

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  
June 30, 2017

*Aspen Grove*  
Property Services



New Harvest Media Inc.

**Farmers' Advocacy Office Progress Report  
4Q2016 (Apr. 1 - Jun. 30, 2017)**

**A. PUBLIC PRESENTATIONS, MEETINGS & EVENTS**

<b>Date</b>	<b>Location</b>	<b>Event</b>
7-Apr	FAO	Elvin & Judi participated in teleconference with the Expert Panel to Modernize the National Energy Board
25-Apr	PRRD	FAO Quarterly Report & meeting with Management Board
27-Apr	Dawson Creek	Landowner & Elvin participated in SRB in-person mediation
3-May	FAO	Landowner meeting with oil & gas industry representatives & Elvin re: abandoned wellsite
11-May	FAO	Landowner meeting with oil & gas industry representatives & Elvin re: NEB regulated pipeline
12-May	FAO	Landowner meeting with oil & gas industry representative & Elvin re: new lease
16-May	FAO	Landowner & Elvin participated in SRB mediation teleconference
13-Jun	FAO	Elvin & Judi met with National Energy Board BC Regional Director & Engagement Specialist re: local NEB issues
21-Jun	FAO	Landowner & Elvin participated in SRB mediation teleconference
22-Jun	Dawson Creek	Elvin, Anne & Judi participate in workshop to discuss "the past, present & future of natural resource communities in Peace River Region" hosted by the Cumulative Impacts Research Consortium - UNBC
28-Jun	FAO	Landowner meeting with Elvin & teleconference with their legal counsel

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**B. CLIENTS BY LOCATION (New and Return)**

		Electoral Area 'B'	Electoral Area 'C'	Electoral Area 'D'	Electoral Area 'E'	Other	Total
Q1	New	6	0	14	1	0	21
	Return	49	0	123	17	5	194
Q2	New	7	0	17	1	0	25
	Return	44	0	126	13	8	191
Q3	New	4	2	27	4	1	38
	Return	49	4	119	25	5	202
<b>Q4</b>	<b>New</b>	<b>4</b>	<b>0</b>	<b>21</b>	<b>4</b>	<b>2</b>	<b>31</b>
	<b>Return</b>	<b>48</b>	<b>1</b>	<b>95</b>	<b>23</b>	<b>8</b>	<b>175</b>
							877

**C. CLIENTS SERVED BY ACTIVITY TYPE**

- 1 Information Only.** *Information only involves providing background information, assisting in filling out forms, explaining rights. Typically no further action is required.*

Q1	Q2	Q3	<b>Q4</b>	Total
58	72	63	<b>69</b>	262

**Summary of Discussions (Key Themes):**

Brochures & information given out to first time visitors to the FAO, or landowners dealing with Oil & Gas Companies for the first time. "Landowner Information Guide", "In-Brief: Landowners" and "Understanding the System" & "FAO Landowners Handbook" are most often given out.

Explained rights and gave out information about pipelines/flow lines and NEB pipelines - jurisdiction, compensation & rights pertaining to abandonment.

Explained rights to landowners who have received notification that oil & gas activity is planned on adjacent property.

**Explained rights to landowners who have received correspondence from companies seeking permission to survey or to conduct geophysical activity on their land.**

**Discussed remedies with landowners who have not received lease rent payments from Oil and Gas Company when due. Also, advised landowners of funding available for specific overdue lease payments, and assisted with paperwork as required.**

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### C. CLIENTS SERVED BY ACTIVITY TYPE

- 2 Support Landowners in Negotiations.** *Supporting Landowners in negotiations involves engagement with the industry prior to a lease being signed.*

Q1	Q2	Q3	Q4	Total
35	29	33	30	127

#### Summary of Discussions (Key Themes):

Provided comparative information to clients to assist them in determining value of ROW and/or land for leases. There continues to be much NEB regulated pipeline activity in the area, and a corresponding number of visitors requesting information & assistance.

Assisted clients in negotiating monetary compensation and terms of leases as well as nuisance, trespass and disturbance claims consistent with the Petroleum & Natural Gas Act.

There appears to be confusion between the regulator and the Surface Rights Board regarding jurisdiction. Per the Oil & Gas Activity Application Manual, temporary workspace and sump are considered "associated oil and gas activities", and the OGC does not issue authorizations for associated oil and gas activities on private land. The SRB has taken the position that "the purpose of the sump is to facilitate construction of the pipeline, just as the purpose of temporary workspace is to facilitate constructin of the pipeline, it is an oil and gas activity over which the Board has jurisdiction". The Board cannot have jurisdiction over unpermitted activities. The Board may grant a right of entry order conditional upon the person who is seeking the right of entry receiving approval from the commission as per Section 159 (3) of the Petroleum and Natural Gas Act.

The expropriations reported on the last report continue to move through the judicial process, with parties being represented by their legal counsel.

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**C. CLIENTS SERVED BY ACTIVITY TYPE**

**3** **Implementation.** *Implementation means that a lease is in place. Activities involve addressing concerns over fulfilling the terms of the lease and negotiation of subsequent leases.*

Q1	Q2	Q3	Q4	Total
122	115	144	107	488

**Summary of Discussions (Key Themes):**

Assisted clients in negotiating with industry regarding:

- rent reviews
- non-compliance issues (such as noise, contamination, leakage & weed control)
- trespass and damage to property
- road access & use (often multiple users)
- actual crop loss
- validity of leases
- non-payment of rents & property taxes
- assignment of rents
- abandonment of well sites and pipelines
- change of use issues
- expansion of well sites, creating multi well pads
- NEB/OGC jurisdictional issues
- **increase in H2S percentage in wells and pipelines**
- **drainage issues with wellsites (due to heavy rainfall)**

Assisted clients in determining status of leases, by researching titles and Crown Grants.  
Untenured oil & gas activity flowing from administrative oversight at Crown Grant.

Continued to be engaged with Land Matters Group Steering Committee at the National Energy Board dealing with a wide array of client issues.

Assisted clients with submissions to OGC, OGAT & SRB

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**D. RESULTS OF INTERACTIONS WITH OIL & GAS INDUSTRY AND THEIR AGENTS**

Results of support to farmers, ranchers or rural residents in their interactions with the oil and gas industry and their agents

**Number of Successful Interactions.** *(ie. Issue or conflict resolved, no further action or escalation,*

Q1	Q2	Q3	<b>Q4</b>	Total
8	11	6	<b>11</b>	36

**Number of Interactions in Progress.** *(ie. Issue is still being discussed, no resolve or escalation at this time)*

Q1	Q2	Q3	<b>Q4</b>	Total
71	52	71	<b>59</b>	253

**Number of Escalated Interactions.** *(ie. conflict not resolved or escalated to mediation, arbitration, or Surface Rights Board)*

Q1	Q2	Q3	<b>Q4</b>	Total
7	9	12	<b>10</b>	38

## Farmers' Advocacy Office Progress Report 4Q2016 (Apr. 1 - Jun. 30, 2017)

### E. WEBSITE USAGE

#### Virtual Office Update Usage Statistics

	Jul - Sept 2016	Oct - Dec 2016	Jan - Mar 2017	Apr -Jun 2017
Sessions	616	699	500	<b>450</b>
Users	508	477	392	<b>376</b>
Page views	1,410	1,518	1,329	<b>1,288</b>
Average Pages/Session	2.29	2.17	2.66	<b>2.86</b>

#### Google Analytics Terminology

Sessions:

[https://support.google.com/analytics/answer/2731565?hl=en&ref\\_topic=1012046](https://support.google.com/analytics/answer/2731565?hl=en&ref_topic=1012046)

Users:

[https://support.google.com/analytics/answer/2992042?hl=en&ref\\_topic=1012046](https://support.google.com/analytics/answer/2992042?hl=en&ref_topic=1012046)

#### Most Popular Pages (April - June 2017)

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

1. Home page (455)
2. Lease Values - Database Map (63)
3. Do Your Own Research (62)
4. Leases & Sales (59)
5. Compensation (49)
6. Understanding the System (48)
7. Land Sales Values - Database Map (42)
8. Dealing with Land Agents (37)
9. Talk to Us (36)
10. Know Your Property Rights (32)

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**F. RECOMMENDATIONS FOR IMPROVEMENTS TO THE PROGRAM**

**Section F is a separate document provided to the Management Committee at the option of the Service Provider and is not required as part of the Quarterly Report.**

*During this reporting period no surface lease, rent review or ROW documents were available to download from the SRB.*

*Landowners continue to be frustrated by the lack of access to leases and ROW documents. In the 13 months since the regulation was established allowing the SRB to publish surface lease information online, there are only 16 redacted documents on the SRB website available for the public to view.*

*On the FAO website, currently there are 501 surface leases plotted. Users can focus on specific areas, and get information on the legal description, date of lease, number of acres, annual rent & rent per acre. Also on the website, is information on 960 sales of primarily vacant land.*



## **OVERVIEW OF MEDIATIONS & ARBITRATIONS**

### **SRB MEDIATIONS:**

- The FAO provided assistance to 8 landowners in mediations during this reporting period and 1 of these has been settled. Links to Consent Order, Right of Entry, Jurisdiction and Application for Summary Dismissal rulings:

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201877-2.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201935-1.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201936-1.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201941-1.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201939-1.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201939-2.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201939-2amd.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201939-3.pdf>

<http://www.surfacerightsboard.bc.ca/Documents/OilAndGasOrders/Order%201920-2.pdf>

### **SRB ARBITRATIONS:**

- The FAO was not involved in any arbitrations during this reporting period.

### **NEB ARBITRATIONS (Natural Resources Canada):**

- The FAO continues to assist landowners who have retained legal counsel to resolve a dispute over compensation for a NEB pipeline on his property. The negotiations are continuing.

### **OIL & GAS APPEAL TRIBUNAL HEARINGS:**

- Elvin & Judi were observers only at portions of the OGAT hearing on June 27<sup>th</sup> & 28<sup>th</sup> between Rodney & Kim Strasky & Encana Corporation. No decision has been published to date.

## **OVERVIEW OF SUCCESSES**

### **Landowner Negotiations:**

- Through the SRB mediation process, the FAO assisted a local landowner negotiate a 19.72 acre surface lease on his property. The initial compensation offered by the oil and gas for the value of the land was \$700 per acre, and the final amount agreed to was \$1700 per acre.
- The FAO assisted local landowner negotiate settlement with oil and gas company regarding an abandoned wellsite on his property. The initial offer was \$1000 and the final settlement agreed to was \$49,000.

### **Failure to Pay**

- The FAO has been proactive in assisting numerous landowners apply for, and receive compensation through the fund that has been established from the Court approved sale of some of Terra Energy's BC assets. Through the SRB, this fund has been available for landowners to apply for back rent, as well as current rent, as the payments become due.