

July 9, 2018

Enforcement File 18-001DC

Attention: **s.22**
s.22

RE: Unauthorized Ground Activities Within FortisBC Pipeline Right-of-Way

Dear **s.22**

The BC Oil and Gas Commission (the Commission) has been made aware of several contraventions of Section 76(1) of the *Oil and Gas Activities Act (OGAA)* which have occurred on your property at **s.22** adjacent to FortisBC's Vancouver Mainland 10" High Pressure Gas Pipeline (Project # 4880), including:

1. A pond discovered in 2012 built directly over the pipeline without a permit or agreement in place
2. An access road discovered in August 2016 constructed overtop of the pipeline
3. Tree and stump removal discovered on April 26, 2018 within 2 meters (m) of the pipeline
4. Newly planted trees discovered on April 30, 2018 at an estimated depth of 0.3 m within 2 m of the pipeline
5. A clothes line pole discovered on January 26, 2018 installed to a depth of approx. 0.9 m within 2.7 m of the pipeline

As per Section 76(1) of *OGAA*, a person must not carry out a ground activity within 30 m of a pipeline, without first contacting BC One Call. Ground activity within 10 m of the pipeline may only be carried out if the pipeline permit holder agrees in writing to the carrying out of the activity.

Ground activity means any work, operation, or activity that results in a disturbance of the earth, including a mining activity as defined in section 1 of the Mines Act, but not including

- a) cultivation to a depth of less than 45 cm below the surface of the ground, or
- b) a disturbance, other than cultivation referred to in paragraph (a), of the earth to a depth of less than 30 cm

Since 2010, BC One Call has been contacted once for ground activities on your property other than work conducted by BC Hydro s.22 and written permission from the pipeline permit holder (FortisBC) has never been obtained.

Upon discovery of each new contravention, FortisBC has contacted you either in person, or by letter in an attempt to bring the activity into compliance. FortisBC has also made efforts to ensure you are aware of all legal requirements when conducting ground activities within 30 m of a pipeline; however, ground activities continue to occur on the property contrary to Section 76(1) of *OGAA*.

The Commission has a very helpful publication for landowners and their rights available at:

<https://www.bcogc.ca/public-zone/landowner-guides/landowner-guides/landowner-guide/land-owners-information-guide>

As a result of your previous activities you are hereby warned for contravening Section 76 (1) of *OGAA*. This warning will be kept on file for future reference. Failure to comply with Section 76 of *OGAA* in the future may result in a prosecution or the issuance of an administrative penalty.

If you have any questions or comments, please do not hesitate to contact this office.

Sincerely,

<original signed by>

Oil and Gas Operations Officer