

Commission File Number: 9638557

September 8, 2014

Trans Mountain Pipeline ULC
2700, 300 – 5th Avenue SW
Calgary, Alberta T2P 5J2
Attention: Surface Land Administrator

Re: Amendment to an Investigative Use Permit–Section 14 over Crown Land, Kamloops Division, Yale District within unit 64, Block G, Group 83-D-6 1

Date of Issuance: September 8, 2014
Commission File No.: 9638557
Applicant File No.: PS-008-NTC

The Oil and Gas Commission (Commission) hereby grants an amendment to the permit dated October 5, 2013 under Section 14 of the *Land Act* under Authorization 941745, to allow Trans Mountain Pipeline ULC (the "permit holder") to occupy Crown land within the area indicated on the attached sketch plan, MAP NUMBER: 201403_MAP_TERA_PER_00548_REVO_NTC, Revision 0, dated May 20, 2014, as submitted to the Commission on June 13, 2014, subject to the conditions set out below:

1. The permit is amended to increase the disturbance within the investigative area by 0.09 ha for borehole pads to a total of 1.18 ha.
2. The permit holder must notify the Neskonlith Indian Band prior to commencement of activities.
3. The permit holder must notify the Simpcw First Nation prior to commencement of activities.
4. An Archaeological Impact Assessment (AIA) is required for the proposed development area prior to any development activities taking place.

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 Forests, Lands and Natural Resource Operations (Archaeology Branch) and the Commission and all mitigation measures must be approved by the Archaeology Branch prior to the start of construction.

If no archaeological site is recorded during this assessment, an AIA report is still required and must be submitted to the Archaeology Branch and the Commission as soon as possible as per the Archaeology Process Guidelines.

If artifacts, 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 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 Archaeology Branch and the Commission; 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, endorsed by a qualified archaeologist, and approved by the Archaeology Branch.


Advisory Guidance:

1. Simpcw First Nation has requested that the permit holder provide an opportunity for a Simpcw First Nation Environmental and Archaeological monitor and/or representative to participate in permitted field work.

The permit holder must comply with all conditions in the original permit and subsequent amendments.

The permit holder shall comply with all applicable laws, including the *Fisheries Act (Canada)*, *Water Act*, *Environmental Management Act*, *Workers Compensation Act*, *Wildlife Act* and the *Forest Act*.

This amendment forms an integral part of your permit and should be attached hereto.



Madison Schofield
Natural Resource Officer

pc: Simpcw First Nation
pc: Neskonalith Indian Band
pc: TERA Environmental



OGC File: 9638557

October 5, 2013

Trans Mountain Pipeline ULC
Ste. 2700, 300 5th Ave. SW
Calgary AB T2P 5J2

Attention: Surface Land Administrator

Re: Geotechnical Investigation Permit- Section 14 over Crown Land, Unit 64 and 65 of Block G,
Group 83-D-6

Date of Issuance: October 5, 2013
Commission File No: 9638557
Applicant File No: 01-13283-NTC

PERMISSIONS

The Oil and Gas Commission ("Commission") hereby authorizes the holder of permit number 9638557, under section 14 of the *Land Act*, to allow Trans Mountain Pipeline ULC (the "permit holder") to occupy Crown land within the areas indicated on the attached sketch plan, BGC Engineering Inc. Project No. 0095150, Drawing Number 1 of 1, Revision 6, Dated August 21, 2013, (hereinafter referenced together as the "Site"), to conduct appraisals, inspections, analyses, inventories, surveys or other investigations under Authorization Number 941745, subject to 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. The total disturbance within the Site must not exceed 1.09 ha.
3. The permit holder will indemnify the Province of British Columbia (the Province) and the Oil and Gas 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 Oil and Gas Commission immediately.
4. 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.

Operations – Permitting and Authorizations
6534 Airport Rd.
Fort St. John, BC V1J 4M6

Telephone: 250-794-5200
Facsimile: 250-794-5390
24 Hour: 250-794-5200

5. The permit holder will restore the site to the satisfaction of the Oil and Gas Commission following expiration or cancellation of this Permit.
6. 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.
7. 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*.
8. 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).
9. 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.
10. 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.
11. This permit expires two years from the date of issuance.
12. The permit holder must notify the Commission prior to commencing activities under this permit. Notification may be sent to C&E@bcogc.ca.
13. 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 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 Archaeology Branch of FLRNO and the Commission; 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 the Heritage Conservation Act, endorsed by a qualified archaeologist, and approved by the Archaeology Branch.
14. If a Culturally Modified Tree, other than a Culturally Modified Tree that is considered an artifact, feature, material or thing protected under section 13(2) of the Heritage Conservation Act, is identified, the permit holder must:
 - a. immediately cease all work in the vicinity of the Culturally Modified Tree;

- b. immediately notify the Archaeology Branch and the Commission; and
 - c. refrain from resuming work in the vicinity of the Culturally Modified Tree except in accordance with an appropriate mitigation plan that has been approved by the Archaeology Branch.
15. An Archaeological Impact Assessment (AIA) must be completed prior to any clearing and construction activities taking place in that portion of the development area.

If an archaeological site is recorded as a result of an AIA, the permit holder must immediately submit the AIA report to the Archaeology Branch and Commission, and must not conduct any clearing or construction work in the vicinity of the site except in accordance with an appropriate mitigation plan that has been approved by the Archaeology Branch.

If no archaeological site is recorded during such AIA, the permit holder must submit the AIA report to the Archaeology Branch and Commission as soon as practicable, in accordance with the Commission's Archaeology Process Guidelines.
16. 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.
17. 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.
18. This permit does not authorize works on private land.
19. Topsoil stripping, ditching and road bed construction are not permitted within the site.
20. The permit hold must notify Simpcw First Nation prior to commencement of any clearing or geotechnical work conducted under this permit.
21. Should any archaeological material be identified in the course of development, Simpcw First Nation must be notified.

CUTTING PERMIT AUTHORIZATION

Pursuant to section 47.4 of the *Forest Act*, the Commission hereby issues Cutting Permit No. 2, under Master License to Cut number M02363, Headwaters Forest District, to cut and remove timber from the areas of Crown land within the area within the Site subject to the following conditions:

1. This Cutting Permit expires 2 years from the date of issuance of the Investigative Permit or the revised date should this permit be extended.
2. This Cutting Permit is subject to the terms and conditions in the Master Licence to Cut.
3. All harvested Crown timber must be marked with Timber Mark Number MTA 066.
4. The felling, bucking and utilization specifications in the Master License to Cut apply to this Cutting Permit.
5. Stumpage under this cutting permit is required to be paid to the Crown and will be determined with the Ministry of Forests Interior Appraisal Manual.
6. 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.
7. 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."
 8. The utilization of merchantable timber is not mandatory for this permit.
 9. Prior to harvesting, any clearing authorized by this Cutting Permit must be clearly defined on the ground by ribboning or blazing.
 10. This permit authorizes a maximum total new cut area of 0.18 ha.

ADVISORY GUIDANCE

1. A stumpage short form should be submitted to the Commission along with the as-cleared plan once construction is completed.

The attached plan forms an integral part of this authorization.



Lori Phillips
Review and Approval Resource Officer

pc: digital copy: margaret_mears@kindermorgan.com; twiegele@teraenv.com
pc: FLNRO – Kamloops
pc: Simpcw First Nation

