

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
BC ENERGY REGULATOR
AND THE
SURFACE RIGHTS BOARD**

BACKGROUND

- A. . The BC Energy Regulator (BCER) is a Crown corporation continued under the *Energy Resource Activities Act (ERAA)* and has certain responsibilities for regulating geothermal resource activities, energy resource activities and related activities in British Columbia.
- B. The Surface Rights Board (SRB) has been continued under the *Petroleum and Natural Gas Act (PNGA)* and is an independent quasi-judicial body responsible for resolving disputes respecting compensation for surface access between landowners 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*.
- C. The SRB may, in part, issue a right of entry order and determine compensation where landowners and parties conducting geothermal resource activities, energy resource activities and related activities are unable to negotiate a surface lease agreement. The SRB provides mediation and arbitration to resolve disputes.
- D. The BCER and the SRB wish to coordinate work with landowners and parties conducting geothermal resource activities, energy resource activities and related activities to provide, within their respective jurisdictions, objective, comprehensive and streamlined services to address the concerns of all parties.

THE BCER AND SRB HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

- 1. The BCER and SRB will work together to foster communication and collaboration to support understanding and delivery of their respective mandates.
- 2. The BCER and SRB will inform each other of issues or initiatives within their respective mandates that may impact each other, parties conducting energy resource and related activities, landowners or other stakeholders.
- 3. The BCER and SRB will coordinate work with landowners and parties conducting energy resource and related activities, including the following:
 - a) The SRB will notify the BCER when it receives an application for

mediation and arbitration under section 158 of the PNGA (right of entry), section 163 of the PNGA (damage to land), section 164 of the PNGA (compliance with terms of surface lease), or section 176 of the PNGA (failure to pay) respecting geothermal resource activities, energy resource activities or related activities.

- b) The BCER will notify the SRB when it receives an application under the ERAA or *Geothermal Resources Act* requiring private land access on which the applicant that surface access issues have not been resolved;
 - c) The SRB and BCER 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.
 - d) The SRB and the BCER will identify primary contacts for notifications under 3(a) and (b) and consultations under (c).
 - i. This MOU indicates the intentions of the SRB and the BCER but does not create any contractual obligation Nothing in this MOU shall be construed to conflict with current legislation or regulations.
 - ii. 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.
 - iii. 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.
4. This MOU may be amended at any time by written agreement of the signatories.
 5. This MOU terminates and replaces all prior Memoranda of Understanding or agreements between the BCER and the SRB.
 6. 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.



Jacqueline Beltgens, Chair
Surface Rights Board

November 26, 2025

Date



Michelle Carr, Commissioner
BC Energy Regulator

December 3, 2025

Date