

WELCOME

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LAND ACCESS

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- WHEN PROJECTS ARE STILL IN THE DESIGN STAGE, COMPANIES MAY NEED TO ACCESS YOUR LAND TO CONFIRM THEIR PROJECT DESIGN.

- The first access requirements are usually for :
 - Surveying
 - An Environmental Assessment
 - Geotechnical Testing (usually needed when there is a ravine or water body crossing)

LAND ACCESS

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□ SURVEYING AND TESTING

1. Before you allow access to your land, it is recommended that you have all of the documents related to the Surveying and Testing be sent to you for your review.
2. Once you receive these documents:
 1. Carefully go through each document.
 2. Pay attention to the work that they are requesting to do.
 3. Ensure that there is a scalable sketch of the area to be accessed.
3. Once you are satisfied, then you can have documents signed and permit access to your land.

LAND ACCESS

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- **CONSULTATION:**
- After the surveying and testing is completed, the next phase of the process is Consultation.
 1. The Consultation begins with a project review and the presentation of a project information package. This information will either be mailed or presented to you so that you can go over the complete package.
 2. This is the time to record any concerns that you may have with respect to the project itself. Consider:
 1. The area of work or alignment of the structure.
 2. The duration of the construction.
 3. The impact to your working of the land.

LAND ACCESS

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□ CONSULTATION (continued)

1. If you don't like the area or alignment of the project, negotiate to see if it can be relocated to a better location. Don't be scared to provide a positive alternative.
2. Write down any concerns that you may have.
3. It is up to you if you want to permit access to your lands before your concerns have been addressed.
4. If you have trouble getting information or answers to your questions, take a break from the consultation and get assistance.

LAND ACQUISITION

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- Once the testing, surveying and consultation portion of the process is completed, the Acquisition phase of the project will commence.

- **THE ACQUISITION:**
 1. You should be presented with a complete information package. This package should include all of the documents required to complete the acquisition.

LAND ACQUISITION

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□ **ACQUISITION (continued):**

1. The Acquisition package normally includes:
 1. The complete project information package.
 2. The Right-of-Way documents.
 3. The Temporary Work Space Agreements.
 4. The Entry Fee Calculation Sheet.
 5. Form 17 (The 48 hour waiver).
 6. A Surface Lease Agreement for any above ground facility.
 7. An Access Agreement if additional access to the land is required.

THE ACQUISITION

▣ THE PRESENTATION OF THE DOCUMENTS:

- You will have a number of documents presented to you. It is most important for you to read and understand **all** of the documents.
- If you don't understand something, **ASK**. The presenter of the documents should have a full understanding of all of the paperwork and should be able to explain the wording of the documents in a manner that you understand.
- **REMEMBER**, once the documents are signed, they become a binding agreement.

THE ACQUISITION

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▣ THE PRESENTATION OF THE DOCUMENTS (continued):

- If you are uncomfortable with a document or the process and want to take a break for a while, tell the presenter that you need extra time to think about the proposal and that you will get back to them later.
- It is appropriate for you to give the presenter an indication of how much time that you will require.

THE RIGHT-OF-WAY

- This is a legal document that once it is signed and registered, will be attached to your title.
- It may also be attached to your title as part of the Right-of-Entry Order.
- It should describe a certain area of your land, the work to be done in this area, the compensation being offered, the number of construction processes (pipeline or pipelines) plus any other pertinent information.
- It will remain permanently on your title unless sometime in the future a document is signed to have it removed.
- The compensation portion is a “**One time payment**”. It can be negotiated to be a lump sum amount or it can be based on the acreage indicated in the document, multiplied by the per acre value of the land.

TEMPORARY WORK SPACE

- This document is not normally registered on your title, but it can be put on title if it becomes part of a Right-of-Entry Order.
- It is a good document to use when someone wants temporary access to your land to perform a specific activity.
- It should describe a specific area of your land.
- It should have a start date and completion date.
- The compensation is a “**One time payment**”. It can be negotiated to be a lump sum amount or be based on the acreage indicated in the document multiplied by the per acre value of the land.

ENTRY FEE

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- Entry Fee is mandated by the Provincial Government.
- It is calculated at a rate of \$500.00 per acre to a maximum of \$5,000.00 per property title.

SECTION 17 (WAIVER)

- This document was put into place to allow a Landowner to have time to reconsider their actions with respect to a negotiation.
- The document allows the landowner to request a minimum of a 48 hour “rest period” to go over the negotiations and documents. During this 48 hour time period, nobody representing the Company is permitted to contact the landowner about these negotiations.
- If you the landowner are comfortable with the process and the documents and do not require any additional time, then you can sign this document in the space where you are declining the need for additional time and approve the documents to be processed.

SURFACE LEASE

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- A Surface Lease is an agreement that permits activities on the land for a specific type work for a specific time period.
- The standard Surface Lease is usually for a period of 20 years, with an automatic renewal for an additional 20 years, if the landowner does not object to the extension.
- The land owner has the ability to request a compensation review of the Surface Lease every 5 years. It is the responsibility of the owner of the Surface Lease to notify the landowner when the 5 year anniversary is coming up.

SURFACE LEASE

- Surface Leases are designed to cover the activities of a company where they require the use of a specific area of the surface of your land. This applies to anything that breaks the surface of your land.
- A Surface Lease is registered on your Land Title.
- Common uses of a Surface Lease are for well sites, regulating station sites or valve sites.
- Compensation is usually an annual payment, that is based on the current land use, area of the lease and the inconvenience that the lease may cause to the current normal activities on the land.

ACCESS AGREEMENT

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- This agreement can be used either as a temporary or as a permanent document to cover the access of others on to your property.
- The compensation can be an annual payment, or a lump sum amount. It can be calculated based on land area, current land usage and any inconvenience that may be caused.
- You can have an access agreement to cover :
 - ▣ General Access
 - ▣ A current road use
 - ▣ A Specific use and time
- ▣ This is a very general use agreement to protect the landowner, occupant and the Company.

THE BOTTOM LINE

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- ❑ YOU ARE THE OWNER OF YOUR LAND.
- ❑ THE LAND BELONGS TO YOU AND COMPANIES ARE ONLY ASKING FOR PERMISSION TO ACCESS YOUR LAND.
- ❑ IF YOU ARE UNCOMFORTABLE OR DON'T UNDERSTAND WHAT IS BEING PRESENTED TO YOU, STOP THE PROCESS AND ASK FOR ADDITIONAL TIME TO GET ASSISTANCE.
- ❑ DON'T HESITATE TO GET ASSISTANCE.

THE BOTTOM LINE (2)

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- ❑ YOU CAN GET ASSISTANCE FROM ANYONE THAT YOU FEEL IS COMPETENT ENOUGH TO HELP.
- ❑ DON'T BE SCARED TO ASK A LAWYER.
- ❑ DON'T BE SCARED TO ASK ABOUT GOING THROUGH THE RIGHT-OF-ENTRY PROCESS.
- ❑ EVEN THOUGH THE MONEY BEING OFFERED MAY SOUND VERY GOOD, DON'T RUSH INTO AN AGREEMENT.

LAND AGENTS

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- A Company will hire Land Agents to meet with you to acquire an interest on your land.
- These Land Agents are there to act as a liaison between you, the landowner and the Company.
- All Land Agents in the Province of Alberta are licensed under the Province of Alberta Jobs, Skills Training and Labour.

LAND AGENTS (2)

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- LAND AGENTS CAN BE:
 - IN HOUSE
 - This means that they are an employee of the Company doing the project.
 - A CONTRACTOR
 - This is a person who has been hired directly by the Company to act on behalf of the Company.
 - WORKING FOR A LAND BROKER
 - This is a person who is hired by a Land Company to represent the Company doing the project.

LAND AGENTS (3)

- If, during the Acquisition process you are having problems and want to deal only with an “in house” Land Agent, then you may request that the Company make this change.

- If a Land Agent does not act in a proper and professional way.
 - ▣ You can report their conduct to the Company that they are representing.
 - ▣ If the matter is of a serious nature, then you can contact the Registrar of Land Agents and Licensing.

SUMMARY

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- THE INFORMATION PRESENTED TO YOU TODAY WAS ONLY A BRIEF OVERVIEW OF THE PROCESS AND TO CONFIRM THAT YOU DO HAVE A SAY IN THE PROCESS.
- REMEMBER
 - ▣ GET LOTS OF INFORMATION.
 - ▣ UNDERSTAND THE INFORMATION.
 - ▣ BASE YOUR DECISION ON WRITTEN FACTS ONLY.
 - ▣ ONLY SIGN DOCUMENTS WHEN YOU ARE READY.

QUESTIONS