

File No. 1940
Board Order No. 1940-1

July 11, 2017

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 1/4 OF SECTION 34 TOWNSHIP 79 RANGE 17 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT

(the Lands)

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Tailwind Properties Ltd.

(RESPONDENT)

BOARD ORDER

Encana Corporation (“Encana”) seeks a right of entry order to access certain lands legally owned by Tailwind Properties Ltd. (the “Lands”).

Encana requires access to the Lands to construct, operate and maintain a pipeline and associated infrastructure.

The Oil and Gas Commission (“OGC”) has approved this project, and has issued a permit (Pipeline Permit Determination #100101424).

On July 6, 2017, I convened a telephone conference attended by representatives from both Encana and Tailwind Properties Ltd. (“Tailwind”) to discuss Encana’s proposed project on the Lands.

At that discussion Tailwind raised a number of issues, which I found to be beyond the Board’s jurisdiction and were more likely regulatory and within the responsibility of the OGC.

Tailwind raised environmental concerns, the potential for contamination leaching, the depositing of chemicals, the difficulty in selling a property when contamination must be disclosed, and who would be responsible for reclamation. Tailwind questioned the uses of the sump referenced in the approved permit, asking that Encana be restricted in how the sump was used to store materials.

After hearing and considering the submissions from Encana and Tailwind, I informed the parties that the Board would issue a right of entry order for this project.

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. The Board is satisfied that Encana requires entry to the Lands for an approved oil and gas activity, namely completing the project authorized by the Oil and Gas Commission’s Pipeline Permit Determination #100101424.

ORDER

1. Upon payment of the amounts set out in paragraphs 3 and 4, **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 34 TOWNSHIP 79 RANGE 17 WEST OF THE SIXTH 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 in accordance with Oil and

Gas Commission Pipeline Permit Determination #100101424; Pipeline Project # 000024228, segments 1, 2, 3 & 4.

2. **Encana Corporation's** right of entry shall be subject to the terms and conditions attached as Appendix "B" to this right of entry Order.
3. **Encana Corporation** shall deliver to the Surface Rights Board security in the amount of \$2,500.00 by cheque made payable to the Minister of Finance. All or part of the security deposit may be returned to Encana Corporation, or paid to the landowner, upon agreement of the parties or as ordered by the Board.
4. **Encana Corporation** shall pay to the landowner as partial payment for compensation the amount of \$8,850.00 representing the first year's initial payment and prepaid damages.
5. Nothing in this Order operates as a consent, permission, approval, or authorization of a matter within the jurisdiction of the Oil and Gas Commission.

Dated: July 11, 2017

FOR THE BOARD

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

Rob Fraser, Mediator

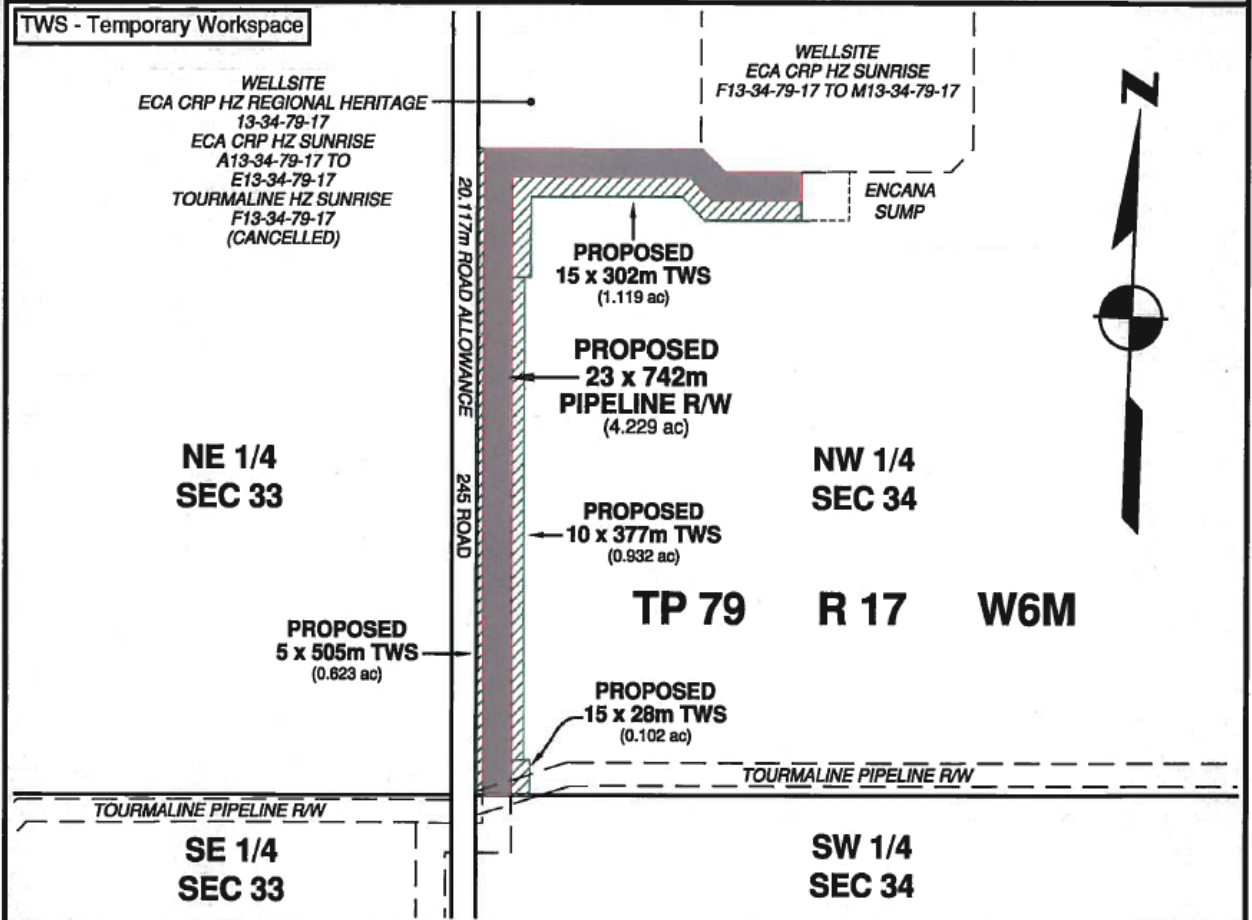
Appendix "A"

SCHEDULE "A" Page ___ of ___

Attached to and made part of this Agreement dated this _____ day of _____, 20____, between
Tailwind Properties Ltd., Inc.No. BC0520501 (Grantor) and Encana Corporation (Grantee).

**INDIVIDUAL OWNERSHIP PLAN SHOWING
PROPOSED PIPELINE RIGHT OF WAY AND ANCILLARY SITES WITHIN
THE NORTH WEST 1/4 OF SECTION 34 TOWNSHIP 79 RANGE 17 W6M
PEACE RIVER DISTRICT**

(Associated with Pipeline R/W from Wellsite F13-34-79-17 to Wellsite 16-28-79-17)



Owner(s): Tailwind Properties Ltd.,
Inc.No. BC0520501

Title No: CA3739877

Parcel Identifier: 014-521-865


Landowner File: S470706

Encana File(s): S470706



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 28th day of October, 2016



David E. Gosling, BCLS

| Areas | | | |
|--------------|---|-----------------|-----------------|
| Permanent |  | 1.711 ha | 4.229 ac |
| Temporary |  | 1.123 ha | 2.776 ac |
| Total | | 2.834 ha | 7.005 ac |

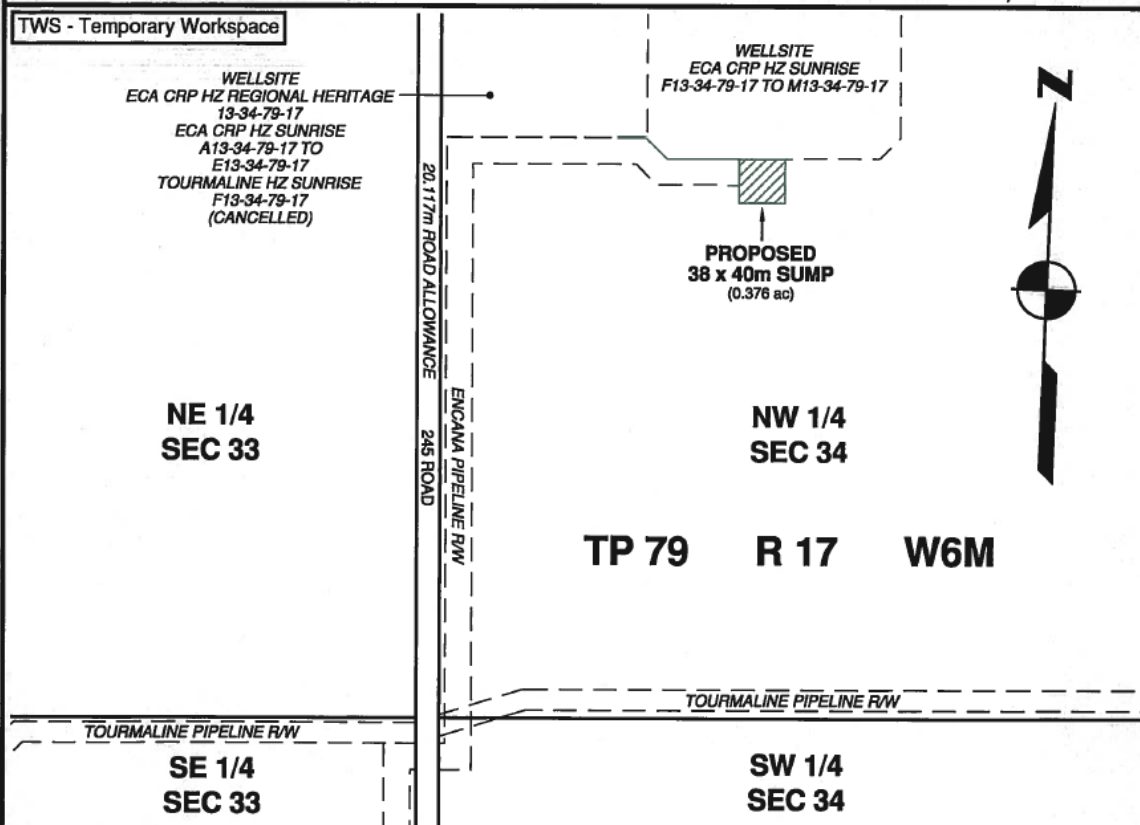
| | | |
|---|--|-------------------------------|
|  | WSP Surveys (BC) Limited Partnership Fort St John BC (250) 787-0300 | WSP File: 150677NP01R0 |
| | | Ref Dwg: 150677CP01R0 |
| | | Drafted by: KG |

SCHEDULE "A"

Page ___ of ___

Attached to and made part of this Agreement dated this _____ day of _____, 20____, between
Tailwind Properties Ltd., Inc.No. BC0520501 (Grantor) and Encana Corporation (Grantee).

INDIVIDUAL OWNERSHIP PLAN SHOWING PROPOSED SUMP WITHIN THE NORTH WEST 1/4 OF SECTION 34 TOWNSHIP 79 RANGE 17 W6M PEACE RIVER DISTRICT (Associated with Pipeline R/W from Wellsite F13-34-79-17 to Wellsite 16-28-79-17)



Owner(s): Tailwind Properties Ltd.,
Inc.No. BC0520501

Title No: CA3739877

Parcel Identifier: 014-521-865

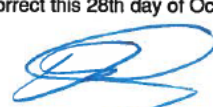
Landowner File: S470706



Encana File(s): S470706

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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 28th day of October, 2016


David E. Gosling, BCLS

| Areas | | |
|--------------|---|----------------------------|
| Permanent |  | 0.000 ha 0.000 ac |
| Temporary |  | 0.152 ha 0.376 ac |
| Total | | 0.152 ha 0.376 ac |

 **WSP** Surveys (BC) Limited Partnership
Fort St John BC
(250) 787-0300

WSP File: 150677NP04R0
Ref Dwg: 150677CP01R0
Drafted by: KG

Appendix "B"

Conditions for Right of Entry

1. **Encana Corporation** must notify the landowner forty-eight (48) hours prior to entry onto the said lands.