

July 9, 2021

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

Attention: Trans Mountain Pipeline ULC

**RE: Amendment to Application Determination Number 10011240**

**Permit Holder:** Trans Mountain Pipeline ULC  
**Amendment Date of Issuance:** July 9, 2021  
**Amendment Effective Date:** July 9, 2021  
**Application Submission Date:** June 24, 2021  
**Amendment Application Number:** 100113237  
**Approved Disturbance Footprint:** .065 hectare

**AMENDMENT DETAILS**

<b>CER Ancillary:</b> 00214856 <b>Type:</b> Workspace	Relocating one authorized Point of Diversion (POD) and authorizing one new temporary workspace to be utilized as access to the relocated POD.
<b>Short Term Water Use No.:</b> 0005657 <b>Point of Diversion No.:</b> 001	

**GENERAL APPROVALS AND CONDITIONS**

**APPROVALS**

**Land Act**

1. The BC Oil and Gas Commission (the "Commission"), under section 39 of the *Land Act*, hereby grants an amendment to the permit issued for the above referenced Application Determination Number, and any associated approvals, subject to the original permit, any subsequent amendments and any additional or revised conditions as set out herein, as per the Amendment Details table above and, if required, as detailed in the Activity Details table(s) below.
2. The approvals granted under this amendment are limited to the information indicated within the submitted application number, including any spatial data, submitted to the Commission in the amendment application as identified and dated above; herein after referred to as the "activity area".
3. The Commission, under section 39 of the *Land Act* hereby approves the permit holder to occupy and use Crown land within the activity area for the purposes of carrying out the approved activities.

The approval to use Crown land does not entitle the permit holder to exclusive possession of the activity area.

The total disturbance within the activity area must not exceed the total approved disturbance footprint as referenced above.

## Water Sustainability Act

4. The BC Oil and Gas Commission (the "Commission"), under section 26(1) of the Water Sustainability Act, hereby grants an amendment to the above referenced Application Determination Number permit, as detailed in the Amendment Details table, above, subject to the original permit, any subsequent amendments and any additional or revised conditions as set out herein.

## CONDITIONS

### Notification

5. A notice of construction start must be submitted, as per the relevant Commission process at the time of submission, at least 48 hours prior to the commencement of activities under this permit.
6. 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 a shapefile and PDF plan accurately identifying the location of the total area actually disturbed under this permit. The shapefile and plan must be submitted via eSubmission.

### Environmental

7. Construction activities must not result in rutting, compaction or erosion of soils that cannot be reasonably rehabilitated to similar levels of soil productivity that existed on the activity area prior to the construction activities taking place.
8. Any temporary access must be constructed and maintained in a manner that provides for proper surface drainage, prevents pooling on the surface, and maintains slope integrity.
9. The permit holder must make reasonable efforts to prevent establishment of invasive plants on the activity area resulting from the carrying out of activities approved under this permit.
10. Following completion of construction associated with the associated activities set out in the approved Activities table above, the permit holder must, as soon as practicable
  - a. decompact any soils compacted by the activity;
  - b. if natural surface drainage pattern was altered by the carrying out of the activity, the permit holder must restore, to the extent practicable, to the drainage pattern and its condition before the alteration;
  - c. re-vegetate any exposed soil on the activity area including, where necessary, 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.
  - d. any retrievable surface soils removed from the activity area must be redistributed so that the soil structure is restored, to the extent practicable, to its condition before the activity was begun.

### Clearing/Forest Act

11. 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.

### Archaeology

12. If artifacts, features, materials or things protected under Section 12.1 of the *Heritage Conservation Act* are identified the permit holder must, unless the permit holder holds a permit under Section 12.4 of the *Heritage Conservation Act* (site alteration permit) in respect of that artifact, feature, material or thing, immediately cease all work in the vicinity of the artifacts, features, materials or things.

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

### **SHORT TERM WATER USE**

**Short Term Water Use Number** - 0005657

**Approval Period – From:** November 26, 2020, **To:** November 26, 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, <b>Northing</b> 5553472, <b>Easting</b> 660647 <b>Maximum Withdrawal Rate (l/s):</b> 14 L/s 0.5 cfs <b>Daily Withdrawal Volume (m<sup>3</sup>/day):</b> 199 <b>Total Withdrawal Volume (m<sup>3</sup>):</b> 19500	

### **ADVISORY GUIDANCE**

1. Construction Plan -  
fig\_123512347\_s10am\_100113237\_spread5a\_01\_pod\_mapbook\_20210428.pdf, Diversion Map - fig\_123512347\_s10am\_100113237\_spread5a\_01\_pod\_mapbook\_20210428.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*.
3. Appropriate tenure may 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 all subsequent applicable *Land Act* tenures. Upon the Commission's acceptance of the post-construction plan no further applications for replacement tenure are required.

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



Justin Anderson  
Authorized Signatory  
Commission Delegated Decision Maker

November 26, 2020

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

Attention: Trans Mountain Pipeline ULC

**RE: Determination of Application Number 100111240**

**Permit Holder:** Trans Mountain Pipeline ULC  
**Date of Issuance:** November 26, 2020  
**Effective Date:** November 26, 2020  
**Application Submission Date:** October 13, 2020  
**Application Determination Number:** 100111240  
**Approved Disturbance Footprint:** 0.0 ha

## **ACTIVITIES APPROVED**

<b>Short Term Water Use No.:</b> 0005657	<b>Point of Diversion No.:</b> 001, 002, 003
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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** - 0005657

**Approval Period – From:** November 26, 2020, **To:** November 26, 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, <b>Northing</b> 5554093, <b>Easting</b> 661649 <b>Maximum Withdrawal Rate (l/s):</b> 14 L/s 0.5 cfs <b>Daily Withdrawal Volume (m<sup>3</sup>/day):</b> 199 <b>Total Withdrawal Volume (m<sup>3</sup>):</b> 19500	
<b>Point of Diversion No.:</b> 002	<b>Water Source Name:</b> Coldwater River
<b>Type:</b> Stream/River <b>Purpose:</b> Oil and Gas & Storage <b>Location (UTM):</b> Zone 10, <b>Northing</b> 5519766, <b>Easting</b> 648029 <b>Maximum Withdrawal Rate (l/s):</b> 14 L/s 0.5 cfs <b>Daily Withdrawal Volume (m<sup>3</sup>/day):</b> 199 <b>Total Withdrawal Volume (m<sup>3</sup>):</b> 5000	
<b>Point of Diversion No.:</b> 003	<b>Water Source Name:</b> Coldwater Rlver
<b>Type:</b> Stream/River <b>Purpose:</b> Oil and Gas & Storage <b>Location (UTM):</b> Zone 10, <b>Northing</b> 5520520, <b>Easting</b> 648507 <b>Maximum Withdrawal Rate (l/s):</b> 14 L/s 0.5 cfs <b>Daily Withdrawal Volume (m<sup>3</sup>/day):</b> 100 <b>Total Withdrawal Volume (m<sup>3</sup>):</b> 3000	

*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.
13. 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	1.17m <sup>3</sup> /s
February	1.17m <sup>3</sup> /s
March	1.17m <sup>3</sup> /s
April	1.35m <sup>3</sup> /s
May	1.91m <sup>3</sup> /s
June	1.91m <sup>3</sup> /s
July	1.91m <sup>3</sup> /s
August	1.91m <sup>3</sup> /s
September	1.91m <sup>3</sup> /s
October	1.17m <sup>3</sup> /s
November	1.17m <sup>3</sup> /s
December	1.17m <sup>3</sup> /s

Records of measured discharge and daily water withdrawals must be kept and made available to the Commission upon request.
14. No water withdrawals are permitted from POD#002 or POD#003 (Coldwater River) during the months of August or September.

## **ADVISORY GUIDANCE**

1. Diversion Map - fig\_123512347\_papods10\_s5a\_rev\_E\_pod\_mapbook\_pod\_loc\_20200618.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)