

OGC File: 9638854

November 30, 2013

Westcoast Connector Gas Transmission Ltd. 1100, 1055 West Georgia Street Vancouver BC V6E 3R5

Attention: Surface Land Administrator

Re: Investigative Use Permit - Section 14 over Crown Land within Block L, Group 103-P-6; Block I, Group 103-P-5; Block J, Group 103-P-5; Block G, Group 103-P-5; Block F, Group 103-P-5; Block C, Group 103-P-5; Block K, Group 103-P-4; Block L, Group 103-P-4; Block E, Group 103-P-4; Block D, Group 103-P-4; Block A, Group 103-O-1; Block I, Group 103-J-16; Block J, Group 103-J-16; Block G, Group 103-J-16; Block B, Group 103-J-16; Block L, Group 103-I-13; Block E, Group 103-I-13; Block H, Group 103-J-16; Block C, Group 103-J-16; Block D, Group 103-J-16; Block L, Group 103-J-9; Block I, Group 103-J-10; Block H, Group 103-J-10; Block A, Group 103-J-10; Block I, Group 103-J-7; Block H. Group 103-J-7; Block A, Group 103-J-7; Block D, Group 103-J-8.

Date of Issuance: November 30, 2013

Commission File No: 9638854

## **PERMISSIONS**

The Oil and Gas Commission ("Commission") hereby authorizes the holder of permit number 9638854, under section 14 of the Land Act, to allow Westcoast Connector Gas Transmission Ltd. (the "permit holder") to occupy Crown land within the areas indicated on the attached sketch plans:, Focus Job No. 010042423, Pages No. 1 to 40, Revision 0, dated September 25, 2013, (hereinafter referenced together as the "Site"), to conduct appraisals, inspections, analyses, inventories, surveys or other investigations under Authorization Number 941924, subject to conditions set out below.

## CONDITIONS

- 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 0.215 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.

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

- 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.
- 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 <a href="mailto:C&E@bcogc.ca">C&E@bcogc.ca</a>.
- 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. 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.
- 15. 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.
- This permit does not authorize works located within lands within the Prince Rupert Port Authority.
- 17. Activities conducted below the high water mark must occur only within the period from November 30th until February 15th.
- 18. The permit holder must notify the Gitxaala Nation, Nisga'a Nation, Kitsumkalum First Nation, Lax Kw'alaams First Nation, Kitselas First Nation, and Metlakatla Band Council prior to commencement of project.
- 19. The permit holder must provide any archaeological reports to Metlakatla First Nations.
- 20. The permit holder must ensure a qualified specialist be on site during activities to monitor for marine wildlife in the project area. This individual must have the authority to suspend operations as required to minimize impact to the wildlife.

## **ADVISORY GUIDANCE**

- 1. In the event of a spill of deleterious materials or other such emergency in which the permit holder would notify provincial authorities, notification should also be made to Metlakatla. Notifications should be provided to David Leask, Land and Marine Plan Implementation Manager at 250-628-3201 or dleask@metlakatla.ca
- The permit holder should be aware that there may be Metlakatla First Nations traditional
  activities occurring during activities, and all reasonable efforts should be made to minimize
  interference with those activities.

The attached plan forms an integral part of this authorization.

Lori Phillips

Review and Approval Resource Officer

pc: digital copy: whalladay@spectraenergy.com; aimee.giesbrecht@lexterraland.com

pc: FLNRO

pc: Gitxaala Nation, Nisga'a Nation, Kitsumkalum First Nation, Lax Kw'alaams First Nation,

Page 3 of 4

Kitselas First Nation, and Metlakatla Band Council

Telephone: 250-794-5200

Facsimile: 250-794-5390

250-794-5200

24 Hour:















































































