

December 1, 2020

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

Attention: Trans Mountain Pipeline ULC

**RE: Determination of Application Number 100110978**

**Permit Holder:** Trans Mountain Pipeline ULC  
**Date of Issuance:** December 1, 2020  
**Effective Date:** December 1, 2020  
**Application Submission Date:** May 13, 2020  
**Application Determination Number:** 100110978  
**Approved Disturbance Footprint:** 0.0 ha

## **ACTIVITIES APPROVED**

<b>Short Term Water Use No.:</b> 0005606	<b>Point of Diversion No.:</b> 001
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## **GENERAL APPROVALS AND CONDITIONS**

### **APPROVALS**

#### **Water Sustainability Act**

1. The Commission, pursuant to section 10 of the *Water Sustainability Act*, hereby approves the diversion, storage and use of Crown water from the point(s) of diversion detailed in the Short Term Water Use Details table below.

### **CONDITIONS**

#### **Notification**

2. The permit holder must notify any First Nation(s) who may have Aboriginal Interests identified, as per the BC First Nations Consultative Areas Database, within the area in which the works are to occur at least five (5) working days prior to project commencement.

#### **Clearing/Forest Act**

3. 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 under applicable 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.

## **ACTIVITY SPECIFIC DETAILS, PERMISSIONS AND CONDITIONS**

### **SHORT TERM WATER USE**

**Short Term Water Use Number** - 0005606

**Approval Period – From:** December 1, 2020, **To:** December 1, 2022

#### **ACTIVITY DETAILS**

<b>Point of Diversion No.:</b> 001	<b>Water Source Name:</b> Nicola River
<b>Type:</b> Stream/River <b>Purpose:</b> Oil and Gas & Storage <b>Location (UTM):</b> Zone 10 Northing 5553779, Easting 657276 <b>Maximum Withdrawal Rate (m<sup>3</sup>/s):</b> 0.15 <b>Daily Withdrawal Volume (m<sup>3</sup>/day):</b> 60 <b>Total Withdrawal Volume (m<sup>3</sup>):</b> 18000	

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

#### **Short Term Water Use Conditions**

4. No instream works are permitted under this approval.
5. A copy of this approval must be available for inspection at the point of diversion and use location(s).
6. Water withdrawn under this approval must only be used for the purposes of carrying out the oil and gas activities or related activities.
7. Water must not be diverted or withdrawn from any beaver pond.
8. Water withdrawal must not occur where:
  - a. stream discharge is less than 55 L/s;
  - b. the diversion will cause the stream discharge to fall below 55 L/s;
  - c. stream (wetted) depth is less than 0.30 metres (12 inches) at the withdrawal location; or
  - d. the diversion will cause the stream (wetted) depth to fall below 0.30 metres (12 inches) at the withdrawal location.
9. End-of-pipe intakes must be screened with maximum mesh sizes in accordance with the Fisheries and Oceans Canada 'Interim Code of Practice: End-of-pipe fish protection screens for small water intakes in freshwater'.
10. The permit holder must maintain accurate records of all water withdrawal activities throughout the term approved. Water withdrawal records for each diversion point, including '0' values for months where no water was withdrawn, must be recorded monthly. Water withdrawal records must be submitted to the Commission on a quarterly basis via eSubmission. Quarterly reports are due on or before April 25, July 25, October 25 and January 25.
11. At any time, the Commission may suspend short term water use previously approved. Water use suspensions will remain in place until such time as the Commission notifies permit holders that water withdrawals may resume.
12. The approval holder is authorized to store fresh water diverted under this use approval in dugouts or other fresh water storage structures provided:
  - a. the approval holder holds a valid permit or authorization to occupy the land on which the dugout or structure is located on unless a permit or authorization is not required, and
  - b. the dugout or structure is not subject to the Dam Safety Regulation unless the approval holder has a valid Water Licence and Leave to Operate the water storage structure.

14. Prior to any water withdrawals the discharge of the Nicola River must be monitored at the Water Survey of Canada gauge Nicola River at Outlet of Nicola Lake 08LG065. No water withdrawals are permitted when the discharge as measured at the Water Survey of Canada gauge Nicola River at Outlet of Nicola Lake 08LG065 is at or below the following Environmental Flow Needs thresholds:

January	1.148m3/s
February	1.148m3/s
March	1.155m3/s
April	1.335m3/s
May	1.895m3/s
June	1.895m3/s
July	1.895m3/s
August	1.895m3/s
September	1.891m3/s
October	1.708m3/s
November	1.708m3/s
December	1.148m3/s

Records of measured discharge and daily water withdrawals must be kept and made available to the Commission upon request.

## **ADVISORY GUIDANCE**

1. Diversion Map - fig\_123512347\_nrs10\_01\_pod\_site\_map\_mer015 20200505.pdf is for the permit holder's internal reference only and was not reviewed as a decision tool for this permit, nor does it form an integral part of this permit.
2. 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.

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



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Justin Anderson  
Authorized Signatory  
Commission Delegated Decision Maker

Copied to:

First Nations – Penticton Indian Band (ONA), Ashcroft Indian Band, Boston Bar First Nation, Cook's Ferry Indian Band (STC), Coldwater Indian Band (STC), Lower Nicola Indian Band, Lower Similkameen Indian Band (ONA), Nooaitch Indian Band (STC), Nicomen Indian Band, Nlaka'pamux Nation Tribal Council, Okanagan Indian Band (ONA), Siska Indian Band (STC), Shackan Indian Band (STC), Upper Nicola Band (STC)