



10130 – 103 Street NW, Edmonton, AB, T5J 3N9, Canada

February 27, 2015

Stewardship Commissioner  
Land Use Secretariat  
9th floor, Centre West Building  
10035 - 108 Street Edmonton, AB T5J 3E1

Dear Mr. Blackwood:

**Re: Revised Variance Application for the Enbridge Norlite Diluent Pipeline Project under the Lower Athabasca Regional Plan (LARP)**

As per instruction from the Land Use Secretariat received February 18, 2015 and subsequent conversations, Enbridge is submitting the attached revised variance application for the Lower Athabasca Regional Plan (LARP) to allow Enbridge to construct and operate its Norlite Diluent Pipeline Project adjacent to an existing utility corridor through the expanded Gipsy-Gordon Wildland Park as defined under LARP.

Your immediate attention to this matter would be greatly appreciated.

Should you have any questions or concerns regarding this application please contact the undersigned at [trevor.lema@enbridge.com](mailto:trevor.lema@enbridge.com) or 780-392-4737.

Yours truly,

A handwritten signature in blue ink that reads 'Trevor Lema'.

Trevor Lema  
Senior Land & ROW Specialist, Land Services  
Enbridge Pipelines Inc.  
780-392-4737 (ph)  
587-338-0208 (c)  
[trevor.lema@enbridge.com](mailto:trevor.lema@enbridge.com)



# Application for Variance in a Regional Plan

Form (LUS-02)

## Land Use Secretariat

9th floor, Centre West Building  
10035 – 108 Street  
Edmonton, AB T5J 3E1  
TEL: 780- 644-7972 or Toll Free Rite Line at: 310-0000  
FAX: 780- 644-1034

## Alberta Land Stewardship Act

### Instructions:

- Complete one form for each application you are filing.
- Please print clearly
- Legal representation is not required; however, if you have retained representation, please indicate on the form.
- Submit your completed form(s) with the original signature to the Stewardship Commissioner, Land Use Secretariat.
- The Alberta Land Stewardship Act and regulations can be found on the Queen’s Printer website.

Tracking Number (LUS Office Use Only):

Date Stamp – Request Received by LUS

## 1: Details of Application for Variance

Lower Athabasca Regional Plan (LARP)

Name of Regional Plan

If the application is with respect to a land area, provide the legal description (Township, Range, and Meridian). If the application is with respect to an existing land use, provide a description of that land use. As a title holder, provide a copy of the title or disposition that supports your application.

Township 088, Range 07, West of the 4<sup>th</sup> Meridian

## Application for Variance in a Regional Plan

**A. Outline why you are a “title holder” with respect to the land that is the subject of the variance request (i.e. do you own, occupy, or have an interest in the land that is the subject of the variance request? If the land is Crown land, do you have a surface disposition or other interest in that land?)**

Enbridge Pipelines (Athabasca) Inc. (Enbridge) currently operates the Norealis and Woodland Pipelines located within an existing corridor through the Gipsy-Gordon Wildland Park Expansion Area (the Park Expansion Area). Enbridge is proposing to construct the Norlite Diluent Pipeline Project (the Project) parallel to its existing dispositions within this area (Figure 1). The Woodland Pipeline was approved in 2010 and is associated with PLA Disposition 081307. The Norealis Pipeline was approved in 2011 and is associated with PLA Disposition 110283. Both were co-constructed through the Clearwater River valley in 2011. The locations of these dispositions are shown in Figure 2 and the disposition approvals are provided in Appendix 1. ATCO Electric and Inter Pipeline also operate within the existing corridor.

In order to minimize new disturbance and make use of existing disturbance, Enbridge has proposed to construct the Norlite Diluent Pipeline Project (the Project) parallel to its existing dispositions.

Enbridge submitted an application for a new PLA disposition to AER (PLA 140735) to install the Project adjacent to the existing corridor. This application has been rejected by the AER because it does not meet the requirements under LARP for the Gipsy-Gordon Wildland Park Expansion (Appendix 2). Enbridge is now seeking to amend PLA 110283 (Norealis Pipeline) in order to build the Project immediately adjacent to the Norealis Pipeline as shown in Figure 2.

**B. Explain why the variance is necessary.**

This Project is necessary to supply diluent to the Fort McMurray oil sands region. Diluent is a mixture of low density, low viscosity hydrocarbons that is used as a thinning agent for bitumen produced from the oil sands region of Alberta. The diluent is mixed with bitumen to reduce the bitumen’s viscosity so that it can be more easily transported by pipe. Enbridge currently has an agreement in place to ship diluent via the proposed Project to the Fort Hills Oil Sands Project.

Schedule F of the LARP Implementation Plan defines the permitted and non-permitted activities within the Gipsy-Gordon Wildland Park, including the Expansion Area. Multi-use Corridors, which are defined in Schedule F as “a dedicated land area identified by the Government of Alberta for co-location of linear infrastructure that supports critical economic linkages to market”, fall into the category “permitted activity” within the Gipsy-Gordon Wildland Park. However, the Alberta Government has not identified and dedicated the location of a Multi-use Corridor in this Park.

Enbridge has proposed the Project to pass through the Gipsy-Gordon Wildland Park Expansion Area, parallel to multiple existing linear dispositions. A variance from the LARP is required in order for Enbridge to secure the necessary disposition amendment for this Project through the Park.

In April 2014, following months of route development, field surveys, regulatory application development, geotechnical studies and stakeholder consultation activities, Enbridge submitted the Directive 56 pipeline license application for the Project to the AER. This application included PLA 140735 traversing through the Gipsy-Gordon Wildland Park Expansion Area, adjacent to existing Enbridge PLAs and other dispositions. Upon rejection of this application for PLA 140735, Enbridge understands that a variance to the Regional Plan can be requested in order to allow the existing adjacent disposition (PLA 110283) to be amended which would accommodate the proposed Project.

**C. Clearly explain the following factors:**

**(a) How the proposed variance is consistent with the purposes of the Alberta Land Stewardship Act;**

Enbridge’s proposed variance is consistent with the purposes of the *Land Stewardship Act* outlined in section 1(2) of that Act:

- a) to provide a means by which the Government can give direction and provide leadership in identifying the objectives of the Province of Alberta, including economic, environmental and social objectives;
- b) to provide a means to plan for the future, recognizing the need to manage activity to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples;
- c) to provide for the co-ordination of decisions by decision-makers concerning land, species, human settlement, natural resources and the environment;
- d) to create legislation and policy that enable sustainable development by taking account of and responding to the cumulative effect of human endeavor and other events.

A variance would provide Enbridge the opportunity to construct the Project which supports economic objectives of the Province of Alberta, while at the same time reducing the potential environmental, social and economic impacts of the Project. Approval of the variance would enable the AER to approve the lowest impact route along an existing corridor, which is also the route that is

## Application for Variance in a Regional Plan

supported by AER.

### ***(b) How the proposed variance is not likely to diminish the spirit and intent of the regional plan; and***

The proposed variance is not likely to diminish the spirit or intent of the LARP, based on the following:

- The LARP Implementation Plan endorses maintaining opportunities to site pipeline corridors<sup>1</sup>;
- The Project would utilize the minimum amount of undisturbed land required by paralleling the existing corridor thereby permitting the use of existing disturbance for workspace, which would result in less land being required for the development of the Project, and less disturbance through Key Wildlife and Biodiversity Zone (KWBZ) which overlaps this portion of the Gipsy-Gordon Wildland Park;
- Schedule F to the LARP Implementation Plan provides that designated Multi-use Corridors are a permitted activity within Gipsy-Gordon Wildland Park; and
- There is already, for all practical purposes, an existing undesignated corridor through Gipsy-Gordon Wildland Park Expansion Area which contains numerous linear dispositions including Enbridge PLA 110283 and PLA 081307, Inter Pipeline PLA 062080, and ATCO Electric EZE 110017.

Additionally, the proposed plans for the Project incorporate several initiatives intended to minimize impact to the environment within the boundaries of the Park Expansion Area, including:

- Using existing disturbed areas to the extent practicable as shown in Figure 2;
- Installing the pipeline beneath the Clearwater River using Horizontal Directional Drill (HDD) techniques to avoid disturbance of the river bed and bank as well as a the treed area adjacent to the river bank as shown in Figure 2;
- Installing the pipeline outside the Key Wildlife Biodiversity Zone (KWBZ) Restricted Access Period (RAP) – construction within the Park Expansion Area is scheduled for Summer/Fall 2015;
- Clearing vegetation outside the typical migratory bird nesting season where possible and determining appropriate mitigation to minimize risk of incidental take if clearing within the nesting season cannot be avoided;
- Conducting water quality monitoring during pipeline installation to ensure water quality within the Clearwater River is maintained within acceptable limits;
- Revegetating the Temporary Workspace Area by planting and seeding suitable species chosen in consultation with the AER; and
- Conducting post construction monitoring to ensure successful reclamation of disturbed areas within the Park boundary.

### ***(c) How a refusal to grant the variance would result in unreasonable hardship to you without an offsetting benefit to the overall public interest.***

The lowest impact route, as outlined in Figure 1, is the route through the Gipsy-Gordon Wildland Park, parallel to Enbridge's existing PLAs. Enbridge understands that a variance is required to satisfy AER that the application for a pipeline disposition amendment is consistent with LARP. A variance is required because a Multi-use Corridor has not been specifically identified through the Gipsy-Gordon Wildland Park within LARP. A refusal to grant a variance would require Enbridge to apply for an alternate route.

Locating the majority of the Project adjacent to the existing Enbridge Right-of-way allows Enbridge to minimize the surface disturbance. The reduced surface disturbance can be observed visually in Figure 2. This figure shows the first pipeline constructed by Enbridge through the corridor (Woodland; PLA 081307) required the largest permanent PLA disposition. The second pipeline (Norealis) was largely able to locate within the existing disposition and required very little additional area (PLA 110283). The Norlite Project is also able to capitalize upon the area of existing Enbridge PLAs and, once finalized, will only require a permanent PLA which is approximately one third of the total width of the three Enbridge PLAs.

Paralleling existing Enbridge Right-of-way also allows maximizes the use of existing infrastructure and simplifies the operation of the pipeline. For example, facilities such as value locations and pig traps can be co-located within or adjacent to existing facilities along the route.

Enbridge has evaluated various alternate routes during Project development and through discussions with AER. All identified

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<sup>1</sup> Strategies for Outcome 5: Infrastructure development supports economic and population growth.  
Form (LUS-02) Rev. 7/13

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alternate routes would be of greater length, would result in a larger amount of new disturbance and would be less favorable from a geotechnical perspective. This would lead to higher environmental, social and economic impacts as described below.

- A modified route west of Gipsy-Gordon Wildland Park would result in more fragmentation of and increased access to areas of relatively undisturbed habitat. Enbridge's proposed pipeline route would require a 35 m wide right-of-way. When paralleling existing Enbridge dispositions the majority of the permanent easement is reduced to 10-15 m, with the remaining required workspace overlapping existing cleared dispositions. Any alternate route around Gipsy-Gordon Wildland Park would require a minimum of 17 km of new disturbance where the full 35 m wide right-of-way plus extra workspace and log decks would need to be cleared.
- Rerouting the pipeline west of Gipsy-Gordon Wildland Park would require significant planning and design efforts which, in addition to extended application and construction times, will result in a minimum one-year schedule setback to the in-service date.
- There are synergies of the Project sharing an existing corridor in terms of utilizing existing infrastructure for effective operation, maintenance and emergency response. The overall new disturbance and impact to other disposition holders would be minimized.
- Overall, a reroute around the Gypsy Gordon Wildland Park would result in extra cost associated with additional:
  - Right-of-way preparation and acquisition costs;
  - Pipe and associated material costs;
  - Infrastructure costs;
  - Construction costs;
  - Right-of-way remedial costs; and
  - Maintenance, monitoring and operational cost.
- The current crossing of the Clearwater River is the best geotechnical location to cross as evident by five other pipelines in the common corridor. Other routes would still require a crossing of the Athabasca River. Other crossing locations examined by Enbridge present major geotechnical issues and would have a significant cost associated to ensure a safe pipeline crossing, if technically feasible.
- A western route option would also significantly hinder future development plans to connect the Project to the existing Norealis Terminal located northeast of the northernmost portion of the Project. If a western route was designed, future development would require a second crossing of the Athabasca River which would result in significant additional new disturbance.

# Application for Variance in a Regional Plan

## Part 2: Requested Relief

*Describe the specific variance that you are applying for, including any proposed terms and conditions of that variance.*

Enbridge is applying for a variance to construct and operate a portion of the Project through the Gipsy-Gordon Wildland Park Expansion Area along an existing corridor, which will enable the AER to issue the necessary permits and licenses for the Project, including granting an amendment to the existing PLA 110283 held by Enbridge. The area of land that Enbridge is requesting variance for is the Proposed Permanent PLA Area and the Proposed Temporary Workspace Areas shown in Figure 2.

The following proposed terms and conditions have been prepared:

- Enbridge will construct and operate its pipeline in accordance with all applicable regulations, as well as any conditions set in the AER permit and this requested variance.
- The Applicant is responsible for obtaining all necessary approvals from any other regulatory agency (federal or provincial) to construct and operate the Norlite Diluent Pipeline Project.

## Part 3: Other Applicable Information

*Please provide any additional information that may be relevant to this application.*

As previously mentioned, the lands in question already contain an existing corridor, although not defined as a Multi-use Corridor within LARP. Enbridge's proposed pipeline route traverses an area described by the Lower Athabasca Regional Advisory Council as "roaded natural", which is defined as "area that is easily accessible by motorized vehicles; has a high degree of infrastructure and a naturally appearing environment with obvious evidence of human modification and use".

Enbridge began consulting with the Clearwater River Heritage Society (CRHS) with regards to the Norlite Project in September 2013 and has worked with CRHS through consultation on previous pipeline projects dating back to 2009. The most recent meeting between Enbridge and the CRHS occurred February 23<sup>rd</sup>. The purpose of this meeting was to discuss Enbridge emergency response plans, Norlite construction activities, and to ask for input on the communication plan related to the Clearwater River crossing construction. Enbridge anticipates a letter of support will be forthcoming from the CRHS.

The following attachments are included:

- Figure 1: Map of the Norlite Diluent Pipeline Project
- Figure 2: Proposed Disposition Amendment Area
- Appendix 1A&1B: Approvals for PLA 110283 & PLA 081307
- Appendix 2: February 4, 2015 letter from AER rejecting the PLA 140735 application

# Application for Variance in a Regional Plan

## Part 4: Applicant Information

First Name: Trevor

Last Name: Lema

ENBRIDGE PIPELINES (ATHABASCA) INC.

Company Name or Association Name (if any)

Professional Title (if applicable): Senior Land & ROW Specialist

Email Address: trevor.lema@enbridge.com

Fax #: 780-392-4120

By providing an email address, you agree to receive communications from the Land Use Secretariat by email.

Daytime Telephone #: 780-392-4737 Alternate Telephone #: 587-338-0208

Mailing Address: \_\_\_\_\_ 10130 103 Street NW \_\_\_\_\_ Edmonton  
Apt/Suite/Unit# Street Address City/Town

Alberta  
Province

Country (if not Canada)

T5J 3N9  
Postal Code

Signature: \_\_\_\_\_



Date: 27 February 2015

**Please note: You must notify the Land Use Secretariat of any change of address or telephone number in writing.**

**A variance only provides an exception to a specific limitation, restriction or requirement in a regional plan.**

**The Applicant remains responsible for obtaining all necessary authorizations or amendments to authorizations from any other regulatory agency (federal or provincial) in order to carry out the proposed activity or project.**

Personal information requested on this form is collected under the provisions of the *Freedom of Information and Protection of Privacy Act*, Chapter/Regulation: F-25 RSA 2000.

# Application for Variance in a Regional Plan

## Part 5: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Professional Title: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

By providing an email address, you agree to receive communications from the Land Use Secretariat by email.

Daytime Telephone #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Apt/Suite/Unit#

Street Address

City/Town

Province

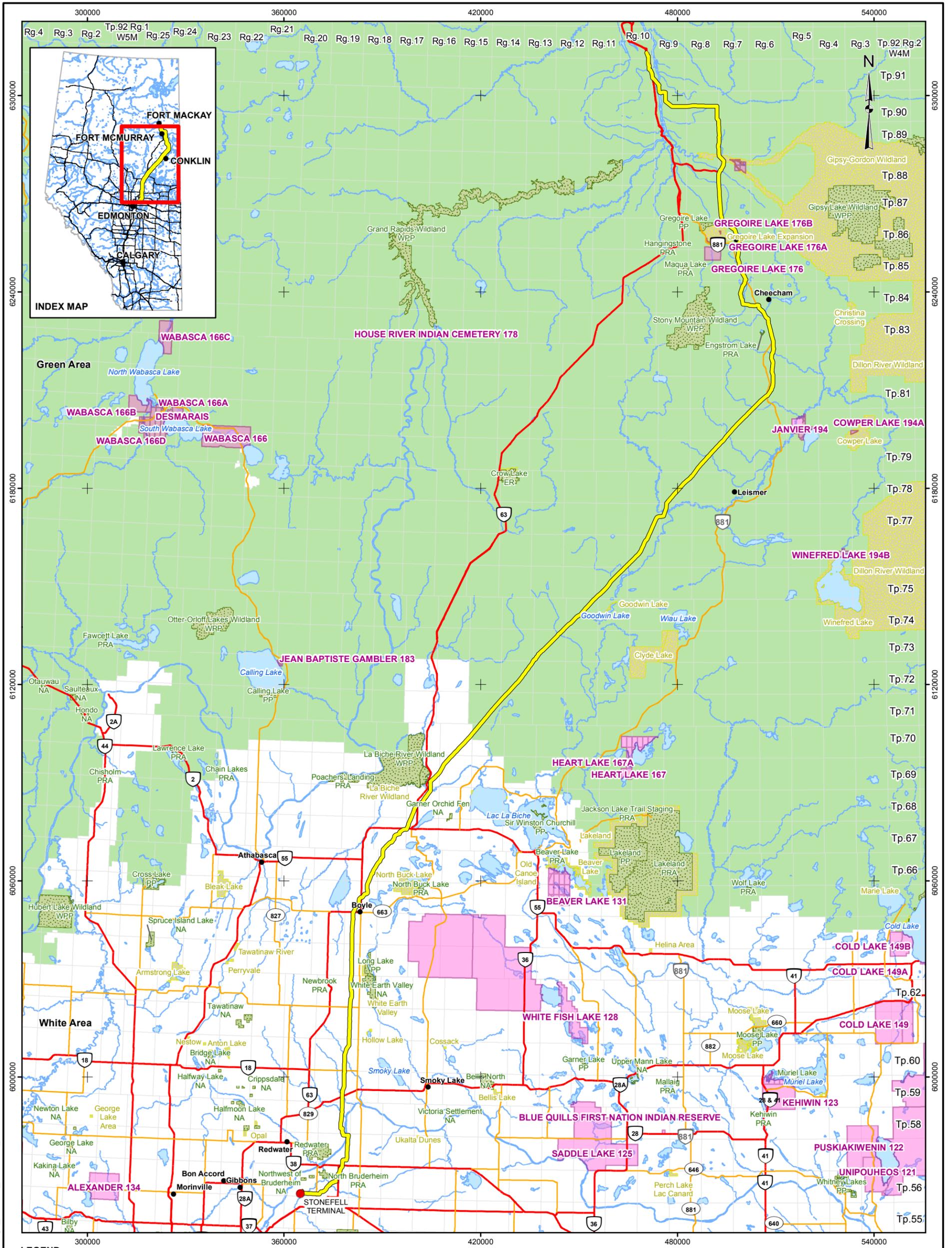
Country (if not Canada)

Postal Code

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

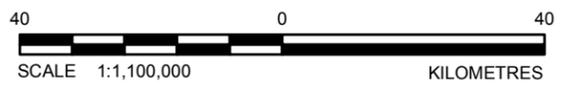
*Please note: If you are representing the applicant and are NOT a solicitor, please confirm that you have written authorization to act on behalf of the applicant. Please confirm this by checking the box below.*

I certify that I have written authorization from the applicant to act as a representative with respect to this application on his or her behalf and I understand that I may be asked to produce this authorization at any time.



**LEGEND**

|                            |                           |
|----------------------------|---------------------------|
| NORLITE REV 5.0 - 20141211 | GREEN AREA                |
| POPULATED PLACES           | WHITE AREA                |
| TERMINAL                   | CROWN RESERVATION         |
| PRIMARY HIGHWAY            | FIRST NATIONS RESERVE     |
| SECONDARY HIGHWAY          | PARKS AND PROTECTED AREAS |
| WATERCOURSE                | WATERBODY                 |



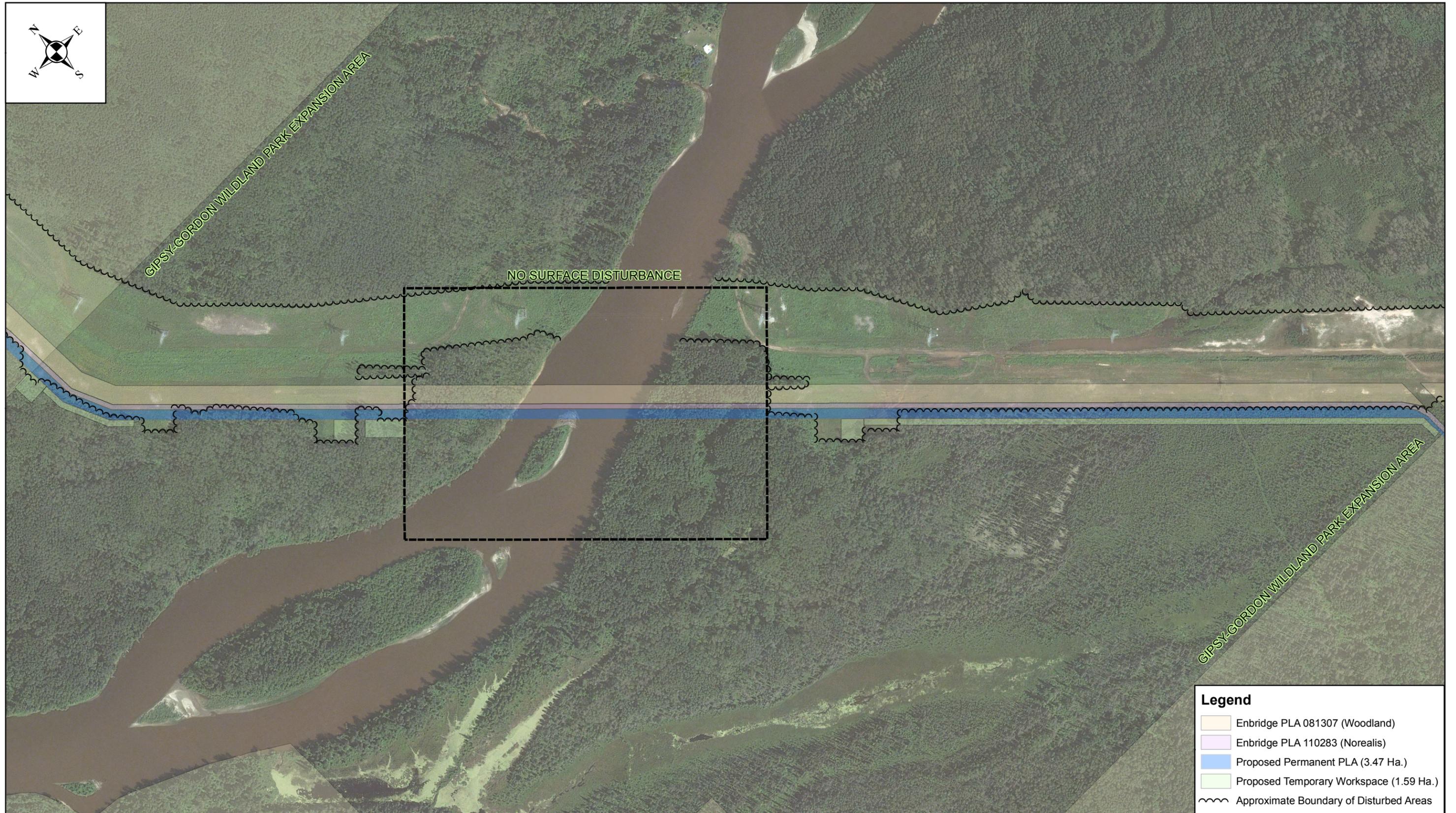
**REFERENCE**

ALBERTA DIGITAL BASE DATA OBTAINED FROM ATALIS LTD. (2014) © GOVERNMENT OF ALBERTA. ALL RIGHTS RESERVED AND IHS ENERGY INC.. ALBERTA GREEN AND WHITE AREAS OBTAINED FROM ALTALIS © GOVERNMENT OF ALBERTA 2014. ALL RIGHTS RESERVED. PARKS AND PROTECTED AREAS AND CROWN RESERVATIONS OBTAINED FROM ALBERTA SUSTAINABLE RESOURCE DEVELOPMENT.  
 PROJECTION: UTM ZONE 12 DATUM: NAD 83

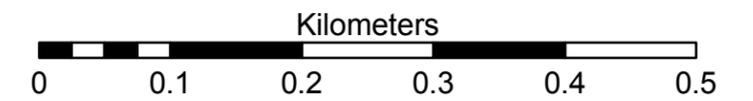
|   |    |                                  |          |
|---|----|----------------------------------|----------|
| PROJECT                                     |    | NORLITE DILUENT PIPELINE PROJECT |          |
|   |    |                                  |          |
| TITLE                                       |    |                                  |          |
| MAP OF THE NORLITE DILUENT PIPELINE PROJECT |    |                                  |          |
| PROJECT NO. 13-1379-0037                    |    | SCALE AS SHOWN                   | REV. 1.0 |
| DESIGN                                      | SG | 16 Dec. 2014                     |          |
| GIS   | NS | 05 Jan. 2015                     |          |
| CHECK                                       | JC | 02 Feb. 2015                     |          |
| REVIEW                                      | PB | 02 Feb. 2015                     |          |

**Figure 1**

I:\CLIENTS\ENBRIDGE\13-1379-0037\Mapping\MXD\Wildlife\Fig1\_General\_Overview\_FINAL.mxd



NORLITE DILUENT PIPELINE PROJECT  
 Figure 2: Proposed Disposition Amendment Area



# **APPENDIX 1A**

Approval for PLA 110283

## Short Term Pipeline Agreement

**OPERATOR:** ENBRIDGE PIPELINES (ATHABASCA) INC.

**DISPOSITION  
NUMBER:** PLA110283

**TERM:** 4 years

**PURPOSE:** PIPELINE (OIL/GAS) (HIGH PRESSURE)

**THIS SHORT TERM AGREEMENT** made in duplicate on the date of approval.

**BETWEEN:** **HER MAJESTY THE QUEEN**, in right of the Province of Alberta, as represented by the Minister of Sustainable Resource Development (the "Department")

-and-

ENBRIDGE PIPELINES (ATHABASCA) INC.

, (the "Operator"),

**WHEREAS:**

- A.** The lands more particularly described in Schedule "E" and depicted in the plan number and version dated 83108 P, 2011-02-07, (the "Lands") are public lands within the meaning of the *Public Lands Act, R.S.A. 2000, c. P-40* (the "Act");
- B.** the Department has authority under the Act and the *Dispositions and Fees Regulation, A.R. 54/2000* (the "Regulations") to grant dispositions on the Lands for purposes of one or more pipelines and right of way installations incidental thereto;
- C.** the Operator has the right to construct a pipeline, undertake any operations preparatory to the construction of a pipeline, or to operate a pipeline;
- D.** the Operator requires access to the Lands for purposes of one or more pipelines and right of way installations incidental thereto; and
- E.** the Department and the Operator (the "Parties") have agreed that the Operator should have access to the Lands for the purposes of this Agreement.

**NOW THEREFORE** the Parties hereto agree as follows:

**AGREEMENT, TERM AND RENT:**

- 1. Subject to the terms and conditions of this Agreement, and in consideration of the fees, covenants, conditions and stipulations herein reserved and contained on the part of the Operator to be paid, observed, performed and kept, the Province hereby leases to the Operator the Lands for a term of 4 years commencing on the date that this Agreement is signed by the Department's duly authorized representative unless this Agreement is terminated earlier as hereinafter provided.

## Short Term Pipeline Agreement

2. The Operator shall pay to the Department on the execution of this Agreement the lump-sum consideration calculated in accordance with Schedule "A" (collectively "the consideration") and as compensation for other initial benefits accruing to the Operator.
3. In addition to the consideration paid by the Operator under this Agreement, the Operator shall be liable to the Department for damage caused by the Operator in re-entering the right of way in the exercise of the Operator's rights under this Agreement
  - a) after the pipeline or any parts thereof are buried; or
  - b) after the pipeline has been put into operation;whichever event occurs sooner.

**THE OPERATOR HEREBY COVENANTS AND AGREES** with the Department as follows:

4. The Operator shall at all times during the term, perform, observe and comply with all the provisions, obligations and requirements set out in this Agreement, the Act, and the Regulations.
5. The Operator shall pay or cause to be paid to the Department or to such other person duly authorized by the Department in that behalf, the lump-sum consideration, annual rent and other charges hereby reserved.
6. The Operator shall enter the Lands and perform the work including, if applicable, preparation, construction, development, operation, maintenance and abandonment and prepare and submit final submissions to the Department in accordance with the time periods and the conditions set out in Schedule "A".
7. The Lands and buildings, structures and equipment erected thereon shall be used by the Operator solely for the purposes permitted by this Agreement, the Act, and the Regulations.
9. The Operator shall not sublet, transfer or assign the Lands or any part thereof without the prior written consent of the Department.
10. The Operator shall at all reasonable times permit the Department's employees and agents access to the Lands for the purposes of inspection and to ensure compliance with the terms and conditions of the Act, the Regulations and this Agreement.
11. The Operator shall comply with all applicable terms and conditions in Schedules "A", "B", "C", "D", "E" and "F" attached hereto and forming part of this Agreement.
12. The Operator shall comply with all applicable terms and conditions in the Operator's submission documents, the Upstream Oil and Gas Approval Standards for the Enhanced Approval Process, and the Upstream Oil and Gas Operating Conditions for the Enhanced Approval Process.
13. The Operator shall comply with all applicable federal and provincial laws and all applicable municipal by-laws, and shall obtain all necessary permits, licences, authorizations and approvals required when performing its activities on the Lands.

**THE DEPARTMENT COVENANTS AND AGREES** with the Operator as follows:

14. The Department accepts the consideration referred to in clause 2 as full compensation for:
  - a) damage to or destruction of the land necessarily and reasonably incurred by the Operator in preparing, constructing and documenting development on the Lands,
  - b) severance,
  - c) injurious affection of other lands of the Department adjoining the land, and
  - d) nuisance, inconvenience and noise caused by or arising from the operations of the Operator on the land.

Acceptance of the above-noted consideration does not absolve or relieve the Operator from its obligation to indemnify the Department against all actions, claims and demands that may arise in the exercise or purported exercise of its duties, rights, powers and privileges granted under this Agreement, and does not absolve or relieve the Operator from liability to remediate and reclaim the Lands. The Operator shall at all times use current and best industry practices to minimize damage, destruction, nuisance, inconvenience and noise in performing its operations on the Lands.

15. Department agrees that the Department has the right to issue this Agreement to the Operator. Subject to the reservations and terms and conditions contained herein, the Operator, if not in default, has the right to occupy and use the Lands without interruption or disturbance from either the Department or any person claiming through or under the Department.

**CANCELLATION OR EXPIRY OR ISSUANCE OF A REPLACEMENT AGREEMENT:**

16. The Department may cancel this Agreement in accordance with either sections 26 and 27 or 81 of the Act if satisfied that the Operator has failed to comply with any of the conditions terms or conditions set out in, or incorporated into, this Agreement, whereupon all considerations, and charges shall be forfeited to the Department and the Operator shall not be entitled to any compensation for work performed on the Lands or expenditures by the Operator made incidental to this Agreement.
17. Upon cancellation or expiry of the term of this Agreement, and if the Department chooses to not issue a new pipeline Agreement to replace it, the Operator shall at its sole expense within a time period specified by the Department remove all infrastructure and reclaim the Lands to a condition satisfactory to the Department. If the Operator fails to remove infrastructure and reclaim the Lands to the satisfaction of the Department, the Department may perform the work, or have the work performed, on behalf of the Operator and all resulting charges and costs shall constitute a debt owed to the Crown.
18. Provided that the Operator has satisfactorily complied with all applicable provisions, terms and conditions of the Act, Regulations and this Agreement, and provided the Operator has provided to

## Short Term Pipeline Agreement

the Department a final submission referred to in Schedule "A" that is satisfactory to the Department, the Department may issue to the Operator a long term pipeline agreement.

### INTERPRETATION:

19. The recitals shall form an integral part of this Agreement.
20. Any reference to the Act or the Regulations shall include the Act or Regulations as subsequently amended or revised, or any statutes or regulations passed in substitution thereof.
21. All provisions of the Act and Regulations that expressly or by implication relate to a Pipeline Agreement apply to this Agreement and shall be read and construed as if the same had been set out and incorporated herein.
22. Where any provisions of the Act or Regulations conflict with anything contained in this Agreement, the provisions of the Act, and then the provisions of the Regulations shall prevail over this Agreement.
23. All subsequent approvals, amendments or waivers issued by a Department employee responsible for the management of pipeline activity on the Lands must be in writing.
24. All Appendices and Schedules referred to and attached herein, and all subsequent approvals, amendments or waivers in writing form part of this Agreement.
25. Service of a notice upon the Operator may be given by personal service, electronic facsimile or ordinary mail sent to the Operator at the Operator's last known facsimile number or postal address recorded by the Department. Any notice shall be deemed to have been effectively given on the day delivered or sent by facsimile, or if sent by mail on the fifth day after it was mailed. It is the Operator's responsibility to advise the Department in writing of any change in its electronic or postal addresses.
26. This Agreement is governed by the laws of the Province of Alberta.
27. The Operator acknowledges that terms of this Agreement, including the name of the Recipient, may be subject to disclosure under the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, as amended. The Operator further acknowledges that *Freedom of Information and Protection of Privacy Act* applies to all information and records provided by the Operator to the Crown and to any information and records that are in the custody or control of the Crown, and that by submitting any information and records to the Crown, the Operator thereby waives any confidentiality or privilege respecting such information or records unless the Operator requests, and the Crown agrees, that confidentiality or privilege be noted on a specific document and sets out reasonable and rational grounds for doing so.
28. This document is your authority to access the Lands and provides the right to construct a pipeline, undertake any operations preparatory to the construction of a pipeline, or to operate a pipeline in or underlying the Lands. The Operator shall retain a copy of this Agreement on the job site during all phases of activity, including, if applicable, preparation, construction, development, maintenance and abandonment.

## Short Term Pipeline Agreement

29. An original of this Agreement is filed at the offices of Sustainable Resource Development, Land Dispositions Branch, 9915 - 108 Street, Edmonton, Alberta. The original will be used as the authority should any discrepancies arise in content of the counterparts or subsequent copies of the original.
30. By originally submitting its application in which it agreed to be bound by the terms and conditions of any resulting disposition the Operator is hereby deemed to have executed this Agreement and is hereby bound by all terms and conditions set out in, or incorporated into, this Agreement.

### SCHEDULE A

#### Administrative Conditions

1. The Holder of the Short Term Pipeline Agreement shall comply with the conditions set out in this Schedule "A":
  - a) The Operator shall pay to the Department on the execution of this Agreement the consideration calculated by the Department in accordance with the Department's processes approved by the Minister under Section 9.1 of the Act (collectively "the consideration") and as compensation for other initial benefits accruing to the Operator.
  - b) Payments required by this document are to be made payable to "**The Minister of Finance**" and may be delivered to the nearest departmental field office, or mailed to:

Sustainable Resource Development  
Lands Division  
Main Floor, Petroleum Plaza, South Tower  
9915 - 108 Street  
Edmonton, Alberta T5K 2G8
  - c) The Operator shall not conduct any activity on the Lands where prior rights have been issued without the consent of the holder of these prior rights. A list of prior and subsisting authorizations and dispositions (prior rights) issued on the quarter sections included in this authority can be purchased from Alberta Energy, Crown Land Data Support, Telephone: 780-422-5727, or the Alberta Energy Website: <http://www.energy.gov.ab.ca>.
  - d) Surface rights plot sheets showing active dispositions, and individual activity plans can be purchased from IHS, Main Floor, Petroleum Plaza, South Tower, 9915 - 108 Street, Edmonton, Alberta, T5K 2G8, Telephone: 780-413-3380, Fax: 780-413-3383 or Website: <http://www.petrosurveys.ca>
  - e) The Operator shall contact the registered trapper, if any trapping areas (TPA) have been issued on the quarter sections included in this authority, at least TEN DAYS PRIOR TO COMMENCING ANY ACTIVITY. This must be done by registered mail and personal communication follow-up is strongly recommended. The trapper's name and address may be obtained from Alberta Energy, Crown Land Data Support (Telephone: 780-422-5727). For other information concerning registered traplines, contact the Client and Licensing Service, Sustainable Resource Development, Edmonton, Alberta (Telephone: 780-427-5185) upon receipt of this approval. The Operator may be responsible for any damage to traps, snares or other improvements.
  - f) Where applicable, the Department may, in addition to any other charges, assess a further charge of 50 cents per acre (\$1.24 per hectare) on every acre or part acre in this authority to fund the Trapper's Compensation Program. Classification of lands can be obtained from Alberta Energy, Crown Land Data Support, Telephone: 780-422-5727 or the Alberta Energy Website: <http://www.energy.gov.ab.ca>.

### SCHEDULE A

#### Administrative Conditions

- g) The Operator is responsible for obtaining any necessary federal, municipal and other permits and approvals with respect to this authority.
  - h) Without restricting the provisions of section 14 of the *Dispositions and Fees Regulation*, the Operator agrees to indemnify and hold harmless the Minister, its employees and agents from any and all third party claims, demands, actions or costs (including legal costs on a solicitor-client basis) for which the Operator is legally responsible, including those arising out of negligence or wilful acts by the Operator or the Operator's employees or agents. This hold harmless provision shall survive this Agreement.
  - i) The Operator shall, at its own expense and without limiting its liabilities herein, insure its operations under a contract of General Liability Insurance, in accordance with the *Alberta Insurance Act*, in an amount not less than \$5,000,000 inclusive per occurrence, insuring against bodily injury, personal injury and property damage including loss of use thereof including all losses, damages and harm that may result from the Operator's activities and operations on the Lands. The Operator shall provide the Department with acceptable evidence of all the insured prior to the commencement of the Work and shall promptly provide the Department with a certified true copy of each policy upon request.
  - j) The Operator acknowledges that these are the minimum requirements that have been established by the Department. No representation or warranty of any kind is made by the Department as to the completeness or suitability of this insurance and the Operator shall determine and satisfy itself that it has appropriate and sufficient coverage to satisfy its own risk and insurance requirements, and to cover its obligations under this Agreement.
  - k) Upon discontinuance of the use of the Short Term Pipeline Agreement and the exercise of the rights hereby granted, the Operator shall at its sole expense within a time period specified by the Department remove all infrastructure and reclaim the Lands to a condition satisfactory to the Department. The Operator may leave and abandon the pipeline or pipelines in place, provided that the Operator acquires the consent of the Department.
  - l) This authorization is granted subject to further amendment by the Department.
2. The Operator shall obtain prior written authorization from the Department before deviating from an approved sketch or survey plan and/or standard as identified within this authority.
3. The Operator shall not in any way alter or modify this document. The Operator shall immediately advise the Department of any errors or omissions in this document.
4. Notification to the Department of entry must occur within 48 hours of site entry.
5. An as-built final submission must be submitted to the Department by the Operator within the term of this Agreement.

## SCHEDULE A

### Administrative Conditions

6. The as-built final submission shall include:
  - a) For an application that was submitted with a sketch plan or LiDAR survey, an as built survey plan or
  - b) For an application that was submitted with a survey plan and the location of the site has changed an as-built survey or
  - c) For an application submitted with a survey plan and the location of the site has not changed an affidavit signed by an ALS
7. Charges calculated under Section 5 of the *Dispositions & Fees Regulation* will follow under separate cover.

All licences, authorizations and approvals issued under the *Alberta Environmental Protection and Enhancement Act*, *Water Act* or *Public Lands Act* should not be taken to mean the proponent (applicant) has complied with federal legislation. Proponents should contact Habitat Management, Central and Arctic Region, Fisheries and Oceans, at the appropriate local office as listed below, in relation to the application of federal laws relating to the *Fisheries Act* (Canada).

- Bow and Parkland Regions (403) 292-5160
- Northern East Slopes and Northeast Boreal Regions (780) 495-4220
- Prairie Region (403) 394-2920
- Northwest Boreal Region (780) 618-3220

Proponents should also contact the Navigation Protection Program, Canadian Coast Guard, 4253-97 Street, Edmonton, Alberta, T6E 5Y7, Telephone: (780) 495-6325, relating to the *Navigable Waters Protection Act*.

## SCCHEDULE B

### Provincial Approval Standards and Operating Conditions

#### Approval Standards

##### 100.1. Land Management

- 100.1.1. Location of proposed developments shall, where practical, be sited as follows, unless alternative siting can be supported by Regulated Industry Standards:
- a) Use existing disturbances or be located adjacent to existing occupied industrial dispositions.
  - b) New linear developments shall:
    - i) Use existing unoccupied linear disturbances ( $\geq 4$  metres wide).
    - ii) Parallel existing occupied linear industrial dispositions.
    - iii) Apply Integrated Land Management principles <http://www.srd.alberta.ca> found under Managing Programs > Integrated Land Management in development planning so that parallel roads closer than 250m are not created.
- 100.1.2. Locate wellsites and roads outside of natural forest openings (> 10 hectares) such as meadows when planning development activities, unless justifiable extra-ordinary conditions require alternative siting and are supported by the Energy Resources Conservation Board (ERCB), the Canadian Standards Association (CSA) and/or Occupational Health and Safety (OHS) requirements.
- 100.1.5. Pipeline Right of Way (ROW) widths shall not exceed the limits listed below, unless alternative ROW widths can be supported by Regulated Industry Standards. Variable width is preferred:
- a) Cross Country
    - i) Conventional Pipelines with an outside diameter  $\geq 200$  millimetres: the ROW width shall not exceed 20 metres.
    - ii) Conventional Pipelines with an outside diameter  $\leq 200$  millimetres: the ROW width shall not exceed 15 metres.
    - iii) Multi-pipe installation projects within a single ROW width shall not exceed 20 metres.
  - b) Paralleling Existing Disposition
    - i) Proposed pipelines adjacent to existing linear disturbances will not exceed 10 metres disposition width.

### SCHEDULE B

### Provincial Approval Standards and Operating Conditions

- ii) Effort will be made to gain approval (documented) from the adjacent disposition holder to utilize portion(s) of their disposition for temporary work space.
  - c) All pipelines shall be installed consistent with ERCB Directive 056, Energy Development Applications and Schedules at <http://www.ercb.ca/> found under Industry Zone > Rules, Regulations, Requirements > Directives, and Alberta Environment's *Water Act*, Water (Ministerial) Regulation, and the appropriate Code of Practice at <http://environment.alberta.ca> found under Water > Legislation > Water: Codes of Practice related to pipelines.
- 100.1.6. Where materials are available, rollback shall be applied as follows, unless alternative siting can be supported by Regulated Industry Standards:
- a) Place rollback across the entire pipeline/easement width for a distance of at least 200 metres from all points of intersection with roads and permanent watercourses.
  - b) Place rollback across the entire pipeline/easement width on all slopes greater than or equal to 10%.
  - c) Rollback on lands under agricultural disposition (grazing lease, farm development lease) will only be applied after obtaining consent from the disposition holder.
  - d) Use dog-legs, directional drilling, or other techniques to retain at least 50 metres of forest cover (where it exists) to block line-of-sight and vehicle access at all points of pipeline/easement intersection with all intermittent and permanent watercourses and roads.
  - e) No rollback shall occur on wildfire control breaks, containment lines or other designated debris free locations identified in a Wildfire Management Plan or FireSmart Plan.
- 100.1.7. Temporary Work Space (as per the Temporary Field Authorization Guidelines at <http://srd.alberta.ca> found under Maps, Forms and Publications > Forms > Lands Forms) shown at the time of application for short term disposition shall be valid for the term of the short term disposition.
- 100.3. **Soil**
- 100.3.1. Permafrost degradation is not permitted.
  - 100.3.2. In permafrost areas, the surface shall not be stripped.
- 100.4. **Watercourse/Waterbody**
- 100.4.1. Resource extraction activities on islands and the bed and shore of permanent waterbodies is prohibited.

### SCHEDULE B

#### Provincial Approval Standards and Operating Conditions

- 100.4.2. Activities shall not interrupt natural drainage (including ephemeral and fens), block water flow or alter the water table.
- 100.4.4. The following watercourse setbacks for all activities from the edge of site or paralleling linear dispositions shall be followed:
- a) Intermittent watercourses shall have a setback of at least 45 metres from the top of the break.
  - b) Small Permanent watercourses shall have a setback of at least 45 metres from the top of the break.
  - c) Large Permanent watercourses shall have a setback of at least 100 metres from the top of the break.
- 100.4.5. The following waterbody setbacks for all activities from the edge of site or paralleling linear dispositions shall be followed:
- a) A minimum setback of 45 metres of undisturbed vegetation shall be maintained on non-permanent seasonal wetlands.
  - b) A minimum setback of 100 metres setback from the bed and shore on semi-permanent ponds/wetlands and shallow open water ponds and lakes.
- 100.4.6. Crossings shall be minimized, unless doing so results in greater disturbance (i.e. footprint hectares) and/or negative environmental impacts (e.g. impacting landscape sensitivities) than creating a new crossing.
- 100.4.7. 100.4.7. All crossings shall maintain fish passage. Crossings shall be compliant with Alberta Environment's Code of Practice under the *Water Act*; Water (Ministerial) Regulation.
- 100.6. Provincial Grazing Reserves (PGR)**
- 100.6.1. Activities are not permitted in fields currently being grazed or in fields scheduled for grazing in the current grazing season, unless the local Land Management Specialist has verified that the activity timing will not interfere with livestock operations.
- 100.6.2. In areas with irrigation fields, developments shall be on non-irrigated areas only.
- 100.6.3. No activities are permitted on flood-irrigated lands at any time.
- 100.6.4. Developments on provincial grazing reserves in the Grassland Natural Region must be sited within existing industrial disturbances, cultivated areas or improved (tame)

## **SCHEDULE B**

### **Provincial Approval Standards and Operating Conditions**

pastures. If developments do occur on native grasslands, they shall follow all approval standards and operating conditions of the Grassland and Parkland Natural Region identified in Section 100.10 of the Approval Standards and Section 200.10 of the Operating Conditions.

- 100.6.5. Developments on provincial grazing reserves in forested areas that cannot use existing industrial disturbance must be located outside of improved (tame) pastures but directly adjoining (i.e. immediately adjacent to) the pasture boundary or the PGR perimeter. Where developments are required to be within improved (tame) pastures in forested areas and cannot use existing disturbance, they shall be located outside of, and immediately adjacent to any existing leave areas.

#### **100.8. Wildlife**

- 100.8.1. Locate activities away from important wildlife features including mineral licks, raptor nests, active den sites, and hibernacula by a minimum buffer distance of 100 metres. Buffer distances will be greater for identified sensitive species and features (Subsection 100.9.1.).
- 100.8.2. Where an Integrated Resource Plan or a Protective Notation identifies a greater set back, the greater set back shall prevail.
- 100.8.3. In areas where limber pine and whitebark pine are encountered follow the following setbacks. High impact activities require a 300 metre setback. Medium and low impact activities require a minimum of a 30 metre setback. A description of High, Medium and Low risk developments referred to can be found in Appendix B of the Approval Standards.

### **Operating Conditions**

#### **200.1. Land Management**

- 200.1.1. The disposition holder shall furnish proof that the holder has complied with any and all of the provisions of the holder's disposition in a form and time required by the Minister.
- 200.1.2. Pipeline vegetation removal associated with step-out or wildcat wells shall not start until it is known that the activity is required based on a producing well.
- 200.1.3. Pipeline replacement shall occur within approved Right of Way (ROW).
- 200.1.4. Locate temporary activities (e.g. large camps, remote sumps) adjacent to permanent, all-weather access or to existing industrial dispositions.
- 200.1.9. Any existing improvements (e.g. fences, water control structures, and signage) that were damaged as a result of industry activities on the land shall be repaired and/or replaced to original condition within 30 days or immediately if occupied by livestock.

### SCHEDULE B

#### Provincial Approval Standards and Operating Conditions

- 200.1.11. The application of rollback within FireSmart Community Zones shall be determined through the Consultative Notation (CNT) process in SRD.
- 200.1.12. In addition to the operating conditions in this document, all activities shall be coordinated through Energy Industry Control at (780) 842-5850 for activity on Canadian Forces Base/Area Support Unit, Wainwright, and (780) 573-7206 for activity on Canadian Forces Base/Area Support Unit, Cold Lake.
- 200.1.13. Concurrent construction of a pipeline, wellsite, and access prior to proven results shall only be permitted for in-field wells for unconventional developments where a high degree of production certainty can be demonstrated.

#### 200.2. Vegetation

- 200.2.1. Manage all weeds as per the *Weed Control Act*.
- 200.2.2. Vegetation control (mechanical - mowing/brush control) along linear ROWs shall not occur between May 1<sup>st</sup> and July 31<sup>st</sup>, notwithstanding the need to comply with the *Weed Control Act* with the following exception: in the Grassland and Parkland Natural Regions, vegetation control between May 1<sup>st</sup> and July 31<sup>st</sup> for vehicle access, is limited to mowing no more than a 4 metre area centred on the driving lane.
- 200.2.5. Application of chemical methods shall not occur within 30 metres of any waterbody or watercourse, unless otherwise authorized.
- 200.2.6. All equipment used shall be cleaned to be free of weeds.
- 200.2.7. When reseeding use only seed that meets or exceeds Certified #1 as outlined in the *Canada Seeds Act and Seeds Regulations*. Seed used shall be ergot free or cleaned for removal of ergot bodies. Seed mixes are to be free of the species listed in the *Weed Control Act*. A seed analysis for each species shall be provided, to SRD, upon request.
- 200.2.8. When reseeding with native seed, seed shall be ergot free or cleaned for removal of ergot bodies. Seed mixes shall be free of the species listed in the *Weed Control Act*. Native seed shall not include any of the following agronomic species: timothy, Kentucky blue grass, creeping red fescue, smooth brome, crested wheatgrass, meadow brome, Dahurian wildrye, perennial ryegrass, Russian wildrye, Altai wildrye, alfalfa, sweet clover, Cicer milkvetch, and Kura clover. A seed analysis for each species shall be provided, to SRD, upon request.
- 200.2.9. Revegetation with trees or shrubs within the Green Area shall be consistent with the Alberta Forest Genetic Resource Management and Conservation Standards Manual located on the SRD website at <http://srd.alberta.ca> > Managing Programs > Forest Management Manuals & Guidelines.
- 200.2.10. Merchantable timber shall be salvaged unless a request for waiver is approved by SRD.

## **SCHEDULE B**

### **Provincial Approval Standards and Operating Conditions**

#### **200.3. Soil**

- 200.3.1. Activity shall be suspended during adverse ground conditions.
- 200.3.2. Soil and surface erosion and sedimentation shall be prevented and controlled on all disturbed lands.
- 200.3.3. Soil shall not be removed from the disposition unless authorized.
- 200.3.4. Where soil stripping occurs, salvage all topsoil. Soil horizons A and B must be stripped and stored separately. Store topsoil separately from subsoil and woody material, such that it can be distributed evenly over the disturbed area for progressive (interim) and/or final reclamation.
- 200.3.5. For forested lands, where topsoil is less than 15 centimetres, conservation shall include the topsoil plus the B-horizon up to a depth of 15 centimetres unless the B-horizon is considered unsuitable (chemically or physically).
- 200.3.6. Storage piles/windrows shall not encroach into adjacent standing timber.
- 200.3.7. Disposal pits, required in connection with the activity, shall be located in impermeable soil. Where impermeable soil is not available, impermeable tanks may be used to collect all waste and then dispose of at an authorized waste disposal facility.
- 200.3.8. Soil sterilants are prohibited.
- 200.3.9. All spoil material excavated from the pipeline trench shall be returned to the trench in a manner that there is no pooling of water or erosion occurring on the surface. The maximum height of crown (roach) shall not exceed 60 cm on frozen soils and 30 cm on dry or non-frozen soils. Breaks in pipeline roaches shall occur as to not impede water drainage and allow passage of water.
- 200.3.11. Soil rutting shall not occur on minimal disturbance sites.
- 200.3.12. In permafrost areas, utilize snow (natural or man-made) to establish a level surface.

#### **200.4. Watercourse/Waterbody**

- 200.4.1. Activities shall not result in the deposition or placement of debris, soil or other deleterious materials into or through any watercourse and/or waterbody, or on the ice of any watercourse and/or waterbody.
- 200.4.2. Keep watercourse crossings free of accumulated debris or ice that could impede the flow of water and subsequently cause erosion.
  - a) Remove ice-dams from culverts. Culverts plugged with ice are to be re-opened to prevent flooding over the road, through the ditch, or around the crossing structure during spring thaw.

### SCHEDULE B

#### Provincial Approval Standards and Operating Conditions

- b) Remove debris that compromises water flow immediately upstream from or under crossing structures.
- 200.4.4. Where crossings have been removed, the bank or shoreline of all affected watercourses and/or waterbodies shall be immediately stabilized and/or alterations or modifications to the bank or shoreline shall be restored.
- 200.4.5. Access for water withdrawal requires a Temporary Field Authorization approval.
- 200.4.6. Bridge abutments shall not constrict the normal watercourse channel. Bridge spans shall extend beyond stream banks and abutment walls.
- 200.4.7. Water from roads, ditches and bared soil surfaces are not to be permitted to drain directly into watercourses. Where vegetated buffers alone do not retard water and sediment movement effectively, appropriate obstructions (e.g. logs, rocks, mounds) or sediment control structures shall be installed to dissipate the flow of water and capture sediment prior to entering the watercourse.
- 200.4.8. Watercourse structures shall be maintained to prevent sedimentation and erosion.
- 200.4.9. Erosion control measures (e.g. silt fences, matting, gravel, and check dams) shall be installed and maintained.
- 200.4.10. A frac containment and clean-up specialist shall be on-site during all boring or directional drilling activities under permanent watercourses. All equipment required for containment and clean-up shall also be present.
- 200.5. **Reclamation**
  - 200.5.1. Conduct progressive reclamation and interim clean-up, including built but not drilled sites, for the wellsite and all associated disturbances (log decks, remote sumps, campsites, borrow sites, etc) of that disposition as per External Directive SD 2010-02 Progressive Reclamation and Interim Clean up found on the SRD website <http://www.srd.alberta.ca/> under Maps, Forms & Publications > Directives > Lands.
  - 200.5.2. For final reclamation, follow the 2010 Reclamation Criteria for Wellsites and Associated Facilities located <http://www.environment.alberta.ca/> under Lands > Program & Services > Reclamation & Remediation > Upstream Oil & Gas as updated or amended.
- 200.6. **Provincial Grazing Reserves (PGR)**
  - 200.6.1. Access is permitted during frozen or dry-ground conditions only.
  - 200.6.2. Contact the local Land Management Specialist prior to entry onto the reserve to verify that timing of the activity will not interfere with livestock operations.
  - 200.6.3. No activity shall occur during livestock take-in or take-out dates.

### SCHEDULE B

#### Provincial Approval Standards and Operating Conditions

- 200.6.4. Once the field has been grazed, and is no longer scheduled for the remainder of the grazing season, activities are permitted with the approval of the local Land Management Specialist.
- 200.6.5. If the location of an activity prevents livestock access to identified watering facilities, provide permanent or temporary reliable and clean alternate water source(s).
- 200.6.6. All fence line crossings along access routes shall use appropriate structures (e.g. cattle guards, gates) so cattle cannot escape.
- 200.6.7. Fences surrounding oil and gas activities are required in grazing pastures within the PGR as follows:
- a) All wellsites within pastures, excluding: Bow Island, Lonesome Lake, Hays, Pinhorn, Sage Creek, Seven Persons, Purple Springs and Twin River, unless otherwise directed by a Land Management Specialist.
  - b) During construction.
  - c) Revegetating of the disturbed site.
- 200.6.8. Fencing locations shall be reduced to the immediate surroundings of the infrastructure/ facilities once construction is complete and once the disturbed area is revegetated (interim reclamation).
- a) Damaged existing perimeter pasture fences, shall be repaired or rebuilt to the asset specification standards of the PGR Fence Specifications.
- 200.6.9. Pipelines shall be bored when crossing Class I, II, & III access routes.
- 200.6.13. Log storage and hauling on tame pasture is allowed only during frozen-ground conditions.
- 200.6.14. Water removal from dugouts, surface ponds, springs, or water wells is not permitted within the grazing reserve unless approved by a Temporary Field Authorization.

## SCCHEDULE B

### Provincial Approval Standards and Operating Conditions

#### 200.7. Rocky Mountains Forest Reserves

200.7.1. As per section 21 of the *Forest Reserve Regulation*, allotment holders must be contacted.

200.7.2. If the location of an activity prevents livestock access to identified watering facilities, provide permanent or temporary, reliable and clean alternate water source(s).

200.7.4. Water removal from dugouts or developed springs is not permitted unless approved by a Temporary Field Authorization.

#### 200.8. Wildlife

200.8.1. All activities shall follow the industrial practices in the Alberta Bear- Human Conflict Management Strategy (Appendix A)

## SCHEDULE C

### Landscape Analysis Tool Report

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|                             |   |
|-----------------------------|---|
| <b>Time:</b>                | 13:39 25 PM   |
| <b>LAT Number:</b>          | 0000004B5C  |
| <b>LAT Date:</b>            | 2010-12-09  |
| <b>Project Name:</b>        | Norealis Pipeline Project                                     |
| <b>Project Description:</b> |   |
| <b>Disposition Type:</b>    | Pipeline Agreement (PLA)                                      |
| <b>Activity Type:</b>       | Conventional Pipelines along linear disturbances (CONVPIPELD) |

#### Disclaimer:

*The information provided within the LAT Tool is a spatial representation of features provided for land use planning. The accuracy of these layers varies depending on the resource value being represented. Ground-truthing is required to ensure that the applicant will meet the applicable Integrated Standards and Guidelines.*

## SCHEDULE C

### Landscape Analysis Tool Report

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#### Base Features

|                           |  |   |  |
|---------------------------|--|---|--|
| Crown Ownership:          | Provincial/NonPatent,<br>Private/Titled,<br>Federal/Titled,<br>Provincial/Untitled | National Parks:                         |  |
| Green/White Area:         | Green Area   | Ecological<br>Reserves:                 |  |
| Municipality:             |  | Provincial Parks:                       |  |
| First Nations<br>Reserve: |  | Wilderness Parks:                       |  |
| Metis Settlement:         |  | Wildland Parks:                         |  |
| FMA:                      | ALPAC Forest Products<br>Incorporated  | Wilderness Areas:                       |  |
| FMU:                      | A14  | Special Area:                           |  |
|                           |  | Military<br>Base/Training:              |  |
|                           |  | DND Air<br>Weapons Range:               |  |
|                           |  | Integrated<br>Resource Plan<br>(Local): |  |

#### Provincial Sanctuaries

|                    |  |            |  |
|--------------------|--|------------|--|
| Corridor Wildlife: |  | Game Bird: |  |
| Restricted Area:   |  | Seasonal:  |  |
|                    |  | Wildlife:  |  |

**SCHEDULE C**

**Landscape Analysis Tool Report**

**Sensitive Features**

| Wildlife                                   |                                 |   |                                  |
|--|---------------------------------|---|----------------------------------|
| Greater Sage Grouse<br>Leks and Buffer:    | <input type="text" value="No"/> | Mountain Goat and Sheep<br>Areas:           | <input type="text" value="No"/>  |
| Greater Sage Grouse<br>Habitat and Buffer: | <input type="text" value="No"/> | Sensitive Raptor Range:                     | <input type="text" value="No"/>  |
| Colonial Nesting Birds:                    | <input type="text" value="No"/> | Burrowing Owl Range:                        | <input type="text" value="No"/>  |
| Sensitive Snake Species<br>Range:          | <input type="text" value="No"/> | Sharp-tailed Grouse Range:                  | <input type="text" value="No"/>  |
| Swift Fox Range:                           | <input type="text" value="No"/> | Ord's Kangaroo Rat Range:                   | <input type="text" value="No"/>  |
| Eastern Short-horned Lizard<br>Range:      | <input type="text" value="No"/> | Piping Plover Waterbodies:                  | <input type="text" value="No"/>  |
| Sensitive Amphibians<br>Ranges:            | <input type="text" value="No"/> | Endangered and<br>Threatened Plants Ranges: | <input type="text" value="No"/>  |
| Other Sensitive and<br>Endangered Species: | <input type="text" value="No"/> | Caribou Zones:                              | <input type="text" value="No"/>  |
| Grizzly Bear Zone:                         | <input type="text" value="No"/> | Trumpeter Swan<br>Waterbodies/Watercourse:  | <input type="text" value="No"/>  |
| Special Access Zone:                       | <input type="text" value="No"/> | Key Wildlife and<br>Biodiversity Zones:     | <input type="text" value="Yes"/> |

| Water                      |   |
|----------------------------|---|
| Proximity to<br>Waterbody: | Industry will ensure that the Watercourse/Waterbodies standards and conditions as defined within the Integrated Standards and Guidelines are followed. To ensure these setbacks and buffers are addressed and maintained, it is recommended that a pre-site assessment occur. |

| Grassland and Parkland Natural Region:    |                                 |
|---|---------------------------------|
| Grassland and/or Parkland Natural Region: | <input type="text" value="No"/> |

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### Landscape Analysis Tool Report

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| <u>Quarter</u> | <u>Section</u> | <u>Township</u> | <u>Range</u> | <u>Meridian</u> | <u>Sensitive Features by Quarter Section</u> |
|----------------|----------------|-----------------|--------------|-----------------|--|
| NW             | 18             | 88              | 7            | 4               |  |
| SW             | 18             | 88              | 7            | 4               |  |
| NE             | 19             | 88              | 7            | 4               |  |
| SE             | 19             | 88              | 7            | 4               |  |
| SW             | 19             | 88              | 7            | 4               |  |
| NE             | 30             | 88              | 7            | 4               | Key Wildlife and Biodiversity Zones          |
| SE             | 30             | 88              | 7            | 4               |  |
| NW             | 31             | 88              | 7            | 4               | Key Wildlife and Biodiversity Zones          |

**SCHEDULE C**

**Landscape Analysis Tool Report**

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|  |                                     |
|--|-------------------------------------|
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">SE</div> <div style="border: 1px solid black; padding: 2px;">31</div> <div style="border: 1px solid black; padding: 2px;">88</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">4</div> </div> | Key Wildlife and Biodiversity Zones |
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">SW</div> <div style="border: 1px solid black; padding: 2px;">31</div> <div style="border: 1px solid black; padding: 2px;">88</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">4</div> </div> | Key Wildlife and Biodiversity Zones |
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">NW</div> <div style="border: 1px solid black; padding: 2px;">6</div> <div style="border: 1px solid black; padding: 2px;">88</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">4</div> </div>  |                                     |
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">SW</div> <div style="border: 1px solid black; padding: 2px;">6</div> <div style="border: 1px solid black; padding: 2px;">88</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">4</div> </div>  |                                     |
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">NW</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">88</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">4</div> </div>  |                                     |
| <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 2px;">SW</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">88</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">4</div> </div>  |                                     |

SCHEDULE C

Landscape Analysis Tool Report



Legend

- ATS Quarter Section
- DIDS Conflicts
- DIDS Applications
- ATS Township
- Perennial Stream
- Indefinite Stream
- Recurring Stream
- Spillway
- Aquaduct
- Canal
- Ditch
- Perennial Oxbow
- Recurring Oxbow
- Canal
- Dugout
- Icefield
- Islands
- Lagoon
- Perennial Lake
- Recurring Lake
- Perennial Oxbow
- Recurring Oxbow
- Quarry
- Reservoir
- River
- Wetland



## SCHEDULE C

### Landscape Analysis Tool Report

0000004B5C  
Page 7 of 7

## Standards and Guidelines

### Key Wildlife and Biodiversity Zones

#### Approval Standards

100.9.6.1. For all areas North of HWY #1, no activity is permitted from January 15th to April 30th; for all areas South of HWY #1 and west of HWY #2, no activity is permitted from December 15th to April 30th; with the following exceptions under favourable (non-adverse) ground conditions:

- a) Well tie-in activities which can be initiated and completed while ground conditions are favourable.
- b) All wellsite or other developments accessed using Class IV or V roads.
- c) All developments which can be initiated and completed within 100 metres of existing all-weather access which can be initiated whenever ground conditions are favourable.

100.9.6.3. Wellsites, plant sites and camps shall maintain a minimum 100 metre buffer to the edge of valley breaks. In the absence of well defined watercourse valley breaks, a 100 metre buffer from the watercourse banks applies.

#### Operating Conditions

200.9.5.1. No legumes are to be seeded for any revegetation.

200.9.5.2. Revegetate wellsites, roads, pipelines and associated facilities to species compatible and consistent with the adjacent vegetation type (i.e. when the features are reseeded, reclaimed or partially restored).

#### PLA

##### Approval Standards

100.9.6.5. Where materials are available, place rollback across the entire pipeline/easement width for at least 40% of the linear distance or the length of the ROW. No individual section of rollback shall exceed 250 metres in length. The break between sections of roll-back should be a minimum of 25 metres.

# Schedule D

## Application Supplement - Pipeline

The appropriate supplement form must be submitted for each surface disposition application. All blanks must either be filled in or 'N/A' noted where applicable.

Failure to fill out the document and form(s) completely will result in the application being rejected.

### A. Pipeline Description

1. Pipe outside diameter 610 mm
2. Pipeline product:  Oil     Sweet gas     Sour gas (H<sup>2</sup>S)     Water  
 Other Diluted Bitumen.
3. Specify associated developments/dispositions that may be required as a result of this disposition.
 

|   |                                     |
|---|-------------------------------------|
| <input type="checkbox"/> Power line       | <input type="checkbox"/> Compressor |
| <input type="checkbox"/> Metering Station | <input type="checkbox"/> Access     |
| <input type="checkbox"/> Other <u>n/a</u> |                                     |

### B. Construction Strategy

1. Construction is proposed under the following soil conditions (check the box that applies):
  - Frozen
  - Non-Frozen
  - Other (If "Other", explain)

---
2. **Vegetation removal: Explain** All merchantable timber will be salvaged as per the November 2010 Norealis Pipeline Project Timber Salvage Plan (Altus Group). Salvaged timber will be hauled to the mill or stockpile location in accordance to terms negotiated with the salvage purchaser. Non-merchantable timber required for rollback will be stored, and the rest will be mulched or piled and burned pending safe conditions. As well, in compliance with the Migratory Bird Convention Act, trees and shrubs will not be cleared during the critical nesting period unless nest sweeps are conducted and no nesting activity is found. Non merchantable standing vegetation will not be removed at watercourses during the season of clearing; these locations will be cleared during the first year of construction.  
  
**Brush disposal: Explain** Brush, slash, and debris will be utilized for roll-back purposes and the rest will be mulched or piled and burned pending safe conditions.
3. Pipeline installation (predominant method for pipeline ROW, check appropriate boxes):
  - Trench (top of trench width 400 cm)     Plough
  - Above-ground
4. Topsoil handling (check appropriate boxes):
 

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Minimal surface disturbance (no stripping) | <input checked="" type="checkbox"/> Stripping |
| <input checked="" type="checkbox"/> Single lift                                | <input type="checkbox"/> Two lift             |

**Other** Explain: During construction, duff and topsoil across the top of trench (blade width) will be stripped and stored. The remainder of the proposed ROW will be grubbed and stumped up to 2 m from the tree-line. Watercourse riparian zones as well as erodible slopes along the ROW will not be stumped during clearing operations. If grading is required because of topography, topsoil will be stripped from the entire proposed ROW. Top soil and trench spoil will be stored and replaced in the opposite order it was removed (last out, first in) as much as feasible.

5. Topsoil stripping width (in metres), (check appropriate boxes):

- Trench and working side access \_\_\_\_\_ m       Trench and spoil \_\_\_\_\_ m  
 Entire ROW       Trench only

If more than one box has been checked, explain: In most areas, duff and topsoil will be stripped from the top of the trenchline only. The width of stripping will be one blade width centered on the trenchline. In areas that require grading because of topography the entire proposed ROW will be stripped.

6. When will interim-reclamation/re-contouring of grade/trench occur: Interim-reclamation/re-contouring of grade/trench will occur immediately following pipeline construction. Topsoil replacement over the trench will occur concurrently with construction, during frozen conditions.

a) Topsoil replaced on active location (check appropriate box):

- Concurrently       Allow trench time to settle

b) Rollback of woody debris:

- Yes       No

Woody debris rollback (where available) will be used for erosion control in areas with a high erosion potential (eg., slopes greater than or equal to 10%). Rollback (where available) will be used across the entire ROW width, for a distance of at least 200 m from all points of intersection with roads and permanent watercourses. In all other areas, within critical wildlife zones, where materials are available, rollback will be placed across the entire pipeline/easement width for at least 40% of the linear distance or the length of the ROW. Rollback is also expected to aid revegetation by providing seed source, micro sites and reducing access along the proposed ROW.

(\*\*\*Rollback plans will be discussed with the Wildfire Prevention Officer as per the requirements of CNT 090030 and the Standards and Conditions of the Enhanced Approval Process.)

7. Based on the land search of the affected lands, as defined within the Integrated Standards and Operating Conditions, were any Reservations/Notations or Regional plans noted that require additional mitigation?

Provide any additional mitigation or direction as provided within the plan/notation or from the supervising Area.  
n/a

8. Identify the date that your Historical Resources search was completed      19/10/2010  
dd/mm/yyyy

If present, what is the Historical Resource Value (HRV) of the affected lands?

- Not Listed       1       2       3       4       5

If HRV is 1-5, an 'Application for Historical Resources Act Clearance' must be submitted to the Cultural Facilities and Historical Resource Division (CFHRD) of Alberta Community Development.

Date submitted A Historical Resources Impact Assessment (HRIA) was completed for the entire proposed Norealis Pipeline Project on October 20<sup>th</sup>, 2010. The HRIA will be submitted to Alberta Culture and Community Spirit (ACCS) recommending Historical Resource Act clearance for the Project in December, 2010.

Note: Activities on land that has an HRV or 4 or 5 may require a Historical Resources Impact Assessment (HRIA).

**C. Method of Access/Watercourse Crossings**

1. How will the pipeline be accessed? (Check boxes that apply)

By existing access held under disposition or jurisdiction (If ‘Yes’, specify disposition number and owner): During construction, the proposed ROW will be accessed using existing LOCs and PLAs. Access in TWP 88 will be from the south along this proposed ROW, and may include Millar Western LOCs 801102 and 2403, Road Plan 762 1811 and Fort McMurray Band #468 LOC 900520.

New disposition (LOC)

2. Will watercourses be crossed by vehicle/equipment?  Yes  No

Identify within this table below, any watercourse crossings to be installed in relation to this disposition activity that are exempted for notification to AENV as per the Code of Practice for Watercourse Crossings.

| Crossing Number                  | Crossing Method | Culvert/Bridge Size Diameter (mm) x length (m) | Water-course Size Class (1-4) | LSD | Sec | Twp | Rge | Mer | Specify if restricted activity period (dd/mm/yyyy) | Class of Waterbody from COP (A,B,C,D) |
|----------------------------------|-----------------|--|-------------------------------|-----|-----|-----|-----|-----|--|---------------------------------------|
| 88-NWC-1<br>(Clearwater River)** | Initial: TSB**  | 5m X 200m                                      | 4                             | 6   | 31  | 88  | 7   | W4  | From Sept 16                                       | C                                     |
|                                  | Final: TSB**    |  |                               |     |     |     |     |     | To July 15   |                                       |
| 88-NWC-2<br>(unnamed)            | Initial: IB/ SF | N/A  | 2                             | 9   | 30  | 88  | 7   | W4  | From Sept 16                                       | C                                     |
|                                  | Final: IB / SF  |  |                               |     |     |     |     |     | To July 15   |                                       |
| 88-NWC-3<br>(unnamed)            | Initial: IB/SF  | N/A  | 2                             | 2   | 19  | 88  | 7   | W4  | From April 16                                      | C                                     |
|                                  | Final: IB / SF  |  |                               |     |     |     |     |     | To July 15   |                                       |
| 88-NWC-4<br>(Saprae Creek)       | Initial: IB/SF  | N/A  | 4                             | 14  | 18  | 88  | 7   | W4  | From April 16                                      | C                                     |
|                                  | Final: IB/SF    |  |                               |     |     |     |     |     | To July 15   |                                       |
| 88-NWC-5<br>(Saline Creek)       | Initial: IB/SF  | N/A  | 3                             | 12  | 6   | 88  | 7   | W4  | From April 16                                      | C                                     |
|                                  | Final IB/SF     |  |                               |     |     |     |     |     | To July 15th                                       |                                       |

\*\*Clearwater River crossing will be by Temporary Multi –Span Bridge.

## SCHEDULE E

### Lands

**SRD PLAN NUMBER:** 83108 P, 2011-02-07

**PURPOSE:** PIPELINE (OIL/GAS) (HIGH PRESSURE)

#### Affected Lands:

| Qtr/LS | Sec | Twp | Rge | Mer | Qtr/LS | Sec | Twp | Rge | Mer |
|--------|-----|-----|-----|-----|--------|-----|-----|-----|-----|
| NW     | 18  | 88  | 7   | 4   | SW     | 18  | 88  | 7   | 4   |
| NE     | 19  | 88  | 7   | 4   | SE     | 19  | 88  | 7   | 4   |
| SW     | 19  | 88  | 7   | 4   | NE     | 30  | 88  | 7   | 4   |
| SE     | 30  | 88  | 7   | 4   | NW     | 31  | 88  | 7   | 4   |
| SE     | 31  | 88  | 7   | 4   | SW     | 31  | 88  | 7   | 4   |
| NW     | 6   | 88  | 7   | 4   | SW     | 6   | 88  | 7   | 4   |
| NW     | 7   | 88  | 7   | 4   | SW     | 7   | 88  | 7   | 4   |

2011-02-07 13:48:11 MST

## Schedule F Non-Standard Mitigation Supplement

The appropriate supplement form must be submitted for each Non-Standard surface disposition application. All blanks must either be filled in or 'N/A' noted where applicable.

Failure to fill out the document and form(s) completely will result in the application being rejected.

---

### A. Non-Standard Rationale

1. Provide rationale and reasons in detail as to why your company is proceeding with the Non-Standard application process?

Enbridge Pipelines (Athabasca) Inc. (Enbridge Athabasca) is not able to meet all of the Approval Standards set out by the Enhanced Approval Process due to project size, timing and routing of the project along existing and other proposed projects.

---

### B. Identification of Standards

1. List the approval standards that your company intends not to follow?

- a) Standard – #:100.1.5

Specific Standard: Unless alternative widths can be supported by Regulated Industry Standards, the ROW width for conventional pipelines with an outside diameter  $\geq$  200mm shall not exceed 20 metres when not paralleling another existing disposition. When paralleling another existing disposition, the proposed pipeline ROW will not exceed 10m in disposition width.

- b) Standard – #:100.1.6(d)

Specific Standard: In substitution of a proportion of rollback, use dog-legs, directional drilling, or other techniques to retain at least 50 metres of forest cover (where it exists) to block line-of-sight and vehicle access at all points of pipeline / easement intersection with all intermittent and permanent watercourses and roads.

- c) Standard – #:100.9.6.1

Specific Standard: For all areas North of HWY #1, no activity is permitted from January 15th to April 30th within a key Wildlife and Biodiversity Zone

- d) Standard – #:N/A

Specific Standard: N/A

---

### C. Mitigation Strategies

1. What strategies are proposed to mitigate and meet the intent and objectives of the standard not being followed? Be clear on which strategy applies to which standard(s):

- a) Mitigation strategy: The Norealis Project is planning to utilize existing linear disturbance to the extent possible. Regulated Industry Standards for pipeline ROW widths do not exist; however, the width of ROW

required for the Norealis Project is in line with industry practice of similar sized and approved projects. The Norealis Project will utilize available ROW from Enbridge's Woodland and Wood Buffalo Pipeline Projects to the extent possible to minimize the requirement for additional ROW.

- b) **Mitigation strategy:** Where rollback material is available, Enbridge Athabasca intends to meet the requirements of standard 100.1.6 however, where rollback material is not available Enbridge Athabasca will implement a tree planting program at pipeline intersection locations.
- c) **Mitigation strategy:** Enbridge Athabasca commits to commencing construction and clearing operations as early as conditions permit. Enbridge Athabasca commits to completing all clearing and construction activity prior to the industry recognized February 15th "out-date" within the Key Wildlife and Biodiversity Zone in the vicinity of the Clearwater River crossing.
- d) **Mitigation strategy:** N/A
- e) **Mitigation strategy:** N/A

#### D. Mitigation Discussions

1. Was the proposed strategy(ies) discussed with departmental staff?  Yes  No  
If Yes, provide the name of who was contacted and when.

Name: Kendra McNutt Date Contacted: 15/11/2010  
dd/mm/yyyy

Name: N/A Date Contacted: \_\_\_\_\_  
dd/mm/yyyy

Name: N/A Date Contacted: \_\_\_\_\_  
dd/mm/yyyy

**Discussion comments/resolutions if any:** The standards in Section B and the mitigations described in Section C were discussed with Kendra McNutt during a meeting on October 14th and November 15th 2010 in Fort McMurray. Kendra McNutt was aware that a pipeline project of this size would not be able to meet the Approval Standards described in Section B of this document and was satisfied with the mitigations presented during the meeting and described in Section C.

#### E. Additional Operational Provisions

Based on the discussions with and the review by Alberta Sustainable Resource Development, the following operational provisions as provided, are to be implemented during the construction and operation of this disposition;

Provision 1: N/A

Provision 2: N/A

Provision 3: N/A

Provision 4: N/A

Provision 5: N/A



**NOW THEREFORE** the Department has by its duly authorized representative executed this disposition on the date noted below

A handwritten signature in blue ink, appearing to read "Linda Sagan", is centered on a light blue rectangular background.

Assistant Deputy Minister, Lands Division, Alberta Sustainable Resource Development  
Director, Public Lands Act

UserName: linda.sagan

Title: Supervisor

Date: Thursday, 12 May 2011, 11:57 AM Mountain Daylight Time

Meaning: Authorization for Land Disposition

=====

# **APPENDIX 1B**

Approval for PLA 081307

**Amendment for Surface e Dispositions**

Confirmation #: 2010007114      Department File Number  
 Application Date: 2010-04-26      PLA081307

EPR attached?  Yes       No

If No. AOA?      Reason:

Reason for Amendment:       Change Of Route       Change of Location       Plan Replacement

|  |       |     |
|--|-------|-----|
| <input type="checkbox"/> Width of right-of-way | From: | To: |
| <input type="checkbox"/> Dimensions            | From: |     |
|  | To:   |     |
| <input type="checkbox"/> Purpose               | From: |     |
|  | To:   |     |

Other:

Does this application include watercourse crossings regulated under the *Water Act* (Ministerial) Regulations' Code of Practice for Pipelines and Telecommunication Lines Watercourse Crossings?  Yes       No

If yes, the applicable *Water Act* Notice must be submitted with this application.

|  |                   |                               |                       |
|--|-------------------|-------------------------------|-----------------------|
| Applicant: ENBRIDGE PIPELINES (ATHABASCA) INC.           |                   |                               | Client ID: 8046605001 |
| Address: 10201 JASPER AVE NW FLOOR 5 PO BOX 398 STN MAIN |                   |                               | Tel: (780)392-4045    |
| City/Town: EDMONTON                                      | Province: Alberta | Postal Code: T5J 2J9          | Fax:                  |
| Applicant File Number:                                   |                   |                               |                       |
| Contact/Agent: Skjonsby, Chayne                          |                   | E-mail: cskjonsby@scotland.ca |                       |
| Organization: SCOTT LAND & LEASE LTD.                    |                   |                               |                       |
| Address: 11634 142 ST NW                                 |                   |                               | Tel: (780)702-5683    |
| City/Town: EDMONTON                                      | Province: Alberta | Postal Code: T5M 1V4          | Fax: (780)425-5263    |
| Contact File No: enb-0004 tract 10                       |                   |                               |                       |

Consent:       Attached       Not Required      Number Of Consent to Follow: 0

| Add Lands   |      |     |     |      | Delete Lands |      |     |     |      | Lands Now Required |      |     |     |      |
|-------------|------|-----|-----|------|--------------|------|-----|-----|------|--------------------|------|-----|-----|------|
| Subdivision | Plan | Blk | Lot | Par. | Subdivision  | Plan | Blk | Lot | Par. | Subdivision        | Plan | Blk | Lot | Par. |
| Qtr/LS      | Sec  | Twp | Rge | Mer  | Qtr/LS       | Sec  | Twp | Rge | Mer  | Qtr/LS             | Sec. | Twp | Rge | Mer  |
|             |      |     |     |      |              |      |     |     |      | NW                 | 31   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SW                 | 31   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SE                 | 31   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | NE                 | 30   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SE                 | 30   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | NW                 | 29   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SW                 | 29   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | NE                 | 19   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SE                 | 19   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SW                 | 19   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | NW                 | 18   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SW                 | 18   | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | NW                 | 7    | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SW                 | 7    | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | NW                 | 6    | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SW                 | 6    | 88  | 7   | 4    |
|             |      |     |     |      |              |      |     |     |      | SE                 | 13   | 88  | 8   | 4    |
|             |      |     |     |      |              |      |     |     |      | NE                 | 12   | 88  | 8   | 4    |
|             |      |     |     |      |              |      |     |     |      | SE                 | 12   | 88  | 8   | 4    |
|             |      |     |     |      |              |      |     |     |      | NE                 | 1    | 88  | 8   | 4    |

10x4

Government of Alberta

### Amendment for Surface E Dispositions

Confirmation #: 2010007114

Department File Number

Application Date: 2010-04-26

PLA081307

Remarks:

**FOR DEPARTMENTAL USE ONLY**

Authorization is hereby granted to enter upon and immediately occupy public land as described on this application and in accordance with the plan/sketch submitted to the Department subject to conditions specified in schedule 'A'

Nov 2/10

Date

For Minister of Sustainable Resource Development

Dept. Plan No.

75785 P

SCHEDULE A

1. 006 IN THIS DOCUMENT, unless the context indicates otherwise:

"approval (of a departmental officer)" whenever required, must be in writing.

"authority" means: this document or the right to occupy public land granted by this document.

"department" means: Sustainable Resource Development  
Lands Division  
Petroleum Plaza, South Tower  
9915 - 108 Street  
Edmonton, Alberta T5K 2G8  
Telephone: 780-427-3570

"departmental officer" means: an employee of Sustainable Resource Development, Lands Division, responsible for the management of surface activity on the land.

"holder" means: the recipient of the right to occupy public land granted by this document.

"land(s)" means: the specific land which the holder is authorized to occupy by this document.

"director" means: the "director" duly designated under the *Public Lands Act*.

"minister" means: the Minister of Sustainable Resource Development.

payments required by this document are to be made payable to the "Minister of Finance" and may be delivered to the nearest departmental field office, or mailed to:

Sustainable Resource Development  
Lands Division  
Main Floor, Petroleum Plaza, South Tower  
9915 - 108 Street  
Edmonton, Alberta T5K 2G8

- a) The holder shall comply with all relevant laws in the Province of Alberta.
- b) A copy of this authority shall be retained on the job site during all phases of your activity, including, if applicable, preparation, construction, development, maintenance and abandonment.

- c) The holder shall not conduct any activity on the land where prior rights have been issued without the consent of the holder of these prior rights. A list of prior and subsisting authorizations and dispositions (prior rights) issued on the quarter sections included in this authority can be purchased from Alberta Energy, Crown Land Data Support, Telephone: 780-422-5727, or the Alberta Energy Website: <http://www.energy.gov.ab.ca>.

Surface rights plot sheets showing active dispositions, and individual activity plans can be purchased from IHS, Main Floor, Petroleum Plaza, South Tower, 9915 – 108 Street, Edmonton, Alberta, T5K 2G8, Telephone: 780-413-3380, Fax: 780-413-3383 or Website: <http://www.petrosurveys.ca>

- d) The holder shall contact the registered trapper, if any trapping areas (TPA) have been issued on the quarter sections included in this authority, at least TEN DAYS PRIOR TO COMMENCING ANY ACTIVITY. This must be done by registered mail and we recommend personal communication follow-up. The trapper's name and address may be obtained from Alberta Energy, Crown Land Data Support (Telephone: 780-422-5727). For other information concerning registered traplines, contact the Client and Licensing Service, Sustainable Resource Development, Edmonton, Alberta (Telephone: 780-427-5185) upon receipt of this approval. The holder may be responsible for any damage to traps, snares or other improvements.
- e) Where applicable, the Department may, in addition to any other charges, assess a further charge of 50 cents per acre (\$1.24 per hectare) on every acre or part acre in this authority to fund the Trapper's Compensation Program. Classification of lands can be obtained from Alberta Energy, Crown Land Data Support, Telephone: 780-422-5727 or the Alberta Energy Website: <http://www.energy.gov.ab.ca>.
- f) The holder is responsible for obtaining any necessary federal, municipal and other permits and approvals with respect to this authority.
- g) The holder agrees to hold harmless the Department from any and all third party claims, demands, or actions for which the holder is legally responsible, including those arising out of negligence or willful acts by the holder or the holder's employees or agents. This hold harmless shall survive this Agreement.
- h) The holder shall indemnify and save harmless the Department from any and all claims, actions, suits, or similar proceedings commenced by any competent regulatory body against the holder or the Department in connection with the activity or holder's use of the land, including without limitation the local municipality, any other department or agency of the Alberta Government or the Government of Canada.

- i) The holder shall, at its own expense and without limiting its liabilities herein, insure its operations under a contract of General Liability Insurance, in accordance with the *Alberta Insurance Act*, in an amount not less than \$2,000,000 inclusive per occurrence, insuring against bodily injury, personal injury and property damage including loss of use thereof. The holder shall provide the Department with acceptable evidence of all the insured prior to the commencement of the Work and shall promptly provide the Department with a certified true copy of each policy upon request.
- j) This authorization is granted subject to further amendment by the Department of Sustainable Resource Development, in its sole discretion.
2. 177 This authorization is approved subject to the methods and environmental conditions outlined in the Environmental Field Report dated April 8 , 2010.
3. 026 This authorization may be subject to charges/refund. Notification will follow under separate cover.
4. 045 This Letter of Authority will not be followed up with a formal lease/licence/agreement until:
- All charges assessed have been paid in full.
  - Any requirements for consents or other information have been satisfied.
  - The holder confirms in writing that such a document is required.
5. 035 The holder shall within ninety days (three months) of the activity being built, provide to the Department a final survey plan performed by an Alberta Land Surveyor in accordance with the *Surveys Act*, the Manual of Standard Practice of the Alberta Land Surveyors' Association and the Department's Disposition Plan Requirements.

All licences, authorizations and approvals issued under the *Alberta Environmental Protection and Enhancement Act*, *Water Act* or *Public Lands Act* should not be taken to mean the proponent (applicant) has complied with federal legislation. Proponents should contact Habitat Management, Central and Arctic Region, Fisheries and Oceans, at the appropriate local office as listed below, in relation to the application of federal laws relating to the *Fisheries Act* (Canada).

- Bow and Parkland Regions (403) 292-5160
- Northern East Slopes and Northeast Boreal Regions (780) 495-4220
- Prairie Region (403) 394-2920
- Northwest Boreal Region (780) 618-3220

Proponents should also contact the Navigation Protection Program, Canadian Coast Guard, 4253-97 Street, Edmonton, Alberta, T6E 5Y7, Telephone: (780) 495-6325, relating to the *Navigable Waters Protection Act*.

# **APPENDIX 2**

AER Rejection of PLA 140735

February 4, 2015

**Enbridge Pipelines (Athabasca) Inc.**

By e-mail only: [trevor.lema@enbridge.com](mailto:trevor.lema@enbridge.com)

**RE: Notice of Decision: Formal Disposition Application Rejection**  
PLA140735

**Edmonton (Twin Atria)**  
2nd Floor, Twin Atria Building  
4999 - 98 Avenue  
Edmonton, Alberta T6B 2X3  
Canada

tel 780-638-4491  
fax 780-442-1459

[www.aer.ca](http://www.aer.ca)

Dear Sir/Madam:

Based on the review of your formal disposition application dated 24/04/2014 and amended application dated 06/05/2014, the Alberta Energy Regulator is rejecting your application under section 9 of the *Public Lands Administration Regulation* for the following reason(s):

1. Application does not meet the requirements under LARP for Gipsy-Gordon Wildland Park Expansion
  - a. At this time processing of new application are not accepted within the Gipsy-Gordon Wildland Park Expansion Area.
  - b. As per communication from the Government of Alberta, existing landowners and public land authorization holders are permitted to apply to the Land Use Secretariat for a variance to permit expansion of existing activities. If and when a variance is obtained it is understood that Enbridge would be able to submit an amendment application for an existing Pipeline authority to the applicable regulating agency.

The *Responsible Energy Development Act* permits the filing of a request for a regulatory appeal by an eligible person in regards to an appealable decision as defined in section 36 of the *Responsible Energy Development Act*.

If you are eligible to file a request for a regulatory appeal and you wish to do so, you must submit your request in the form and manner and within the timeframe required by the Alberta Energy Regulator. Filing requirements are set out in section 30 of the Alberta Energy Regulator Rules of Practice available on the AER website, [www.aer.ca](http://www.aer.ca) under Acts, Regulations and Rules. Regulatory appeal requests should be emailed to the Regulatory Appeal inbox at: [RegulatoryAppeal@aer.ca](mailto:RegulatoryAppeal@aer.ca).

You may reapply to the AER for this application. Application processes are outlined on AER's website <http://www.aer.ca/applications-and-notices/application-process/pla>.

If applicable, notification of charges will be invoiced under a separate cover.

Should you have any questions regarding the above decision, please contact the undersigned at [AERSurfaceActivityApplication@aer.ca](mailto:AERSurfaceActivityApplication@aer.ca), quoting the disposition number.

Sincerely,

A handwritten signature in black ink that reads "Tom MacMillan". The signature is written in a cursive, slightly slanted style.

Tom MacMillan Manager, North East Region Public Lands

cc: Sara Wig [sarah.wig@rpsgroup.com](mailto:sarah.wig@rpsgroup.com)