose, elk, or caribou
- 14. Prior to notice of construction start, the permit holder must survey for active goshawk nests within 500 metres of the boundary of the permitted area. If any active goshawk nests are identified within 500 metres of the boundary of the operating area, the permit holder must not begin construction during the active nesting period between February 15 and August 15.

## **Design and Construction**

- 15. The permit holder must ensure that the road is designed, constructed and maintained in a manner that does each of the following:
  - a. enables industrial and non-industrial users of the road to use the road safely
  - b. preserves the integrity of the topography of the area
  - maintains the drainage of water in the area, and

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- d. protects stability of the terrain in the area.
- 16. The permit holder must ensure that bridges are designed and fabricated in compliance with:
  - a. the Canadian Standards Association Canadian Bridge Design Code, CAN/CSA-S6; and
  - b. soil property standards, as they apply to bridge piers and abutments; set out in the Canadian Foundation of Engineering Manual.
- 17. Unless exempted by the Commission, the permit holder must ensure that culverts are designed and fabricated in compliance with the applicable:
  - a. Canadian Standards Association CSA G401, Corrugated Steel Pipe Products; or
  - Canadian Standards Association Standard CSA B1800, Section B182.2, Plastic Non-pressure Pipe Compendium.
- 18. Unless exempted by the Commission, the permit holder must ensure that bridges or culverts are designed to pass the highest peak flow of the stream that can reasonably be expected within the return periods set out in column 2 the table below for the period the permit holder anticipates the structure will remain on site, as set out in column 1:

Column 1 Anticipated period crossing structure will remain on site	Column 2 Peak flow period
Bridge or culvert, 3 years or less	10 years
Bridge other than a bridge within a community watershed, more than 3 years but less than 15	50 years
Bridge within a community watershed, more than 3 years	100 years
Bridge, 15 years or more	100 years
Culvert, more than 3 years	100 years

- 19. A road permit holder may construct or install a bridge that does not comply with d) above if
  - a. the bridge is designed to pass expected flows during the period the bridge is anticipated to remain on the site.
  - b. the construction, installation and use of the bridge occurs during a period of low flow, and
  - c. the bridge, or a component of the bridge that is vulnerable to damage by high flow, is removed before any period of high flow begins.

# Road Operations and Maintenance

- 20. The permit holder must perform the maintenance and undertake modifications necessary to ensure that:
  - a. The road prism and all access structures related to the road are stable;
  - b. Watercourse crossing structures and any other instream works associated with the road are functional and appropriate for the uses of the road; and
  - c. Road surface and slope drainage systems are functional and prevent pooling of water on the road surface
- 21. If a structural deficiency occurs on a bridge authorized under this permit during the construction or maintenance of the road, the permit holder must do at least one of the following:
  - a. Correct the defect or deficiency;
  - b. Close, remove or replace the bridge;
  - c. Restrict traffic loads to a safe level.
- 22. The permit holder must place and maintain a sign, at a distance from each bridge sufficient to enable to users to stop safely before reaching the bridge, that states the maximum load capacity of the bridge.
- 23. The permit holder must ensure that each bridge or major culvert is regularly inspected by a qualified person.

- Records of inspections must be retained by the permit holder for at least one year after the bridge or major culvert is removed from the site or the permit holder's responsibility for the road ceases.
- 24. The permit holder must ensure that the activities associated with this permit do not result in any deleterious materials being deposited into a stream, wetland or lake.
- 25. The permit holder must not operate a motor vehicle at a speed that is unsafe for the conditions and exceeds the lesser of 80km/h or the speed posted on a relevant traffic control device.
- 26. The permit holder must not close or restrict access to the road by another person except temporarily as set out below:
  - a. To address an existing or imminent threat to the road or environment, or that may endanger human life or property;
  - b. To address something that would impede the permit holder from using the road; or
  - c. To carry out maintenance on the road as required by this permit.
- 27. If access to the road is restricted in accordance with condition 24, the permit holder must notify the Commission immediately via <a href="mailto:oGC.ExternalNotifications@bcogc.ca">OGC.ExternalNotifications@bcogc.ca</a>.

#### Deactivation

- 28. Except with leave of the Commission, the permit holder must deactivate the road when the road is no longer needed. At minimum, deactivation must include:
  - Barricade of the road surface width in a clearly visible manner to prevent access by motor vehicles, other than all-terrain vehicles;
  - b. Removal of stream pipe culverts and arch culverts;
  - c. Removal of bridge and log or box culvert superstructures; and
  - d. Stabilization of the road prism and the clearing width of the road.
- 29. Prior to deactivating any road segment authorized under this permit, the permit holder must provide written notice of the intention to users of the road known to the permit holder, and the Commission via the Declaration of Road Deactivation Form to OGC. External Notifications @bcogc.ca.
- 30. The permit holder must not begin deactivating the road for 14 days from the date of submission of their intent to deactivate the road.
- 31. Any road segment authorized by this permit that is not included in the notice to deactivate must continue to be maintained by the permit holder.
- 32. If natural surface drainage pattern was altered by the carrying out of the activity, the permit holder must
  - a. restore, to the extent practicable, to the drainage pattern and its condition before the alteration,
  - re-vegetate any exposed soil on the operating area 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.
- 33. Following completion of the activities authorized under this permit, any surface soils removed from the site must be redistributed so that the soil structure is restored, to the extent practicable, to its condition before the activity was begun.
- 34. At least 14 days before carrying out any road deactivation activities within the GLUUP Area, the permit holder must submit, to the Commission's satisfaction, a notice of intent to deactivate the road. The notice of intent to deactivate the road must identify the road to be deactivated, the date when deactivation is proposed to begin, and any relevant measures that will be taken in consideration of the objectives of the GLUUP. A copy of the notice must be provided to Gitanyow Hereditary Chiefs.
- 35. Within 30 days of completing deactivation within the GLUUP Area, the permit holder must provide to Commission and the Gitanyow Hereditary Chiefs a written statement of deactivation that is signed by the permit holder and

specifies the date the statement is made. The written statement must confirm that the permit holder has complied with the road deactivation requirements set out in Section 24 of the Oil and Gas Road Regulation, including restoration as per Section 19 of the Environmental Protection and Management Regulation, and has completed the relevant measures, if any, identified in the notice of intent provided in accordance with Condition 34.

## Cutting Permit under Master Licence to Cut under section 47.4 of the Forest Act

- 36. The Commission hereby issues the Permit holder Cutting Permit No. 27 under Master Licence to Cut number M02374, subject to the following conditions:
  - a. This Cutting Permit is subject to the terms and conditions in the Master Licence to Cut.
  - b. This Cutting Permit applies to only the Crown land portion shown on survey plan associated with this Road (sketch plan number, FOCUS: 131227SK03R2, sheet 1 of 1, revision 2, dated September 25, 2014).
  - c. All harvested Crown timber must be marked with Timber Mark Number MTB 242.
  - d. This Cutting Permit is deemed spent upon the submission of the "Post-Construction Plan" or upon either the cancellation or the expiry of the "permitted oil and gas activity".
  - e. This Cutting Permit does not grant the Permit Holder the exclusive right to harvest timber from the License area and the Commission reserves the right to grant rights to other persons to harvest timber from the License area.
  - f. The felling, bucking and utilization specifications as described in Appendix A of your Master License to Cut applies to this Cutting Permit.
  - g. Stumpage for this Cutting Permit will be calculated in accordance with the Coast Appraisal Manual.
  - h. Timber that is stored in decks or piles must be marked with the correct timber mark before transportation, or at the end of every shift. The marking must be applied to one end of at least 10% of the timber pieces in each deck or pile using a hammer indentation or paint. Marking must be kept concurrent with decking.
  - i. Where the Permit Holder is aware of overlapping forest tenure rights that have been granted to other persons, the Permit Holder is obligated to communicate to these persons the timing and extent of their harvest operations at least two weeks prior to commencement of harvest and take all reasonable steps to coordinate their activities with these persons.
  - j. In accordance with the Master Licence to Cut referenced above, "Within 60 days of completing operations on a Cutting Permit, the Licensee shall submit to the Commission a map showing all disturbances that have occurred pursuant to that Cutting Permit, at a scale of 1:20,000 or 1:50,000".

## PERMISSIONS, AUTHORIZATIONS AND CONDITIONS (Segment 2):

## **PERMISSIONS**

## Oil and Gas Activities Act

- 37. The BC Oil and Gas Commission ("the Commission"), under section 25 (1) of the *Oil and Gas Activities Act* hereby permits the holder to construct and maintain an oil and gas road, subject to the following conditions:
  - a. The permissions and authorizations granted under this permit are limited to the area described in sketch plan FOCUS: 131227SK03R2, sheet 1 of 1, revision 2, dated September 25, 2014 (the "construction plan") by WSP Surveys (BC) Limited Partnership as submitted to the Commission in the permit application dated December 2, 2014.
  - Following initial construction of the road, future permission to construct is limited to required modifications within the operating area except as otherwise restricted by this permit.

### Petroleum and Natural Gas Act

38. Pursuant to Section 138(1) of the *Petroleum and Natural Gas Act*, the permit holder is permitted to enter, occupy and use any unoccupied Crown land located within the operating area to carry out the oil and gas activity and related activities permitted under this permit.

- a. The permission to occupy and use Crown land expires if this permit expires, or is suspended, cancelled, surrendered or declared spent.
- b. The permission to occupy and use Crown land does not entitle the permit holder to exclusive possession of the area.

#### AUTHORIZATIONS

### Forest Act

- 39. The Commission hereby authorizes the permit holder, under section 47.4 of the Forest Act, to remove Crown timber from the operating area under Cutting Permit No. 13 under Master Licence to Cut number M02373.
- 40. Cutting Permit No. 13 is deemed spent upon the submission of the post-construction plan or upon either the cancellation or the expiry of the activities authorized under this permit.

### CONDITIONS

#### Notification:

- 41. The permit holder must submit the post-construction plan, as per section 11 of the Oil and Gas Road Regulation, as an ePASS shape file and PDF plan accurately identifying the location of the total area actually disturbed under this permit. The shapefile and plan must be submitted to <a href="mailto:postconstructionplan@bcogc.ca">postconstructionplan@bcogc.ca</a>.
- 42. The permit holder must notify the Nisga'a Lisims Government a minimum of five (5) days prior to commencement of activities.
- 43. The permit holder must notify the Gitanyow Hereditary Chiefs a minimum of five (5) days prior to commencement of activities.

### General:

- 44. The permit holder will immediately effect, and keep in force while occupying the site, 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 liability claims arising from any accident or occurrence on the site.
- 45. The rights granted by this permit in relation to unoccupied Crown land are subject to all subsisting grants to or rights of any person made or acquired under the Coal Act, Forest Act, Land Act, Mineral Tenure Act, Petroleum and Natural Gas Act, Range Act, Water Act or Wildlife Act, or any extension or renewal of the same.
- 46. The permit holder must not assign, sublicense or transfer this permit or permit any person to use or occupy any Crown land within the operating area, other than its employees, contractors, or representatives, without the Commission's written consent.
- 47. The permit holder must ensure that any Crown land within the operating area is maintained in a condition so as to minimize hazards, including but not limited to hazards associated with storage of materials and equipment.
- 48. The permit holder must ensure that any Crown land within the operating area is maintained free of garbage, debris and unused equipment.

#### **Environmental:**

- 49. When using aircraft to undertake activities associated with the permit, the permit holder must provide written instructions to the pilot specifying that flights must not, except in the event of an emergency situation, directly approach, hover over, circle, or land near mountain goats, moose, elk, or caribou
- 50. Prior to notice of construction start, the permit holder must survey for active goshawk nests within 500 metres of the boundary of the permitted area. If any active goshawk nests are identified within 500 metres of the boundary

- of the operating area, the permit holder must not begin construction during the active nesting period between February 15 and August 15.
- 51. Upon completion of construction activities, the permit holder must restore any portions of the operating area not required for ongoing operation of the pipeline, by re-vegetating any exposed soil on the operating area using seed or vegetative propagules of an ecologically suitable species that:
  - a. promote the restoration of the wildlife habitat that existed on the area before the oil and gas activity was begun, and
  - b. stabilize the soil if it is highly susceptible to erosion.

### Archaeology

- 52. 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:
  - 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 Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations.

#### Clearing:

- 53. All harvested Crown timber must be marked with Timber Mark Number MTB 825.
- 54. Cutting Permit No. 13 does not grant the Permit Holder the exclusive right to harvest Crown timber from the site. 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.
- 55. Stumpage for Cutting Permit No. 13 will be calculated in accordance with the Coast Appraisal Manual.
- 56. The Coast merchantability specifications and Monetary Waste Billing requirements in the *Provincial Logging Residue and Waste Measurement Procedures Manual* that are in effect upon issuance of this permit authorization apply to any waste assessments required under Master License to Cut M02373.
- 57. The holder of Cutting Permit No. 13 must pay to the government, stumpage and any waste billing determined in accordance with the terms of this permit authorization.
- 58. The permit holder is permitted to fell any trees located on Crown land within 1.5 tree lengths of the area shown on the survey plan 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 site without causing damage to standing timber may be harvested.

### Additional Conditions:

- 59. At least 14 days before carrying out any road deactivation activities within the GLUUP Area, the permit holder must submit, to the Commission's satisfaction, a notice of intent to deactivate the road. The notice of intent to deactivate the road must identify the road to be deactivated, the date when deactivation is proposed to begin, and any relevant measures that will be taken in consideration of the objectives of the GLUUP. A copy of the notice must be provided to Gitanyow Hereditary Chiefs.
- 60. Within 30 days of completing deactivation within the GLUUP Area, the permit holder must provide to Commission and the Gitanyow Hereditary Chiefs a written statement of deactivation that is signed by the permit holder and specifies the date the statement is made. The written statement must confirm that the permit holder has complied with the road deactivation requirements set out in Section 24 of the Oil and Gas Road Regulation, including

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restoration as per Section 19 of the Environmental Protection and Management Regulation, and has completed the relevant measures, if any, identified in the notice of intent provided in accordance with Condition 59.

### **ADVISORY GUIDANCE**

- 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 any subsequent
  applicable Land Act tenures. Upon the Commission's acceptance of the Post Construction Plan, no further
  applications for replacement tenure are required.
- 2. A major culvert means a culvert crossing a stream or wetland that is:
  - a. One of;
- i. A pipe having a diameter of 2000 mm or greater;
- ii. A pipe arch having a span greater than 2130 mm;
- iii. An open bottom arch having a span greater than 2130 mm, or
- b. Has a design discharge rate of 6 m<sup>3</sup> per second or greater.
- 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*.

Justin Anderson
Authorized Signatory

Commission Delegated Decision Maker

pc: Roy Northern Land Service Ltd.

MoFNLRO: Skeena Stikine, Coast Mountain

Commission File: 9641529 First Nations: GHC, NGAA

