

File No. 1904
Board Order No.1904-1

August 9, 2016

SURFACE RIGHTS BOARD

IN THE MATTER OF THE *PETROLEUM AND NATURAL GAS ACT*,
R.S.B.C., C. 361 AS AMENDED

AND IN THE MATTER OF
THE NORTH WEST $\frac{1}{4}$ OF SECTION 21 TOWNSHIP 79 RANGE 14
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT

(The "Lands")

BETWEEN:

ARC Resources Ltd.

(APPLICANT)

AND:

Mary Kathleen Miller

(RESPONDENT)

BOARD ORDER

ARC Resources Ltd. (“ARC”) seeks a right of entry order to access certain lands legally owned by Mary Kathleen Miller (the “Lands”).

ARC proposes to construct operate and maintain a flow line and associated infrastructure. The Oil and Gas Commission (“OGC”) has issued a permit for this project (9709307).

ARC informed the Landowner of what they would like to see in a right of entry order. The Landowner responded and ARC accepted some of the suggestions. I am satisfied that the parties have had an opportunity to provide input regarding the proposed terms and conditions.

Under the provisions of the *Petroleum and Natural Gas Act*, the Board may grant a right of entry order to privately owned land if it is satisfied that an order authorizing entry is required for an oil and gas activity. “Oil and gas activity” is a defined term that includes the construction or operation of a pipeline.

Based on the correspondence between the parties and on the fact that the OGC has issued permits for ARC’s project I am satisfied that ARC requires the Lands for an approved oil and gas activity.

The Surface Rights Board orders:

1. Upon payment of the amount set out in paragraphs 2 and 3, ARC shall have the right to enter and access the portions of the Lands shown outlined in red on the Individual Ownership Plan attached as Appendix “A” as necessary for the purpose of constructing, operating and maintaining a flow line in accordance with British Columbia Oil and Gas Commission Permit No. 9709307.
2. ARC shall pay to the landowner as partial compensation the total amount of \$5,000.
3. ARC shall deliver to the Surface Rights Board security in the amount of \$2,500 by cheque made payable to the Minister of Finance. All or part of the security deposit may be returned to ARC, or paid to the landowner, upon agreement of the parties or as ordered by the Board.
4. ARC will, within seven days of receiving notice of a builder’s lien claim being filed against the Lands as a result of the work being carried out by ARC on the subject property, take all reasonable steps to cause the lien to be removed.
5. All vehicles used in the farming operations of the landowner will have a right to cross the pipeline right of way in the normal and ordinary course of such farming operations, regardless of whether the vehicle carries a farm licenses, provided such vehicles shall not alter the depth of cover over the flow line. If vehicles are

required to cross the flow line where additional matting or cover is required upon determination by ARC, on reasonable notice being provided to ARC, ARC will construct the appropriate crossing.

6. No risers or other above ground equipment or structures within the area shown outlined in red in Appendix "A" are permitted without the landowner's consent or a further Board order.
7. ARC shall not erect any power poles or transmission lines within the area outlined in red in Appendix "A", permanently or otherwise, without the landowner's consent or a further Board order.
8. Nothing in this order operates as a consent, permission, approval, or authorization of matters within the jurisdiction of the Oil and Gas Commission.

Dated: August 9, 2016

FOR THE BOARD

A handwritten signature in black ink, appearing to read "Rob Fraser", written in a cursive style.

Rob Fraser, Mediator