

**File No. 1815
Board Order 1815-1**

February 18, 2014

SURFACE RIGHTS BOARD

**IN THE MATTER OF THE PETROLEUM AND NATURAL GAS
ACT, R.S.B.C., AS AMENDED**

AND IN THE MATTER OF

**THE NORTH WEST ¼ OF SECTION 8, TOWNSHIP 79, RANGE 17,
WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT**

(the "Lands")

BETWEEN:

ENCANA CORPORATION

APPLICANT

AND

**EILEEN FALCK, PAUL JUSTIN POIRRIER, TIMOTHY JOHN POIRRIER,
MAXIME JAMES PETER POIRRIER**

RESPONDENTS

BOARD ORDER

Heard by telephone conference: December 2 and 13, 2013
Appearances: Janaya Flower, Sheri Wannamaker, Heidi Berscht,
Jeffery Wittmann, Eileen Falck, Max Poirrier
Mediator: Rob Fraser

Following an agreement reached through mediation, and at the request of the parties to incorporate the terms of their agreement into a Consent Order of the Board, the Surface Rights Board orders, BY CONSENT:

1. Upon payment of the amounts set out in paragraph 3 below, Encana Corporation shall have the Right of Entry to and access across the portions of lands legally described as **THE NORTH WEST ¼ OF SECTION 8, TOWNSHIP 79, RANGE 17 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT** as shown on the individual ownership plan attached as Appendix "A" (the "Lands") to carry out an approved oil and gas activity, namely the construction, operation, and maintenance of multiple flow lines and associated works.
2. Encana Corporation's Right of Entry shall be subject to the terms and conditions of the Oil and Gas Commission report dated April 30, 2013 attached hereto as Appendix "B" and forming part of this Right of Entry Order and the *Oil and Gas Activities Act* [S.B.C. 2008] c. 36, as amended and the *Environmental Management Act*, [R.S.B.C. 1996] c. 118, as amended, and shall also be subject to the terms and conditions set out in Appendix "C".
3. Encana Corporation shall pay to the Respondents as payment for compensation the amount of CDN\$10,000.00 representing the first year's initial payment determined as follows:
 - a. Compulsory Aspect of the right of entry: \$1,323.00
 - b. Value of the applicable land: \$2,646.00 (\$1000/acre)
 - c. Compensation for Temporary Workspace \$343.50
 - d. Compensation for nuisance and disturbance from the right of entry: \$150.00 (\$50/hour)
 - e. Other factors:
 - i. Damages for Pipeline –
 - i. Timber Loss
(\$2,500/ha x 1.349 ha total area): \$ 3,372.50

ii. Legal fees, disbursements
And other expenses: \$2165.00

The initial payment of \$10,000 shall be paid in trust to the solicitors for the Respondents. All subsequent payments, if any, shall be made jointly to the Respondents, at a single address to be provided by them to Encana.

4. Nothing in this Order operates as a consent, permission, approval, requirement, direction or authorization to Encana Corporation of a matter within the jurisdiction of the Oil and Gas Commission, Environment Canada or the British Columbia Ministry of the Environment.
5. Each landowner represents that he or she is a non-resident of Canada within the meaning of the Income Tax Act (Canada) and any payment made by or on behalf of Encana Corporation to the landowner under this Right of Entry Order will be made net of any deduction or withholding as required by the Income Tax Act (Canada) or any other applicable law.

DATED: February 18, 2014

FOR THE BOARD

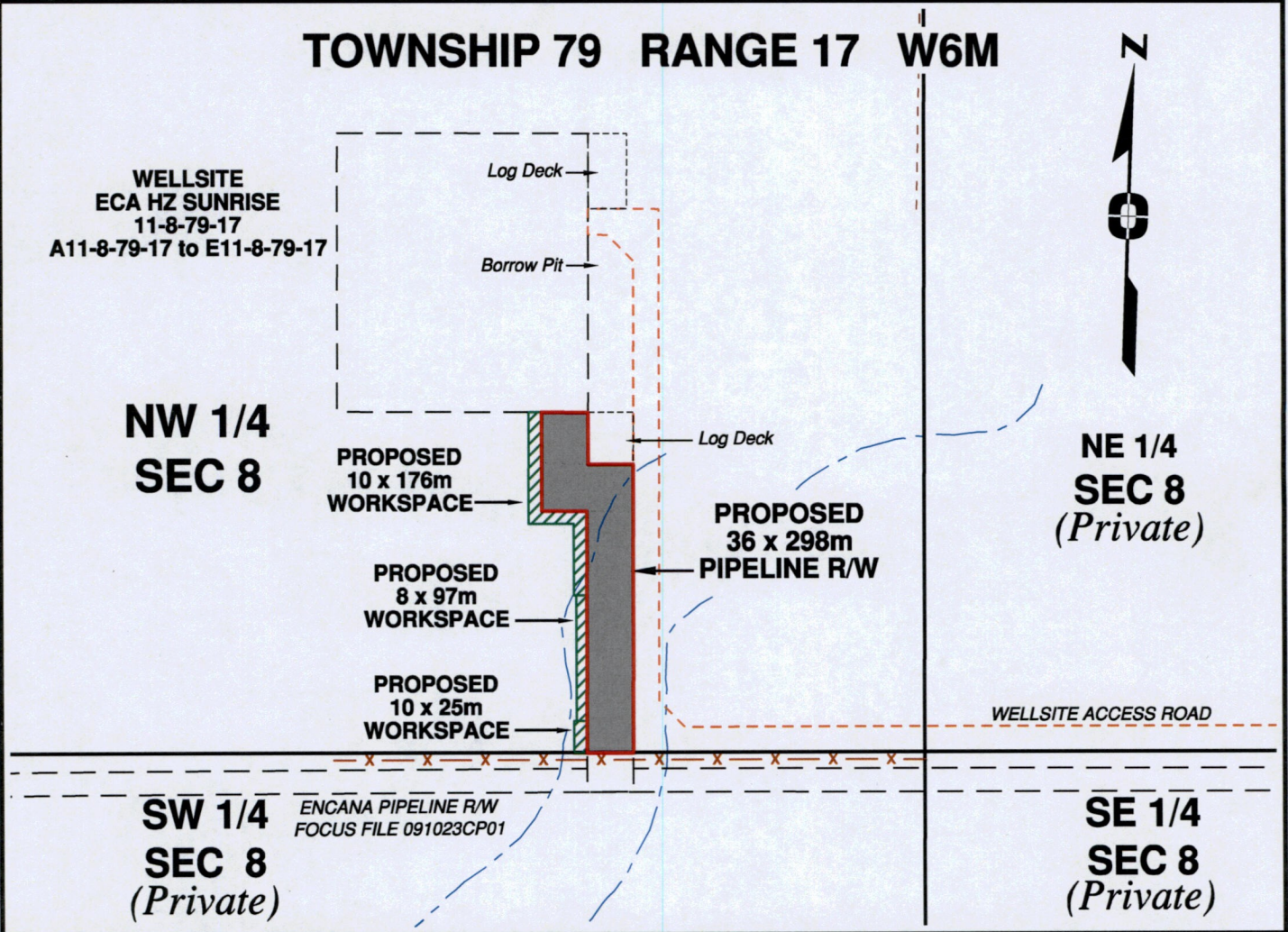


Robert Fraser, Mediator

SCHEDULE "A"

Attached to and made part of this Agreement dated this _____ day of _____, 20____, between Eileen Marie Falck, Paul Justin Poirrier, Timothy John Poirrier and Maxime James Peter Poirrier (Lessor) and Encana Corporation (Lessee).

**INDIVIDUAL OWNERSHIP PLAN SHOWING
PROPOSED PIPELINE RIGHT OF WAY WITHIN
THE NORTH WEST 1/4 OF SECTION 8, TOWNSHIP 79, RANGE 17, W6M
PEACE RIVER DISTRICT
(Associated with Pipeline R/W from Wellsite 11-8-79-17 to Wellsite 12-10-79-17)**



Owner(s): Eileen Marie Falck
Paul Justin Poirrier
Timothy John Poirrier
Maxime James Peter Poirrier

Title No: Y6390

Parcel Identifier: 004-163-842

Landowner File: S455731

EnCana File(s): S455731

100 0 100 200 300 400

The intended plot size of this plan is 216mm in width by 280mm in height when plotted at a scale of 1: 5000 (use letter size sheet)

Certified correct this 24th day of April, 2012.

[Signature]

Adam Brash, BCLS

Areas		
Permanent		1.071 ha 2.646 ac
Temporary		0.278 ha 0.687 ac
Total		1.349 ha 3.333 ac

FOCUS
Focus Surveys
FCS Land Services Limited Partnership

Fort St. John
10716-100th Ave.
BC, V1J 1Z3
Ph. (250)787-0300
Fax (250)787-1611
www.focus.ca

Focus Job No: 091022NP01R3

Ref Dwg: 091022CP01R4

Drafter: KG

APPENDIX B
1815-1
Scott Land



April 30, 2013

EnCana Corporation
P.O. Box 2850
500 Centre Street SE
Calgary, Alberta
T2P 2S5

Attention: EnCana Corporation

RE: Pipeline Permit

Date of Issuance: April 30, 2013

Commission File No: 9704268

Job No.: 006880120-001

Project Number: 000023011

Segment 001 From DLS: 11-08-79-17 To DLS: 12-10-79-17

Segment 002 From DLS: 12-10-79-17 To DLS: 11-08-79-17

Segment 003 From DLS: 11-08-79-17 To DLS: 12-10-79-17

Segment 004 From DLS: 12-10-79-17 To DLS: 11-08-79-17

PERMISSIONS

1. The BC Oil and Gas Commission ("The Commission"), under *section 25(1) of the Oil & Gas Activities Act*, hereby permits the holder to construct and operate a pipeline for the purpose of conveying petroleum, natural gas or water, subject to the following conditions, any applicable exemptions and authorizations:
 - a. Piping & Instrumentation Diagram(s), STN1442C Revision 1A1, and STN1442B Revision 1A1, dated October 16, 2012, and STN1784E Revision 2A2, and STN1748F Revision 2A2, dated June 20, 2012, submitted by EnCana Corporation, and
 - b. The permissions and authorizations granted under this permit are limited to the area described in construction plan number 091022CP01R4, sheet 1 of 1, revision 4, dated April 24, 2012 by FOCUS Surveys as submitted to the Commission in the permit application dated September 20, 2012.

CONDITIONS

1. Within 60 days of the completion of the clearing phase of the activity permitted, the permit holder must submit to the Commission a Post construction plan as an ePASS shape file identifying the location of the total area actually cleared under this permit.
2. If artifacts, materials or other thing protected under section 13(2) of the *Heritage Conservation Act* are noted during any phase of ground-disturbing activities, the permit holder must:
 - c. immediately cease all work in the vicinity of these artifacts, features, materials or things, and
 - d. as soon as practicable, contact the Commission;
unless the permit holder holds a permit under section 12 of the *Heritage Conservation Act* in respect of that artifact, material or thing.

3. An Archaeological Impact Assessment is required for the proposed development area prior to any development activities taking place.

If an archaeological site is recorded as a result of this assessment, a report must be submitted immediately to the Oil and Gas Commission and all mitigation measures must be approved by OGC archaeology staff prior to the start of construction.

If no archaeological site is recorded during this assessment, an AIA report is still required and must be submitted to the OGC as soon as possible as per the Archaeology Process Guidelines.

The Permit Holder must cease disturbance activities and immediately notify the Oil and Gas Commission in the event that cultural heritage materials or features are encountered during development.

In the event a heritage site, heritage object, or any other feature, place or material that may contain historical or archaeological value as defined by the Heritage Conservation Act [RSBC 1996] Chapter 187 is encountered, the Permit Holder must cease disturbance activities and immediately notify the Oil and Gas Commission.

4. The Permit Holder is to provide the Schedule B Site Assessment to the Oil and Gas Commission two years from the date of construction.
5. The ancillary sites associated with this application are not authorized in this Permit.
6. The permit holder must ensure that emergency response plans prepared for the operation of pipeline segments 3 and 4 include identification for response personnel of (1) the dugouts on SW 9-79-17 W6M as specific values at risk of contamination and, (2) the drainage connectivity between the pipeline right of way and the dugouts.
7. Prior to the commencement of any activities relating to pipeline segments 3 and 4 under this permit, and on an ongoing basis (according to a schedule determined by a qualified professional) during the period when pipeline segments 3 and 4 are available for use, the permit holder must:

1. Have the water in each of the water source dugouts located on SW 9-79-17 W6M sampled under the direction of a qualified professional and analyzed by an accredited laboratory facility using standard and accepted field sampling and analyzing procedures; and

2. Have the completed results and analysis of the test provided directly to owner of SW 9-79-17 W6M or the owner's authorized representative and, upon request, to the Commission.

Each analysis referenced above will include:

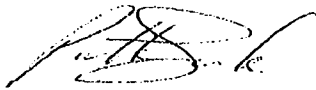
- a. Basic water chemistry, including anions, cations, pH, alkalinity, SO₄;
- b. BTEX (benzene, toluene, ethylbenzene, and xylene);
- c. Dissolved methane and higher chain hydrocarbons, if such substances are detected; and
- d. Isotope analysis of dissolved methane, if methane is detected.

The obligation to conduct the water sampling and analysis referenced above is subject to the permit holder being provided with the written consent of the owner of SW 9-79-17 W6M. Further, the water sampling of the water source dugouts located on SW 9-79-17 W6M must only be carried out with the permission of the owner of SW 9-79-17 W6M.

ADVISORY GUIDANCE

1. This permit expires two years from the date of issuance as per section 8 of the *Oil and Gas Activities Act* General Regulation if the permit holder has not begun the construction of the pipeline permitted unless the permit has been extended.
2. As required by section 4(1)(a) of the Pipeline Regulation, the permit holder must notify the Commission at least 2 days before beginning construction of a pipeline of its intention to begin construction.
3. As required under section 6 of the Pipeline Regulation, the permit holder must give at least 48 hour notice to the owner of or authority responsible for the public place, highway, road, railway underground communication line, power line or pipeline before beginning the work unless the permit holder and the owner or authority have agreed that the notice is to be provided by another time.
4. As required by section 3 of the Pipeline Regulation, the permit holder must design, construct, operate and maintain in accordance with CSA Z662.

5. As required by section 4(1)(b) of the Pipeline Regulation, the permit holder must notify the Commission at least 2 days before beginning a pressure test of a pipeline of its intention to begin testing.
6. As required by section 4(1)(c) of the Pipeline Regulation, the permit holder must notify the Commission before beginning operation of a pipeline of its intention to begin operation.
7. As required by section 4(2) of the Pipeline Regulation, the permit holder must submit to the Commission the pipe and component specifications and the as-built drawings for the pipeline within 3 months after completion of construction of a pipeline.
8. As required by section 24(1) of the *Oil and Gas Act* General Regulation, the permit holder must complete the surveying and posting of the pipeline right of way within 16 months after completing the pipeline.



Patrick Smook
Authorized Signatory
Commission Delegated Decision Maker

pc: Scott Land & Lease Co. Ltd.
OGC: 9704268
WorkSafe BC

Appendix "C"

Conditions for Right of Entry

1. **Encana Corporation** will notify the landowner of any material changes to our activity on the Lands.