

Road Use Permit Tenure Administration related to Oil and Gas Activities

- Guidance -

for the Ministry of Forests, Lands and Natural Resource Operations (FLNRO)
and the BC Oil and Gas Commission (Commission)

The information contained within this guidance document **does not apply** to the Northern Gateway project. For more information on the road authorization processes applicable to Northern Gateway, please contact FLNRO (the Commission is not involved in the Northern Gateway project): Maureen Tait, Project Manager or Frank Spears, Authorizations Coordinator.

In addition to FLNRO issuing road use permits (RUP) for forest service roads (FSR), the Commission issues RUPs related to oil and gas activities. To assist in the administration of RUPs, the following guidance is provided.

Principles:

- The Commission is responsible for:
 - Accepting, processing, issuing and cancelling all oil and gas RUP applications;
 - Development and implementation of all policy needed to inform proponents of the application process for an oil and gas related RUP;
 - The authority to issue RUPs to oil and gas proponents rest solely with the Commission as per Section 8 of the *Oil and Gas Activities Act* (OGAA).

- FLNRO District Offices are responsible for:
 - Providing preliminary FSR information on request from oil and gas proponents;
 - Providing RUP file numbers to the Commission on request;
 - Tracking all RUPs;
 - Assigning the Designated Maintainer;
 - Issuing works permits in FSR rights of way (see appendix A)
 - Issuing consent to connect to FSRs (see Appendix A)
 - If an oil and gas related RUP application is submitted to FLNRO, referring the applicant to the Commission.

Generalized Issuance Process:

- Proponents may contact the District Office for preliminary FSR information, such as whether there is a Designated Maintainer, in preparation for application submission to the Commission.
- Proponents apply to the Commission for an RUP over one or more sections of FSR.
- The Commission will request from the District Office, via an email to the designated FLNRO email box*, a FLNRO RUP file number, confirm the Designated Maintainer information and consult on special requirements.
- The District will provide a FLNRO RUP file number and current Designated Maintainer information to the Commission via an email to the designated FLNRO email box*. The mailbox administrator will then forward email to the Commission. Where there is no Designated Maintainer, or as determined by the FLNRO District Manager, the oil and gas proponent will be designated as the maintainer by letter from the District. An email or letter confirmation for designating the maintainer is provided to the Commission (via an email to the designated FLNRO email box*) to include with the RUP. The District will respond ASAP, within 10 business days of the request.

- When the Designated Maintainer is not the proponent, the Commission will include the Designated Maintainer information in the RUP. The oil and gas proponent is required to notify the Designated Maintainer a minimum of 5 days prior to road use. The Designated Maintainer will advise the RUP holder of expectations for reasonable contributions to maintenance (*Forest and Range Practices Act* (FRPA) Section 22.3).
- The Commission will issue the RUP with both the Commission and FLNRO RUP file references.
- The Commission will send a copy of the RUP to the District via an email to the designated FLNRO email box*.
- The District Office files the RUP.

Designated Maintainer Designation:

- The Designated Maintainer of a FSR is established by order of the District Manager in FLNRO pursuant to Section 79 (4) of the Forest Planning and Practices Regulation under FRPA. This authority is not available to the Commission.
- Any holder of a RUP can be established as the Designated Maintainer by order of the District Manager. Typically this decision is based on the main industrial user of the road and could be a forest licensee, an oil and gas client, or another industrial user.
- The District Office has a system to track the current Designated Maintainer on each section of FSR.
- The Designated Maintainer remains in place as long as the RUP is issued unless:
 - the RUP holder requests and receives written approval from the District Manager to relinquish the responsibility, or
 - The District Manager determines that another RUP holder should be the Designated Maintainer and as such will notify other RUP holders.
 - The Commission will be notified by the District Manager if an Oil and Gas proponent is designated or relieved as a maintainer.

Closure:

- As per OGAA, RUPs are valid so long as there is an associated OGAA permit. RUP cancellations must be managed by the Commission. Districts are notified promptly by the Commission of any changes.
- When the proponent no longer needs the RUP, they will inform the Commission who will cancel the RUP. An RUP will expire if the OGAA permit expires, as per Section 32 of OGAA. The Commission will promptly notify the District, and the District will update the RUP tracking system.

* designated FLNRO email boxes have been established based on geographic location (see Appendix B map). Additionally, there are a few specific projects involving only single districts (see contact list). For Trans Mountain Expansion Project activities, use the South + Coast email box.

- North Area – only for LNG pipeline projects:
=> FLNRO.LNG.PipeReferrals@gov.bc.ca
- South + Coast Areas (including Trans Mountain Expansion Project):
=> FLNRO.South.OilGas.Referrals@gov.bc.ca
- For specific district projects, see internal FLNRO contact list located at:

https://gww.nrs.gov.bc.ca/flnr/files/flnr/media/engineering_-_roads_access/flnro_contact_list_1.pdf

Appendix A:

Operational Phase:

- Road maintenance, as specified under Section 79 of the FPPR, is required if the RUP holder has been issued an order under section 79 (4) of the FPPR.
- Modifications to the road, such as significant realignments or reconstruction, for a vehicle transportation purpose can only be conducted by the Designated Maintainer.
- In accordance with Section 11 of the Forest Service Road Use Regulation under FRPA, a person must not construct works on any part of a FSR right-of-way for any purpose other than the passage of vehicular or pedestrian traffic, except under, and in accordance with, a permit issued by the District Manager. Any works within the road right-of-way that are not for a vehicle transportation purpose (e.g. burying of a pipeline) require a Works Permit issued by the District Manager. Section 28 of OGAA specifies that, where such works are associated with a pipeline permit, approval of the works permit must be granted, subject to any conditions the District Manager considers necessary for the safety and function of the FSR.
- Section 79 (7) of the FPPR requires the RUP holder to provide a District Manager with at least 30 days' notice before building a bridge, installing a major culvert or installing a culvert in a fish stream on a FSR.
- Section 79 (8) of the FPPR provides the ability for the District Manager to impose requirements for the bridge or culvert within 30 days of receipt of notice.
- Section 79 (9) allows the RUP holder to proceed according to the notice that they have provided if the District Manager does not respond within the 30 days of receipt of notice. The District Manager will typically issue a FS1229, District Manager Requirements - Building Forest Service Road Bridges by a Road Use Permit Holder.

Appendix B – FLNRO Area/District Map

