

Vocal on behalf of rural landowners.
Independent of politics and profit.
Advice landowners can use.



Farmers' Advocacy Office

Independent Land Information & Advocacy Office - Dawson Creek, British Columbia

Quarterly Report February 2013 & Final Report

Aspen Grove
Property Services



New Harvest Media Inc.

Progress Report 8– Nov 1, 2012 to Feb 28, 2013 & FINAL REPORT

Narrative

The Farmers' Advocacy Office, operated by Aspen Grove Property Services, will close its doors to the public on February 28, 2013 after 30 months of continuous operation. During that 30 month period, services to rural landowners have included a website where surface lease information and large acreage sales information, as well as other pertinent information, advice and links were available in user-friendly format. A public office was provided, with a board room and public computer available for landowners to use for meetings and negotiations. One on one service, advice and dispute resolution service covering a broad range of issues were provided by advisors and a research assistant. Public information and education sessions were conducted, as well as agency liaison and industry liaison. Recommendations for regulatory and legislative change were made.

The contract was initially for an 18 month period, and was extended for a further 12 month period, terminating on February 28, 2013. A Request for Service was posted with a closing date of February 18, 2013 with an acceptance time of 60 days.

For the 18 month initial contract, Aspen Grove received \$240,000. For the extension, the initial offer was for \$140,000 to the service provider and \$20,000 allocated to an independent review of the service. This was not acceptable to Aspen Grove, and a further \$20,000 was added to the extension of the contract, which brought it up to par with the initial contract.

In September, 2012 a review of the Farmers' Advocacy Service was conducted by Ellen Frisch and Associates, which recommended a number of changes in the type of service to be delivered. Aspen Grove had an opportunity to read this report when it was appended to the November 22, 2012 Regional Board Agenda. We had concerns with the validity of the survey in particular; however our request to meet with the management committee to discuss the Review and our concerns about it was not afforded the courtesy of a reply. Our request to present Progress Report #7 to the management committee met a similar lack of response and to the best of our knowledge, that report was not provided to the Regional Board.

The subsequent Request for Service called for significant changes to the service – reducing it from an advocacy service to a simple provider of information and referral either back to industry or to (so far non-existent) support agencies. More disturbing were terms of the Request for Service that would change the office and its function from being an unfettered voice for landowners to one whose message, activities and website

content would be pre-approved by government agencies (as represented by the management committee).

Based on these and other concerns about the Request for Service and subsequent clarification letter from the Chair of the Management Board, Aspen Grove Property Services, with considerable regret, made the decision not to submit a proposal.

It has been our pleasure to serve the rural landowners of the Peace River Region for the past 30 months, and we are appreciative of the provincial and local government funding that enabled us to do so. As well, we are grateful for the support of South MLA Blair Lekstrom, North Peace MLA Pat Pimm, Peace River Regional District Chair Karen Goodings, and Directors. The response we received from landowners was that the service we provided met their needs and expectations, and assisted them in negotiating in their own best interest – our goal from the outset.

Our final quarterly progress report follows, in the usual format. Cumulative totals since October 1, 2010 are included at the end of the document.

A. Public Presentations, Meetings & Events: 0

Date	Location	Event
		No events or public presentations were conducted
		In the period November 1 to February 28.

B. Board Room Use: 42

Group Meetings	Meetings w/o FA	Meeting with Land Agents With FA Advisor	SRB Mediation or Arbitration In person or client in room, conference call w/SRB	Other: OGC, visiting politicians, MLA, BC Hydro, Ministry Reps.
7	2	13	16	4

C. Field Inspections: 0

Location	Issue
No field inspections conducted during this period	

D. Agency Liaison: 1

Date	Agency	Summary of Discussions
2012.12.20	National Energy Board	Land Matters Advisory Group

E. Clientele by Location: 81

North Peace	South Peace	West Peace	Alberta	Other
32	48	0	1	0

F. Clients Served by Issue Type: 187 includes single client, multiple issues, i.e. 81 clients, 187 issues.

Concern or Issue by Type	Number of Clients	Background Info & Services Provided
Pipeline location	3	1 resolved – relocated 1 in negotiation, 1 proceeding to OGAAT with legal counsel
Damage to Property from Pipeline construction	3	Erosion – NEB is now investigating 1, other two in negotiation for remediation and compensation.
Loss to owner or damage to property immediately adjacent to land that is subject to a right of entry	3	Provided client with copy of PNG Act Section 163(1) and assisted with application to Surface Rights Board.
Land owner concerns resulting from DCAT line	9	Pipeline location relative to Hydro Blanket easement issue – resolved. Right of way compensation – most resolved. Temporary workspace compensation – resolved. Location of line – not resolved. Services provided: information, meeting with landowner and hydro land agent. Resolution of most issues.
Trespass – quantum of compensation	3	Two on,going, one resolved. \$5,000 offer, settled at \$30,000.
2 nd or subsequent pipeline in same right of way	2	One company has offered compensation, another refuses and will proceed to Surface Rights Board.
Rent Review – quantum of compensation	16	Some success in achieving fair compensation through negotiation and SRB mediation process.
Oil and Gas Appeal Tribunal	2	Worked with applicants and lawyer to complete their submissions. Attended one hearing as resource for lawyer.
Surface Rights Board Mediations, Arbitrations and Pre-hearing Conferences	17	Provided land owner and/or lawyer with lease and other compensation information, strategy, case law and legislation, advocated for land owner.
Interference with water supply	2	1 result of fracking, referred to OGC for investigation; 1 interference with natural spring during pipeline construction – lawyer retained.
Weed Control	3	Referred to OGC, two are part of SRB application for compensation.

Trespass – is access road public	6	Group of people whose land is being chewed up by mud-boggers – put gate up across an access road. FAO is assisting them in dealing with government agencies involved – mapping, crown grant research, etc. Resolution: Surveyor General determined that it is private property and they have legal right to put up gate and keep people off their property.
Company claiming land owner is not entitled to a rental review until 4 years after last amendment.	3	.Resolved by reference to the legislation and discussion at mediation.
Eligibility for Rent Review	13	Referred clients to legislation that allows rent review after 4 years; Pointed out that the five years specified in their lease document does not supersede the legislation; Provided them with forms and in some cases assistance in completing them.
Landowner requested assistance in negotiations, SRB mediation or arbitration process	14	Participated in SRB telephone conferences, in person and telephone negotiations with land agents and clients, assisted clients in written submissions.
Complaints about land agents and negotiation process	8	<ul style="list-style-type: none"> - incorrect and/or incomplete information provided to landowner; - people being pressured into signing contracts - Not provided with consultation package - Lack of continuity in contact – multiple representatives for one negotiation - reports of intimidation - playing one landowner against another and misleading information in relation to compensation paid to other landowners - misinformation about BC legislation and regulation - conditions in lease documents that are not legal in BC
Allowing other companies to use access road without landowner agreement	3	One client will put this issue before SRB for clarity – depending on Board's ruling others will follow.
Disturbance of traditional wildlife lick, bear and coyote dens on private property. If it were Crown Land they would not be allowed to drill there.	1	Company will not relocate to neighbouring property, Land owner has gone to OGAT, and now has a lawyer seeking an injunction.
Compensation for gravel loss due to pipeline r/w	1	Now before NEB to determine if they have jurisdiction. NEB has determined that gravel extracting is mining under

		the NEB Act and they have jurisdiction – it will go before Board.
Lease rents assigned to a third party	2	- Problems created by assignment of rents to a prior land owner. Current land owner experiences the nuisance but receives no compensation. Under legislation only current owner can apply for rent review.
Impact on Farming or Ranching Operations	5	- pipeline crossing with heavy farm equipment; - 40 m setback Now 10 m setback – change in regulation. - compensation for gas plant vs. well site - Concern that a well site and access road has opened up land to the public. - cumulative impact.
Health and Safety	6	Sumps, abandoned sites not cleaned up.
Setback of Hydro Line in relation to pipeline	3	Needs to be clarity between OGC and BC Hydro on that issue. Currently a case before OGAT – where figures vary between 30 and 80 m.
Surface Rights Board Preparation	9	- Researched comparable lease information with clients - Reviewed landowner presentations, research permit dates, make suggestions - Field inspections - Assisted clients in accessing SRB forms and fact sheets
Miscellaneous	15	Status of road through private property- if not public, compensation is due land owner. Renegotiation of unregistered lease including quantum of compensation. Provide information on water sales.
Document Review and Correspondence Assistance	14	- assisted clients with surface rights board paperwork (application for rent review) and sent it electronically for them; - reviewed notification & consultation packages with landowners.
Landowner Advance Costs	4	Assisted landowners in application for advance costs before board – 3 successful and one in progress.
Multi-well pads	1	Quantum of compensation for additional wells
Lease status - unregistered	4	Leases not registered ownership of land changes, company must renegotiate with new owner.
Damage to property (pollution)	3	Two sumps and one ruptured pipeline – compensation for damage under negotiation.

Quantum of Compensation – Pipeline R/W	7	2 successfully resolved, 5 outstanding
Jurisdiction – whether OGC or NEB	2	Written submissions to SRB in progress

G. Virtual Office Update – November 1 to January 31

The database of surface lease values has grown to 174 leases now plotted on the map. The database of land sale values now includes 663 records.

Usage Statistics

Between November 1, 2012 and January 31, 2013, the site served:

- 686 visits
- 2,117 page views

The ten most popular pages (by page views) were:

- Home page (707)
- Surface Lease Values (118)
- Links (97)
- Do Your Own Research (159)
- Understand the System – Infographic (83) – NEW Interactive Graphics
- Compensation (81)
- Dealing with Land Agents (66)
- News (75)
- Leases & Sales (61)
- Do Your Own Research (59)

Recent work completed:

- Support with further lease and sale additions
- Draft printable booklet based on web site content
- Support with e-mail and technical issues
- Updating infographics to reflect current ministry names
- Updates to the web site

H. Recommendations:

- Surface Lease Regulations – Admin Penalty & Disclosure of Information – these much needed regulations would authorize the BC Surface Rights Board to publish surface lease information rather than requiring the public to travel to Richmond to read it, and would penalize companies which did not comply with the legislated requirement to file. It has now
- A legislated 3 to 5 day mandatory “cooling off” period, during which a contract can be rescinded.
- A requirement that land agents leave the document with the land owners to give them an opportunity to look into their rights, and whether they are being offered fair compensation.
- Consultation and Notification package in advance of lease negotiation.
- More training for land agents operating in BC, and completion of such training to be tied to a licensing program.
- Funding for test cases before SRB, e.g. what constitutes an amendment to a lease.

**October 1, 2010 to February 28, 2013
Cumulative Totals of Report Categories:**

Public Meetings & Presentations: 41
Board Room Use: 235
Client Location: South 687 North 210 West 2 AB/other 29
Total Clients: 835
Total Issues: 1,124
Agency Liaison Meetings: 17

Web Site Final Usage Summary: Usage Statistics since the web site's November 22, 2010 launch, and February 24, 2013, the site served:

- 3,893 visits
- 31,528 page views

The ten most popular pages (by page views) were:

- Home page (7,263)
- Surface Lease Values (1,770)
- Compensation (1,235)
- Do Your Own Research (1,121)
- Understand the System (1,072)
- Links (1,032)
- News (950)
- Know Your Property Rights (927)
- Dealing with Land Agents (907)
- Talk to Us (807)

Submitted to the Management Committee,
Cc: Board Chair and Directors, Peace River Regional District
MLA Blair Lekstrom
MLA Pat Pimm