



SURFACE RIGHTS BOARD

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Application Forms and information about the Board are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC

September 2023

PRACTICE DIRECTIVE NO. #2

Applications respecting “Flow Lines”

Purpose This Practice Directive indicates how the Board will administer applications respecting “flow lines”.

Background The Board’s jurisdiction respecting “pipelines” is limited to those pipelines that are defined as “flow lines” in the *Oil and Gas Activities Act*. The *Oil and Gas Activities Act* defines “flow line” as follows:

“**flow line**” means a pipeline that connects a well head with a scrubbing, processing or storage facility and that precedes the transfer of the conveyed substance to or from a transmission, distribution or transportation line;

All applications to the Board are reviewed to determine whether the Board has jurisdiction.

The Board has considered the definition of “flow line” a number of times. These decisions may be found on the Board’s website. The Supreme Court of British Columbia considered the definition of “flow line” in *Jorgensen v. Surface Rights Board*, 2021 BCSC 396
<https://www.bccourts.ca/jdb-txt/sc/21/03/2021BCSC0396.htm>

Directive Applications respecting “flow lines” must include information as to the purpose and use of the flow line and the substances being conveyed sufficient for the Board, and the respondent, to consider whether the proposed project meets the definition of “flow line”.

The Board and the respondent may ask the applicant to provide additional information.

If a respondent disputes the Board’s jurisdiction on the grounds that the proposed project is not a “flow line”, the respondent must raise their objection as soon as possible. The Board will determine a process for

resolving any jurisdictional issues.

Where the Board determines there is no basis for an allegation that it lacks jurisdiction, the Board may make an order for costs.

For the Board,

Jacqueline Beltgens, Chair