



# Land Owner FAQ

## ***Things to consider during Consultation and Notification***

### **Q: Should I do a written response and a written submission?**

A: You can choose either one to note your concerns (or both), they have the same value.

A written submission is addressed to the Commission. It includes concerns and any suggestions on how to mitigate them. Written submissions are forwarded to the oil and gas applicant (by the Commission) and are required to be considered in making a decision on an application.

A written response is addressed to the applicant, and if received by them within 30 days, the applicant is required to provide a written reply. This information would be received by the Commission when the application is submitted.

It is at your discretion as to which one(s) you would like to send.

### **Q: You're the regulator, can't you just tell the company not to put the wellpad/pipeline so close to my home?**

A: The Commission does not have authority to determine a particular location or route for a proposed oil and gas activity. However, upon receipt of an application for a permit for an oil and gas activity, the Commission may decide to approve the application, refuse to issue a permit, attach conditions to a permit and, where appropriate and within regulatory jurisdiction, require mitigation measures to address potential impacts from oil and gas activities.

### **Q: How can I tell how many wells are being applied for in an application if it isn't clear in the description?**

A: Within the invitation to consult or notification package, the project description must indicate the number of wells being applied for. The well location in the description or on the map may include letters which indicate the name for each of the subsequent wells being applied for.

E.g. If the legal location is followed by a notation such as (+A-G), it indicates seven subsequent wells are proposed for the site with a total of eight wells; i.e. the primary well plus all subsequent wells A through to G.

**Q: What are the different construction phases? How much time does each phase take?**

A: Each site varies depending on a number of factors (amount of wells, length of time between drilling, etc.). Drilling is typically followed by well completion operations (hydraulic fracturing/stimulation, clean-up, production testing) and associated facility construction.

Approximate timing breakdown per operation is as follows:

- Padsite & access construction – 15 days
- Drilling – 21 days per well
- Completions – 15 days per well
- Facility construction – 8 days per well

An increase in vehicle traffic during construction, well drilling and completions is typical. This will involve large equipment and trucks. Over time, there is a decrease in traffic and minimal traffic associated with the long-term operation of wells.

**Q: How much time do I have to voice my concerns about an application before it moves to decision?**

A: Each application varies in the length of time required to conduct internal reviews (engineering, environmental, archaeological, etc.). The Commission encourages you to remain in frequent contact with the land owner liaison should you have concerns about a specific application.

**Q: There's a portion of my property that has been previously disturbed. Why isn't the company required to use the previously disturbed area rather than an undisturbed area on my property for their wellpad?**

A: There could be a variety of factors in determining an exact location for an oil and gas activity, such as, accessibility or environmental considerations. It is important any concerns about the proposed location of the well pad (or other portions of the development) are raised during the discussion of the surface lease agreement.

**Q: Can I have the oil and gas company fence their lease to keep my cattle off it?**

A: There are several key considerations when negotiating a surface lease agreement. Where there is livestock, crops, buildings, fences or other structures on the property, it is wise to establish an understanding of protective steps that can be taken to ensure minimal impact. Oil and gas permit holders are also required to consider livestock in their emergency management plans, including procedures to notify the land owner / tenure holder.

Fencing is required for facilities, but is not required for well sites. In your surface lease agreement you can negotiate fencing and other measures to keep your animals away from the well site.

**Q: A well site is proposed on my neighbour's property; can I request to meet with the company to discuss my concerns?**

A: You may always request a meeting and most companies will agree to meet with land owners, however, by law, the company is only required to meet with those who receive an invitation to consult and who provide a written request to meet as per the requirements in the Consultation and Notification Regulation (section 21).

**Q: Can I have my well or dugout tested?**

A: Depending on the distance between your well or dugout and the potential area of impact, the company has the discretion whether or not to test the water. The BC Oil and Gas Commission does not always require water be tested from either the well or the dugout. Depending how far away your well or dugout are from the potential area of impact, the company may not test and it's possible the Commission may not require testing.

**Q: Can I request a seed mix for my field?**

A: Yes. This request should be made during the discussion of your surface lease agreement.

### **Q: I sent in my concerns; how come the permit was issued anyway?**

A: Those who feel they will be impacted by an oil and gas activity are provided the opportunity to raise their concerns through the Consultation and Notification process. In addition, anyone may complete a Written Submission even though they did not receive notification or an Invitation to Consult. Any written concerns, whether sent directly to the Commission or to the oil and gas applicant, are reviewed and considered during the application review. The Community Relations team is involved during the review stage, facilitating resolution of issues between stakeholders and applicants before a permit is even issued. Resolution may not be achieved in all cases and the application moves forward to a decision with some concerns.

When making a decision on an application, the Commission has the option to: approve the application; refuse to issue a permit; approve the application and attach conditions or, where appropriate and within regulatory jurisdiction, require mitigation measures to address the impacts from oil and gas activities.

The decision-making process requires the consideration of a number of different and sometimes competing factors and interests. During the application review, the Commission's delegated decision-maker considers the concerns documented in any written submission along with other information in the application. As a result, the decision-maker will issue the permit subject to the conditions contained within it.

## **Access**

### **Q: A company wants to use a dugout on my property for oil and gas purposes. Do I need to licence the dugout or does the company?**

A: Yes, an authorization is required to access water from a dugout. Either you or the company can apply for a licence of short-term use approval. The company can submit a water licence application through FrontCounter BC and it will be processed by the BC Oil and Gas Commission, or a short-term use approval application through the BC Oil and Gas Commission's Application Management System (AMS). Please refer to the Commission's Water Information section on the [www.bcogc.ca](http://www.bcogc.ca) website for specific company application details. If you want to sell water to a company for oil and gas purposes you must apply for either a licence or a short-term use approval through FrontCounter BC.

**Q: I have a permit for providing water to my livestock but I want to sell the water to a company, what kind of permit do I need?**

A: In order to sell water to a company you must have a Water Sales authorization. The Water Sales application can be submitted through FrontCounter BC.

**Q: Does the Commission issue permits for activities like temporary workspaces, remote sumps, and decking sites? If not, how are they regulated?**

A: The BC Oil and Gas Commission does not issue permits if they are on private land, because they are considered ancillary activities; not oil and gas activities. Activities included in a permit are restricted to the “operating area”, which is the only area a permit holder is permitted to carry out an oil and gas activity. Oil and gas activity is defined in the [Oil and Gas Activities Act](#) and includes pipelines, facilities, wells, etc.; however, it does not include ancillary activities, which are temporary workspaces, remote sumps, etc. These ancillary activities may be required to carry out an oil and gas activity but are not themselves considered oil and gas activities. Proponents are required to provide information about proposed ancillary activities to land owners and other stakeholders through the consultation and notification process. They are also required to submit information and data regarding proposed ancillary activities to the Commission to make an assessment pursuant to powers granted by the Agricultural Land Commission (ALC) under the ALC Delegation Agreement, as to whether the activities meet certain requirements under the *Agricultural Land Commission Act*.

Where such ancillary activities occur on private land, proponents must obtain access under either a surface lease agreement with the land owner, or an order of the Surface Rights Board. The Surface Rights Board does issue right of entry orders authorizing entry to ancillary areas not included in a pipeline right of way, for example, but are considered by the Surface Rights Board to be required to carry out the oil and gas activity.

**Q: How can I find out if a road is an oil & gas road or a forestry or Ministry of Transportation and Infrastructure (MOTI) road?**

A: The following [link](#) has information on roads in B.C.

Go to Maps & Data Sources, then “add provincial layers” then type in “roads” then enter. Select which ones you would like to see on the map. Click “apply” then “ok.” You can then select the “analysis” tab and click “point” to point and click on the road you want information on.

The Commission's website includes online services; the Approved Applications section includes roads but a location or spatial data is not associated.

You can contact the Commission to find out if a road is permitted for oil and gas activities, if you are unable to confirm how a road is being regulated.

**Q: I received a permit in the mail for oil and gas activities, does this give the company permission to begin activities on my property?**

A: The issuance of a permit, as outlined under s. 25(6) of the [Oil and Gas Activities Act](#) simply allows the oil and gas applicant to carry out its applied and approved activities. Activity on private land must not begin until an agreement has been reached with the landowner, or a right of entry has been issued from the Surface Rights Board.

## ***Environment***

**Q: What is the Commission doing to be proactive in regulating oil and gas?**

A: The Commission consists of a variety of departments specializing in areas such as emergency response, environment, seismicity, and consultation and notification. We are continuously involved in initiatives on topics in the public's interest and which strengthen our approach to regulating oil and gas activity. Here are some examples:

- Groundwater: As of March 2018, the Commission is collaborating with Geoscience BC, the University of British Columbia (UBC), Simon Fraser University and the University of Calgary on a research project to install 30 new groundwater monitoring wells within the Peace Region. This project includes assessing baseline groundwater conditions, and providing data to support policy and guidance related to gas migration and the protection and of groundwater.

- Seismicity: B.C. has taken the leading role in the detection and mitigation of induced seismicity. In certain areas of northeast BC, studies were done in 2012 and 2014, permit conditions requiring ground motion monitoring were introduced in 2016, and a Special Project Order was issued for monitoring and mitigation of hydraulic fracturing operations in 2018. More recently, nine monitoring stations have been installed to improve the detection of seismic events. The Commission monitors the Canadian National Seismograph Network (CNSN) for seismicity, and has worked collaboratively with Natural Resources Canada, Geoscience BC and the

Canadian Association of Petroleum Producers to upgrade the network in northeast B.C.

While these initiatives are taking place, the Commission ensures the [Oil and Gas Activities Act](#) and associated regulations are being followed.

**Q: What is the difference between a temporary flare stack vs. a permanent flare stack? Which one is used for sour (H<sub>2</sub>S) vs. sweet gas?**

A: Flare stacks are used to combust waste gasses that are unable to be processed or sold. A flare stack is considered permanent when it is part of the processing and production equipment permitted at a location. Where flaring may be necessary in locations not tied into a flare system, such as well test clean up or remote pipeline depressurization, a temporary flare stack may be set up to ensure controlled combustion of waste gasses. Both types of flare stacks may be used to combust gas with H<sub>2</sub>S content (sour gas).

**Q: What is coming out of flare stacks and what does it mean for my health?**

A: Flaring is the safe, controlled burning of natural gas that cannot be processed. The Ministry of Health commissioned a Human Health Risk Assessment (HHRA), which was published in 2014. The overall findings of the detailed HHRA of oil and gas activity in NEBC suggest, while there is some possibility for elevated chemicals of potential concern (COPC) concentrations to occur at some locations, the probability adverse health impacts would occur in association with these exposures, is considered low.

**Q: An oil and gas company wants to pump off surface water from their lease on to my land, should I let them?**

A: The requirements for discharging surface precipitation to land are detailed in the [Oil and Gas Waste Regulation](#). The regulation sets out water quality sampling and discharge criteria and requires the oil and gas permit holder to obtain landowner consent prior to discharge.

**Q: How is water managed for oil and gas use? How do you know there is enough for everyone else?**

A: The BC Oil and Gas Commission issues water permits for oil and gas purposes based on the [Water Sustainability Act](#) (WSA). The WSA requires the protection of water rights of existing water licence holders, and protection of the environment. The Water Information section on our [website](#) has information regarding existing water authorizations and water use volume data, and decision support tools for ground water and surface water applications. The resources in this section, or hydrological data submitted by a qualified professional, are used by companies when applying to the BC Oil and Gas Commission for water use. Oil and gas applicants are required to indicate sufficient water supply has been verified, and the Commission assesses the amount of water requested. Section 15 of the WSA, requires the Commission to consider the environmental flow needs (EFN) when reviewing water applications. The Commission reviews and considers limits on how much water can be withdrawn and when, and flow levels where no water can be withdrawn. In years when there are drought conditions, the BC Oil and Gas Commission suspends short-term water withdrawals by industry, to ensure community and environmental needs are met.

**Q: Why don't the same noise requirements in Farmington exist for other communities?**

A: Many of the same requirements apply in other parts of the Province through the release of the updated B.C. Noise Control Best Practices Guideline. These include requirements for Noise Management Programs, site specific noise mitigation plans when residents are within 800 metres of a wellsite or when noise concerns have been raised through the Consultation and Notification process.

The order specifically targeted the Farmington area because it encompassed a more densely populated area that is currently experiencing significant levels of activity.

**Q: There are noxious weeds on an oil and gas site and I don't want them spreading to my land, do you regulate this?**

A: On April 13, 2018 Order M152 was made under Section 33 of the [Environmental Protection and Management Regulation](#) (EPMR) where the species of plants listed in Schedule A, Part I – Provincial Weeds of the Weed Control Regulation, are established as invasive plants. The order is legally established under legislation and Section 15 of the EPMR sets out requirements for operators to prevent damage and disturbance from weeds and invasive plant species as a result of oil and gas related activities. The Commission released [Industry Bulletin 2017-05](#) Commission Provides a List of Identified Weeds and Invasive Plants in Northeast British Columbia, listing species identified as weeds and invasive plants having specific impact within northeast B.C. and continues to view these species as a priority for this region. The BC Oil and Gas Commission's Compliance and Enforcement branch routinely inspects sites for weeds and invasive plants. Oil and gas permit holders are responsible for ensuring they meet all legislative, regulatory and permit requirements

A: requirements on both new and existing sites.

If you have specific concerns about a property, public enquiries and concerns can be made via the BC Oil and Gas Commission's 24 hour public number: **250-794-5200**.

## ***Safety***

### **Q: Can I drive over pipeline ROWs with heavy farming equipment?**

A: Yes. All pipelines must be designed, constructed and operated in accordance with a national standard (CSA Z662) oil and gas pipeline systems. In addition, the Pipeline Regulation requires oil and gas permit holders to follow this standard. This standard requires the effect of traffic loads, or in general, crossings of the pipeline right of way, are considered by the designer. Farming equipment crossing the right of way in agricultural land would be required to be included in the design of the pipeline. Also, pipeline operators must monitor their pipelines to ensure the integrity and minimum depth of cover is maintained.

### **Q: What is a safe distance to dig around a pipeline on my property?**

A: You must always contact BC One Call before you dig, and this is particularly important if you might be working near a pipeline. Please note pipelines are found in both rural and urban areas. If BC One Call advises that one or more pipelines are located within 30 m of the proposed activity, you must confirm with the pipeline permit holder the pipelines are at least 10 m away. If the activity is within 10 m of the pipeline, you must receive confirmation from the pipeline permit holder that you may go ahead with the activity.

### **Q: There are odours coming from an oil and gas site, what should I do and who should I call?**

A: Call the company or public enquiries and concerns can be made via the BC Oil and Gas Commission's 24 hour public number: **250-794-5200**.

**Q: Who do I contact about excess traffic and breakdown of roads?**

A: The Ministry of Transportation and Infrastructure generally has responsibility over the types and weights of traffic used on public roads. RCMP have jurisdiction over safety issues such as traffic speed and other driver-related laws. Part 5 of the [Oil and Gas Road Regulation](#) speaks to use of oil and gas roads.

The BC Oil and Gas Commission considers the route proposed to access activities when it reviews applications.

The BC Oil and Gas Commission will prompt exploration of other options before a decision is made and may consider imposing conditions if a permit is granted.

Part 4 of the Oil and Gas Road Regulation describes oil and gas road maintenance requirements, along with further information. Public road maintenance interests should be brought to the attention of the Ministry of Transportation and Infrastructure.

**Q: Where can I find a company's Emergency Response Plan (ERP)? Is there one specific to each wellsite on my property?**

A: Every company is required to create and maintain emergency response plans for their assets. This obligation begins with construction, and ends when the activity has concluded and the site restored – removal of equipment, wells properly plugged, etc. Oil and gas permit holders are directed to organize plans into several types based on activity or location, guided by an over-arching or "CORE" emergency response plan that ensures all of a permit holder's staff use common practices and procedures.

As part of the Commission's commitment to transparency, all CORE emergency response plans are available to the public on request. Site-specific information contains information needed for companies to contact residents including any specific health or mobility challenges that could be affected by operations, and home phone numbers for staff and individuals at other agencies in the event of an incident. The Commission is obligated to protect personal information contained in these supplementary plans and does not release them to the public.

Commission staff review all plans, and ensure each are maintained and updated when permit holder activities change. Copies of all plans are held by the Commission, and tested annually as part of emergency management exercises every permit holder is required to conduct.

## ***Once the Permit is Issued***

### **Q: Who should I call if I'm having an issue with a permitted activity on my property?**

A: Call the company or public enquiries and concerns can be made via the Commission's 24 hour public number: **250-794-5200**.

### **Q: There is a pipeline that crosses my land and it is sloughing and making it hard to farm, who should I contact to fix it?**

A: Call the company or public enquiries and concerns can be made via the Commission's 24 hour public number: **250-794-5200**.

### **Q: An existing lease has been transferred to a new company, do I need a new surface agreement?**

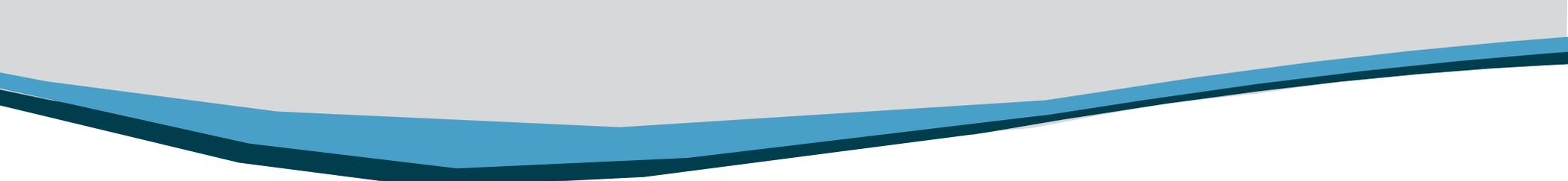
A: If an existing oil and gas lease is transferred to a new company, unless the surface lease provides otherwise, the surface lease can be assigned by the original lessee to the new company. A new surface lease would not be necessary and will be enforceable between the two parties (the land owner and the new surface lease holder). However, if the surface lease is not registered in the Land Title Office against the title to the land, the surface lease may not be enforceable against a new owner of the land. Land owners are advised to always obtain independent legal advice in such matters.

### **Q: If a site becomes an orphan site will I still get paid my annual surface lease payment?**

A: Land owners have the opportunity to apply for compensation for outstanding rental payments or land disturbances in relation to the surface lease of an orphan site on their land.

If you wish to apply for compensation, you may submit an application to the BC Oil and Gas Commission or the Surface Rights Board (SRB) and we will collaborate with them in order to obtain, review and make a determination on your application.

If you are a land owner with a designated orphaned site on your property, more detailed information can be found on the [www.bcogc.ca](http://www.bcogc.ca) website in the Land Owners and Compensation page of the Orphan Site Management section.



**Q: If the well on my property goes into receivership will my surface agreement still be valid?**

A: Although a company operating the well on your property goes into receivership, the surface lease is still valid. A receiver appointed by the Court will be authorized to exercise the rights held by the company under a lease. If the receiver fails to make rent payments under the lease, you may apply to the Surface Rights Board under section 176 of the Petroleum and Natural Gas Act for an order for non-payment of rent. However, there may be difficulties enforcing an Order for payment while the company remains in receivership. Land owners are advised to always obtain independent legal advice in such matters.

**Q: How would I know if a company is changing hands?**

A: As part of the transfer application submitted to the Commission, either the buyer or the seller of the asset is required to inform land owners of the transfer.