



Province of British Columbia

Water Act

ORDER

WATER ACT SECTIONS 85(2) and 88

WHEREAS, Nexen Inc. is the holder of Conditional Water Licence C127986;

WHEREAS, Nexen Inc. was asked to provide information related to its diversion and use of water under Conditional Water Licence C127986 during the 2012 season to the Regional Water Manager;

WHEREAS, Nexen Inc. provided the requested information on November 21, 2012, December 20, 2012 and January 8-9, 2013;

WHEREAS, a review of the data demonstrated issues with the diversion and use of water under Conditional Water Licence C127986 in the summer withdrawal period during the 2012 season;

WHEREAS, by letter to Nexen Inc. dated February 4, 2013, the Regional Water Manager proposed ordering certain remedial measures;

WHEREAS, Nexen Inc. indicated acceptance of the proposed remedial measures by letter to the Regional Water Manager dated February 14, 2013;

WHEREAS, notification of the proposed remedial measures was given to Fort Nelson First Nation;

WHEREAS, the Regional Water Manager considers it desirable that the remedial measures be implemented by Nexen Inc. prior to its resumption of diversion and use of water under Conditional Water Licence C127986 in the 2013 season;

WHEREAS I, Robert Kopecky, am the Regional Water Manager empowered to exercise the powers of an Engineer to make orders under sections 85(2) and 88 of the *Water Act* of British Columbia;

NOW THEREFORE, I HEREBY ORDER, Nexen Inc. to provide for my approval, **within 10 days of this Order**, a plan to implement the following remedial measures within the adaptive management framework under the Water Development Management Plan (WDMP), described in Conditional Water Licence (CWL) C127986, prior to resuming its licensed diversion and use of water in the 2013 season:

1. Installation of real-time hydrometric gauges on the Tsea River at stations DS-2 and DS-3.
2. Submit a plan as to how the real time hydrometric data from the hydrometric gauges at DS-1, DS-2, and DS-3 will be made publicly available.
3. Describe steps that will be taken to ensure that the integrity of the hydrometric monitoring is maintained during unforeseen events that compromise the validity of the stage discharge rating curve.
4. Daily field measurements during periods of water withdrawals in low flow periods to verify real time hydrometric gauge data, including communication protocols between the pump operator and field monitor,

so as to ensure water usage ceases when the licence clause (c) threshold is reached. These protocols are to be added to the WDMP.

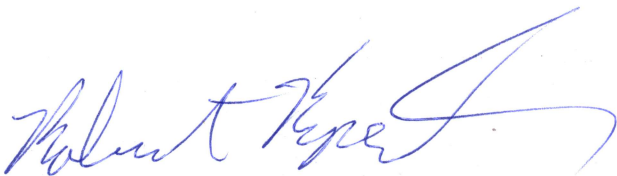
5. Monthly recording of water withdrawal records, including "0" values for months where no water was withdrawn, on the digital spreadsheet template that will be provided by email to Nexen Inc. The spreadsheet must be submitted by email to the Regional Water Manager and copied to the Oil and Gas Commission (OGCWater.VolumeData@bcogc.ca) on a quarterly basis. Quarterly reports are due on or before April 25th, July 25th, October 25th, and January 25th.
6. The retention of a qualified professional as an Independent Environmental Monitor ("IEM") to observe, analyze, audit and report on those aspects of the WDMP that relate to hydrologic, ecological and environmental monitoring and reporting under CWL C127986. The IEM will have expertise in the field of hydrology, ecology and environmental monitoring and will be tasked with overseeing and auditing Nexen Inc.'s licensed diversion and use of water and implementation of the WDMP under CWL C127986. Nexen Inc. will be responsible for retaining and paying for the services of an IEM who is acceptable to the Regional Water Manager and who would report in the form and manner, and within the time period and at a frequency, as may be directed by the Regional Water Manager from time to time.

Nexen Inc. must implement the approved measures prior to resuming its diversion and use of water under CWL C127986, clause (f), during the 2013 season.

A right of appeal from this decision lies to the Environmental Appeal Board as per Section 92 of the *Water Act*. Notice of any appeal must be made in writing within 30 days of the date of the notice of the decision and include:

- The name and address of the appellant.
- The name of the appellant's lawyer or agent (spokesperson), if any.
- The address for service of the appellant.
- The grounds for the appeal.
- The particulars relevant to the appeal.
- A description of the relief requested.
- The signature of the appellant or the appellant's lawyer or agent.
- An appeal fee of \$25.00 for each decision that is being appealed payable to the Minister of Finance and Corporate Relations.

Dated at the City of Dawson Creek, British Columbia, this 18th day of April, 2013.



Robert Kopecky
Regional Water Manager, exercising the powers of an Engineer under the *Water Act*
Northeast Region