



PERMIT TO CONSTRUCT, USE, AND MAINTAIN WORKS WITHIN THE RIGHT-OF-WAY OF A PROVINCIAL PUBLIC HIGHWAY

**PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.**

BETWEEN:

The Minister of Transportation and Infrastructure

Peace District
300-10003 110th Avenue
Fort St John, BC V1J 6M7
Canada

("The Minister")

AND:

Alta Gas Holdings Inc.
1700-355 4th Avenue SW
Calgary, Alberta T2P 0J1
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of industrial grade road works within 80' Crown deleted roads in the following locations: DL 2899 PR; DL 2900 PR; the NE 1/4 of DL 41 PR; the SE 1/4 of DL 41 PR; the NE 1/4 of DL 63 PR; Blk A of DL 63 PR; the NW 1/4 of DL 60 PR; the S 1/2 of DL 60 PR, to serve Alta Gas Holdings Inc. oil and gas road upgrades to enhance safety, as shown on drawing 1508627AR_R1 Pages 1-6, submitted by Prospect Land Services.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. That the construction and maintenance of the said works is carried out to the satisfaction of the Regional Director, Transportation.
2. That, before opening up any highway or interfering with any public work, intimation in writing of the intention to do so must be given to the District Official at least seven days before the work is begun.
3. That any person appointed by the Regional Director, Transportation, for the purpose shall have free access to all parts of the works for the purpose of inspecting the same.
4. That the construction of the said works shall be commenced on or before the 28th of January, 2016 and shall be prosecuted with due diligence and to the satisfaction of the Regional Director, Transportation, and shall be completed on or before the 28th of January, 2017.
5. (a) The highway must at all times be kept open to traffic. The roadway must be completely restored for traffic as soon as possible. At all times the Permittee must safeguard the traveling public.
(b) That, unless with the consent of the Regional Director, Transportation, no more than forty-five (45) metres of pipe-track or



other excavation in any public highway is to be kept open at one time.

(c) All excavation work must be carried out in accordance with the BC Occupational Health and Safety Regulation. Care shall be taken to protect adjacent property.

(d) That all excavations shall be carefully back-filled with suitable material, which is to be tamped into place, and that the Permittee shall restore the surface of the road and shoulders and ditches at his own expense. All surplus material is to be removed from the Provincial Crown lands, or deposited where and as required by the District Official of the Ministry of Transportation and Infrastructure. The Permittee is financially responsible for any maintenance works required on said ditch for a period of one year. The Ministry will carry out the necessary remedial work and invoice the Permittee monthly.

(e) The pipeline crossing installation is to be placed by drilling and (or) jacking in such a manner as to afford minimum grade settlement. No water jetting will be permitted. That where, in the opinion of the District Official, an excavation or opening for a pipeline crossing installation could be made which would not be detrimental to the highway or its users, permission will be granted for said works. On thoroughways, freeways, and main highways no open cuts will be allowed.

(f) That all pipelines in excess of a nominal diameter of 5 cm., whether gas, oil, water, pressure sewers, conduits, etc., shall be installed where indicated by the District Official, encased in a steel casing-pipe or conduit-pipe of sufficient strength to withstand all stresses and strains resulting from the location, such casing to extend the full width of the highway right-of-way if deemed necessary to the District Official. The ends of the casing-pipe shall be suitably sealed and, if required, properly vented above the ground with vent-pipes not less than 5 cm. in diameter, and extending not less than 1.2 metres above ground surface. Vent-pipes shall be connected 30 cm. from the ends of the casing-pipe, and the top of each vent shall be fitted with a turn-down elbow, properly screened and equipped with identification markers.

All pipelines of non-rigid material, i.e., plastic or copper, of any diameter, shall be cased, or embedded in sand.

The inside diameter of the casing-pipe shall be at least 25 percent larger than the outside diameter of the pipeline. The casing-pipe shall be installed with an even bearing throughout its length, and in such a manner so as to prevent leakage, except through the vents.

The top of the casing-pipe, or the pipeline where casing is not required, shall be located as directed by the District Official, and shall in no case be less than 1.2 metres below the surface of the highway and not less than 75 cm below the highway ditches. Pipelines must not obstruct drainage structures or ditches or interfere with traffic on the highway or with highway maintenance.

6. That where the work for which permission is hereby granted comes in contact with any bridge, culvert, ditch, or other existing work, such existing work must be properly maintained and supported in such manner as not to interfere with its proper function during the construction of the new work, and on the completion of the new work the bridge, culvert, ditch, or other existing work interfered with shall be completely restored to its original good condition.
7. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.
8. That the person or persons for whom these works are being constructed, or by whom these works are maintained, shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by these works, and shall save harmless and keep indemnified the Crown from all claims and demands whatsoever in respect of the works.
9. That the permission herein granted to use and maintain the works is only granted for such times as the land or public work in, upon, or over which the said works are constructed is under the jurisdiction of the Minister of Transportation and Infrastructure. This permission is not to be construed as being granted for all time, and shall not be deemed to vest in the Permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be included within that of an incorporated municipality or city, this permission shall become void, unless the works are on a highway duly classified as an arterial highway pursuant to Section 45 of the Transportation Act.
10. That after receiving notice in writing of the intention on the part of the Provincial Government to construct, extend, alter, or improve any public work, the person or persons responsible for the maintenance of the works for which permission is hereby granted shall within six weeks move or alter such work at his or their own expense to such new positions or in such manner as may be necessitated by the construction, extension, alteration, or improvement proposed to be carried out by the Provincial Government.
11. That while reasonable care will be taken on the part of the Provincial Government to do as little damage as possible to any private work in the carrying-out of the construction, extension, alterations, improvement, repair, or maintenance of any public work adjacent thereto, the Provincial Government can accept no responsibility for any kind of such damage.
12. That the permission hereby granted to construct, use, and maintain work is granted without prejudice to the provisions of the Transportation Act, or other Acts governing Crown lands and public works or their use by the public.
13. That this permission shall be in force only during such time as the said works are operated and maintained by the applicants, to the entire satisfaction of the Regional Director, Transportation.



14. That the Ministry will not be responsible for grade changes on accesses caused by reconstruction of any Provincial highway.
15. This permit is valid only for the specific works stated herein. Any alterations or additions must be covered by a separate permit.
16. This permit may be canceled, at the discretion of the Minister, without recourse, should the Permittee fail to comply with all the terms of the permit. Thirty days' notice will be given before cancellation.
17. When the requirements of the Ministry necessitate use of the said lands for Provincial purposes, at the discretion of the Minister, this permit may be cancelled.
18. That these works shall be identified with this permit number in a manner satisfactory to the District Official of the Ministry of Transportation and Infrastructure.
19. As a condition of this permit, the Permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the Permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the Permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
20. The Permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in coordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
21. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
22. The Permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
23. The field supervisor for the Permittee and Contractor is to have a copy of this permit on site during field operations and be aware of all Permittee conditions.
24. The Permittee shall ensure that any subcontractor performing works covered by this permit shall adhere to all conditions specified herein.
25. The Permittee shall ensure that employees and contractors do not park within the highway right of way. Loading and unloading of equipment within the highway right of way is prohibited.
26. Any change of ownership must be submitted to the Ministry in writing complete with company name, incorporation number, contact information, and the Ministry of Transportation and Infrastructure file number.
27. The terms of the permit are applicable to the Permittee. Should the Permittee change names, a new permit must be initiated within 1 month of the official name change.
28. The Permittee will be held responsible for the action of any additional operators permitted for use by the Permittee.
29. If evidence of neglect or abuse of right of way, permit may be rescinded at any time.
30. The Permittee is to contact Cailey Brown at 250-787-3335 a minimum of two (2) days prior to the commencement of the work to notify the start date.

The Permittee is to ensure that the construction area is properly signed in accordance with the current Ministry of Transportation and Infrastructure Traffic Control Manual for Work on Roadways and certified traffic control persons provided during construction, where warranted.

Necessary lane or road closures shall require Ministry approval prior to public advertisement. All necessary traffic control shall be the responsibility of the Permittee and all works covered by this permit shall conform to the requirements of the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and Occupational Health and Safety Regulation.

Properly equipped trained and experienced traffic control person(s) are required to control traffic during periods of alternating traffic or at any time where equipment, work crews, or materials interfere with the traffic flow.

31. Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
32. Permittee will be responsible to notify and gain approval of utility companies in advance of works.



33. The Permittee is to ensure that no damage is done to any existing underground or overhead services and must contact the electrical, telephone, and natural gas utility and any private landowner having works under permit to verify the location of utility works that may be affected prior to opening up any portion of the public road right of way.
34. Permittee is to call BC OneCall at 1-800-474-6886 or by cellular at *6886 prior to the commencement of work.
35. It is the Permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 9 of the Water Act for works in and around any natural watercourse, as and if required.
36. It is the Permittee's responsibility to obtain permission from the Ministry of Forests, Lands, and Natural Resource Operations, pursuant to the Forest Act to harvest merchantable Crown timber within highway right of way prior to the commencement of the permitted work, as and if required.
37. This Permit in no way relieves the owner or occupier of the responsibility from adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
38. Affected property owners must be notified at least 48 hours in advance before excavating a driveway.
39. Reinstatement in a timely and professional manner of drainage, roadway, and roadside facilities is required within two (2) days of disturbing the facilities.
40. No storage or staging of equipment within highway right of way or gravel reserves.
41. A Government Inspector may be required on the job, at the discretion of the District Transportation Manager. Cost of the inspection to be borne by the Permittee.
42. The issuance of this permit shall in no way be construed as approval of any future subdivision for the subject property or any adjacent parcels.
43. The Permittee shall be held responsible for any damage to the highway resulting from the permitted work. All highway drainage works are to be restored to their original or better condition.
44. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
45. Where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch, or other existing work interfered with shall be completely restored to its original or better condition.
46. Machines with steel tracks or flat steel pads are not allowed within the public road right of way at any time. Only rubber tired equipment may be used on the pavement or on shoulders of paved public roads.
47. It is the responsibility of the Permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
48. Permittee is to adhere to all seasonal load restrictions, where applicable. Current seasonal load restrictions can be viewed at <http://www.th.gov.bc.ca/bchighways/loadrestrictions/loadrestrictions.htm>
49. No gates are to be placed within Ministry of Transportation and Infrastructure public road right of way.
50. This permit is for road works only and does not include any permanent or temporary utilities or accesses in Provincial road right of way.
51. After receiving notice in writing of the intention on the part of the Ministry of Transportation and Infrastructure to reconstruct, widen, alter, or improve the highway within the boundaries of the highway right of way as it existed at the date of this permit, the Permittee shall within thirty (30) days, move or alter their works to such new position or in such a manner as may be needed to cause the said pipe to comply with the regulations and improvements. The Permittee, at the Permittee's cost, shall do all such work. The Ministry of Transportation and Infrastructure may upon giving six (6) months' notice, require removal of the pipeline from the right of way for any reason and solely at the Permittee's expense.
52. The Permittee shall ensure all equipment working on, or hauling material onto and from the site, does not damage or deposit material onto any part of an existing roadway. Materials spilled onto the public road right of way or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads, and driveways caused by its construction equipment and/or operations.
53. Permittee is responsible for the supply of all labour, equipment, and materials in connection with the work.



54. Permittee is responsible for all future maintenance of the work for the duration of permit. This permit is not transferable and valid only for the Permittee. The Permittee is responsible for maintenance of the access.
55. The Minister may order the removal or alteration of installations if necessary, for the protection of the highway or highway users. If the Permittee does not respond to an order to remove or alter an access installation, the Ministry of Transportation and Infrastructure may carry out that work and recover costs from the Permittee.
56. All work is to be done during daylight hours. No work shall occur during hours of darkness or during periods of inclement weather. Public road must be clear of any equipment or activity that may impede winter road maintenance on Ministry maintained roads during winter snowstorms or inclement weather.
57. Permittee is responsible for all future maintenance of the work for the duration of permit. This permit is not transferable and valid only for the Permittee.
58. No frozen material or clay shall be used in the backfill.
59. This permit authorizes construction of part of the road right-of-way that is not now maintained by the Ministry. Maintenance is entirely the responsibility of the Permittee. Co-operation among neighbouring permit holders in maintaining such undeveloped roads is strongly encouraged. The Ministry shall only assume maintenance of such roads if constructed to acceptable standards.
60. The Permittee shall ensure that a minimum ground clearance at minimum sag is maintained for all overhead utility lines according to the Utility Policy Manual.
61. The finished grade is to be consistent with the grade of the existing surface to ensure a smooth ride for the traveling public.
62. Except where trenching is well clear of the road shoulder, all excavated material must be removed from the site immediately. Stockpiling of native material adjacent to the trench is not permitted. No excavated materials shall be stockpiled on the travelled portion of the pavement.
63. No dirt, sand, or liquid/solid waste materials to be stored on the road, road shoulder, or ditch. Any road debris shall be removed, washed/swept from the road daily and to Ministry standards.
64. The Permittee must adhere to the Worker's Compensation Board Occupational Health & Safety Regulations for Construction, Excavation, and Demolition if the construction project includes a trench more than 1.2m in depth where a worker may be required to enter. Section 20.81 Sloping and Shoring requirements must be met while undertaking works within public road right of way.
65. All debris, logs, slash, and refuse created by the works are to be cleaned up to the satisfaction of the District Official, Ministry of Transportation and Infrastructure and right of way shall be levelled and reseeded to the satisfaction of the District Official, Ministry of Transportation and Infrastructure.
66. Any disturbances of natural ground cover shall be groomed and re-seeded with grass so as to restrict the growth of noxious weeds.
67. Any area of right of way disturbed during the permitted works including road shoulders, fill slopes, cut slopes, ditch, and the utility corridor, is to be restored to their original grade and compaction and left in a neat, tidy, and free draining condition. All slash, logs, or brushing debris is to be burned or hauled clear of the right of way. All rocks or debris greater than 5cm in size are to be disposed of clear of the right of way and areas where the soil has been disturbed are to be restored and re-seeded with a pre-approved grass mixture to reduce the potential of erosion and the growth of noxious weeds. Sites are to be reseeded to standards set out in Section 757, Standard Specifications for Highway Construction.
68. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void. Any change in land use shall render this permit void.
69. All work is to be carried out to the satisfaction of the District Manager, Ministry of Transportation and Infrastructure. The Ministry reserves the right to have repairs carried out (if the Permittee fails to comply with the clauses above) and to bill the applicant for the full cost of any such repairs or clean up if found necessary.
70. Where the Ministry and a regulator both set a standard or requirement in a particular area, the highest or most stringent of the two will apply to any installation on highway right of way.
71. Where existing codes and statutes indicate a more conservative design than the above permit conditions, those codes and statutes shall govern.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2015-05632

Office: Peace District

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Fort St John, British Columbia, this 28 day of January, 2016

On Behalf of the Minister