

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
OIL AND GAS COMMISSION
AND THE
SURFACE RIGHTS BOARD**

BACKGROUND

- A. The Oil and Gas Commission (OGC) is a Crown corporation under the *Oil and Gas Activities Act* (OGAA) and is responsible for regulating oil and gas activities in British Columbia.
- B. The OGC has regulatory responsibility for industry activity from the exploration and development of subsurface tenure, through to facilities operation and decommissioning. The OGC is charged with balancing a broad range of environmental, economic and social considerations. Among its more specific objectives are public safety, conservation of petroleum resources, fostering a healthy environment, and equitable participation in production.
- C. The Surface Rights Board (SRB) is an independent quasi-judicial body under the *Petroleum and Natural Gas Act* (PNGA) that is responsible for resolving disputes respecting compensation for surface access between land owners and the parties exercising subsurface tenure rights under legislation, including the PNGA, *Mineral Tenure Act*, *Mineral Rights of Way Act*, *Geothermal Resources Act* and *Coal Act*.
- D. The SRB may, in part, issue a right of entry order and determine compensation where land owners and parties conducting oil and gas activities and related activities are unable to negotiate a surface lease agreement. The SRB provides mediation and arbitration to resolve disputes.
- E. The OGC and the SRB wish to maintain an effective working relationship and coordinate work with land owners and parties conducting oil and gas activities and related activities to provide, within their respective jurisdictions, objective, comprehensive and streamlined services to address the concerns of all parties.

THE OGC AND SRB HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

- 1. This MOU terminates and replaces all prior Memoranda of Understanding or agreements between the OGC and the SRB or the SRB's predecessor, the Mediation and Arbitration Board (MAB).

2. The OGC and SRB will work together to foster communication and collaboration to support understanding and delivery of their respective mandates.
3. The OGC and SRB will inform each other of issues or initiatives within their respective mandates that may impact each other, parties conducting oil and gas activities and related activities, land owners or other stakeholders.
4. The OGC and SRB will coordinate work with land owners and parties conducting oil and gas activities and related activities, including the following:
 - a) The SRB will notify the OGC when it receives an application pursuant to Part 17 Division 5 of the PNGA by a person who requires a right of entry or by a landowner pursuant to Section 163 of the PNGA for mediation and arbitration;
 - b) The OGC will notify the SRB when it receives an application under the OGAA requiring private land access on which the applicant indicates surface access issues have not been resolved;
 - c) The OGC may notify the SRB when it receives a written submission under section 22 or 31 of OGAA from a landowner with respect to any proposed project;
 - d) Each agency may refer the parties before it to the other agency if it determines an issue arising in an application before it is within the jurisdiction of the other agency;
 - e) The SRB and OGC may consult with each other to determine:
 - i. whether an issue arising in an application before it is within the jurisdiction of the other agency;
 - ii. whether an issue arising in an application before it should be referred to the other agency; and
 - iii. whether the services of both agencies will proceed at the same time or whether one agency should proceed in advance of the other agency.
 - f) Subject to (g) and (h) below, the OGC and the SRB may have access to each other's files with respect to any application before it;
 - g) To the extent files and information are shared between the OGC and SRB in furtherance of this Memorandum of Understanding (MOU), each agency shall protect any non-public records and information provided by the other agency from unauthorized disclosure, and shall seek the consent of the other agency before sharing non-public records on its own initiative;
 - h) Each agency will specify when records and information it provides is being submitted "in confidence" so that the receiving agency can take appropriate steps where the records or information is requested pursuant to the *Freedom of Information and Protection of Privacy Act*, or other applicable legislation.

5. The OGC and SRB agree to ongoing and regular communications at all levels of their respective agencies. In addition, the Commissioner or members of the Executive of the OGC and the Chair or Vice-Chair of the SRB, or their representatives, may meet to discuss issues of common interest once per calendar year, or more.
6. This MOU indicates the intentions of the Chair of the SRB and Commissioner of the OGC but does not create a contractual obligation between them.
7. Nothing in this MOU shall be construed to conflict with current legislation or regulations.
8. Nothing in this MOU is intended to create any right or benefit, substantive or procedural, enforceable at law by any person or organization against either agency, its staff, members or officers, or any other person, government agency or ministry.
9. Nothing in this MOU is intended to impose any funding obligations on either agency. Nothing in this MOU is intended to diminish or otherwise affect the authority of either agency to carry out its statutory, regulatory, or other official functions or to commit either agency to providing a particular service it would not otherwise provide in the scope of each agency's individual mandate.
10. This MOU may be amended at any time by written agreement of the Chair of the SRB and the Commissioner of the OGC.
11. This MOU is effective as of the date of final signature by both agencies and will remain in effect until terminated by either agency. Either agency may terminate this MOU upon written notice to the other agency.



Cheryl Vickers, Chair
Surface Rights Board

Feb 27, 2017

Date



Paul Jenkins, Commissioner
Oil and Gas Commission

Feb. 24, 2017

Date