RESPONSE TO WORKING GROUP AND PUBLIC COMMENTS ON THE SITE C CLEAN ENERGY PROJECT ENVIRONMENTAL IMPACT STATEMENT

Technical Memo

PRIVATE PROPERTY - PROJECT REQUIREMENTS AND TENURE

MAY 8, 2013

Subject: Private Property - Project Requirements and Tenure

Purpose

The purpose of this technical memo is to address questions related to:

- Land requirements and describing private properties impacted by the Project
- BC Hydro's approach to the acquisition of land and rights
- Briefly describing how BC Hydro has engaged with property owners with respect to the Project

Introduction to Land Status, Tenure, and Project Requirements in the EIS

BC Hydro's proposed approach to determining land requirements and acquiring land is outlined in the EIS Section 11.3.1. EIS Section 9 provides a summary of how BC Hydro has engaged and consulted with property owners in the region.

As described in the EIS, BC Hydro's approach to determining land requirements for the Project is to strive to minimize the amount of land acquired for the Project while maximizing land use flexibility. In undertaking this approach, BC Hydro would acquire limited land tenure – where possible – by way of permanent and temporary statutory rights-of-way, leases, licences of occupation on provincial Crown land, licences on private land, and through land access permits. Where required, BC Hydro would also acquire some lands in fee simple.

Land Requirements

Land requirements for each Project component are described in EIS Section 11.3, and maps are provided illustrating land requirements in EIS Volume 2, Appendix C. These requirements are broken down by area of private land, BC Hydro land and Crown land. This technical memo describes the approach to land requirements for private land.

BC Hydro would acquire land tenures through the following mechanisms:

- Fee simple tenure – Fee simple can be described as full ownership of land. In most cases, only a portion of a parcel of land would be required. BC Hydro would acquire land in fee simple for portions of the dam site area, reservoir inundation, Old Fort realignment and Highway No. 29 realignments.
- Permanent statutory rights-of-way – A permanent statutory right-of-way is similar to an easement, in that it grants the right or privilege, acquired through contract, for a specific purpose or purposes. BC Hydro provides compensation to land owners to acquire a permanent statutory right-of-way. BC Hydro would acquire a permanent statutory right-of-way for the area within the reservoir impact lines, the transmission line right-of-way widening, the tie-in locations at both the Peace Canyon Dam and the proposed dam site, the Project access road, north and south bank dam site connecting roads, and the Hudson's Hope shoreline protection.
- Temporary tenure – A temporary tenure can include licences, leases, and temporary statutory rights of way. These tenures are defined for a period of time and for specific uses, after which they would

be returned to the owners. Examples of temporary tenures required for the Project include the proposed conveyor route from the 85th Avenue Industrial Lands, construction and clearing access roads, quarried and excavated construction materials, areas of potential disturbance for Highway No. 29 realignment construction and a one-time clearing zone along the existing transmission corridor.

BC Hydro owns much, but not all, of the land, for which BC Hydro requires fee simple ownership. BC Hydro acquired these lands between 1977 and 1981, and later under BC Hydro's Voluntary Passive Land Acquisition Program. The Voluntary Passive Land Acquisition Program was established in the 1970s and reinstituted following a recommendation from the British Columbia Utilities Commission in 1983 which stated, "…the Commission recommends that Hydro reinstitute its passive land acquisition program until an energy project certificate is issued." Under this program, BC Hydro may purchase property if it is required for the Project, and if the property owner voluntarily wishes to sell their property.

Wherever possible, agricultural land acquired by BC Hydro is available for productive use, either by leasing back the property to the original owner or to another tenant. BC Hydro supports leaseholders in their land use and management by providing long-term, low-cost leases, an invasive plant management program, and a property maintenance program.

BC Hydro is not actively seeking to purchase properties or rights in the project area, but the Voluntary Passive Land Acquisition Program continues to be available.

With regard to future land requirements, there are an estimated 120 private property owners whose property could be directly affected by the Project – in some cases for temporary use, and in most cases only a portion or strip of the property. In all cases compensation would be provided.

In describing how many property owners BC Hydro will approach, a 'landholding' is defined in EIS Section 11.3.1.1 as common ownership over either individual or several parcels of land. For example, a farm may consist of five separate parcels of land where the land is contiguous or in the same general area, but as it is commonly owned by one or more individuals or a company, it is considered one land holding.

Approximately 30 privately owned residences could be permanently affected through flooding, preliminary impact lines, and highway realignment. However, not all of these residents would be required to move.

- BC Hydro anticipates that approximately ten privately-owned residences would not be able to remain on the existing property
- Approximately ten of the remaining 30 residences could potentially be moved to another area on their property. This would be contingent on whether the residents wish to explore this option, and pending a review of feasibility and determination of whether it is safe to move the building.
- About ten of the residences could potentially stay where they are today. However this is pending further site-specific analysis.

BC Hydro has met directly with property owners who may be impacted to present maps with the reservoir impact lines shown on their specific property, and to discuss their specific property interests. BC Hydro would continue discussions with property owners and, where appropriate, based on further geotechnical investigations, enter into agreements to address the removal or relocation of buildings, or outline the conditions upon which buildings could remain.

BC Hydro's Approach to the Acquisition of Land and/or Rights

BC Hydro's approach to acquire land tenure is to compensate based on the fair market value of the land or right being acquired. The fair market value of the land or right is determined by qualified independent appraisers.

With respect to the valuation of statutory rights-of-way, the valuation will take into account, among other things, feasible and allowable uses of the land without the statutory right-of-way in place and the effect on value of restrictions, if any, to the use of the land contained in the statutory right-of-way document.

In addition, BC Hydro, where appropriate, would compensate owners for disturbance damages such as:

- An owner-occupier allowance, if a residence is purchased outright and the owner resides in the residence
- Financial losses caused by the purchase of the land or rights e.g. reasonable costs of relocating on other land, including property transfer tax and reasonable moving, legal and survey costs that are necessarily incurred in acquiring a similar interest or estate in other land
- Business loss, where a business is operating on the property

Compensation would be determined on the basis of the owner's statutory rights to compensation.

Also BC Hydro would reimburse the reasonable costs related to the acquisition of land or rights.

Although BC Hydro has the statutory power of expropriation, BC Hydro's preferred method of acquiring land or rights is by way of mutually agreed upon settlements.

As discussed in the section above, BC Hydro is not actively seeking to purchase properties or rights in the project area, but the Voluntary Passive Land Acquisition Program continues to be available.

Property Owner Liaison and Consultation

BC Hydro initiated a separate liaison and consultation program with property owners and established a properties team within the Project team to implement the program. The purpose of the program was to:

- Provide information and update property owners regarding Project planning and design
- Facilitate two-way information exchange between property owners and BC Hydro
- Engage with property owners prior to, and during, defined periods of consultation
- Negotiate and provide compensation for permissions to access private property

Details of these consultations can also be found in EIS Volume 1 Section 9.1.2.3.

BC Hydro held the following specific consultations with property owners. Most meetings took place with individual property owners, but some were held as small-group meetings on specific issues of interest.

1. *Highway No. 29 realignment options (November 2008–February 2009*): The creation of the Site C reservoir would require the realignment of up to six segments of Highway No. 29 over a total distance of up to 30 km. In spring 2008, BC Hydro consulted with the public about the segments of the highway that, at that time, had been identified for potential realignment. BC Hydro undertook further property owner consultation from November 2008 to February 2009 on the specific highway realignment options.

During this consultation, engineering and other representatives from the Project team met individually with potentially directly affected property owners to review property maps, and to seek feedback on the specific realignment options. A consultation summary report (Property Owner Consultation on Potential Highway No. 29 Realignment Options, November 2008–March 2009) is available on the Project website and is listed in EIS Volume 1 Appendix G, Public Information Distribution and Consultation Site C Clean Energy Project.

2. *Site C Project and Field Study Update (April 2011):* On April 5, 2011, at Hudson's Hope, and April 6, 2011, at Fort St. John, subject matter experts from the Project team provided property owners in the Peace River region with an information update on the Project and field studies planned for the 2011 field season. Topics included shoreline geotechnical investigations, heritage studies, clearing plan investigations, and wildlife studies. BC Hydro also sought permission from property owners, and provided compensation, to access properties to complete these studies.
3. *Preliminary Impact Lines and Highway No. 29 Realignment (2011–2012):* Prior to Project Definition Consultation, spring 2012, subject matter experts from the Project team met with property owners whose properties could be affected based on preliminary impact lines. Please see the Technical Memo on Reservoir Impact Lines.

BC Hydro representatives met with property owners whose properties could be potentially directly affected by Highway No. 29 realignment to discuss pre-construction work, including topographic surveys, geotechnical investigations, development of detailed bridge and drainage designs, confirmation of the highway alignment, and preparation of construction drawings and specifications.

BC Hydro representatives also met with property owners on the south bank of the proposed dam site whose properties could be potentially directly affected by upgrades to Jackfish Lake Road, construction of the Project access road and resource roads, and dam site area and transmission line construction.

BC Hydro conducted area-specific consultation where Project-related plans and effects were of local interest. Consultation methods included stakeholder meetings, open houses, discussion papers and feedback forms. Local area consultation included:

- *Hudson's Hope Shoreline Protection Consultation (October 2011–November 2011):* BC Hydro consulted with the District of Hudson's Hope, property owners and the community regarding the Hudson's Hope shoreline protection, including options for a berm, potential public use options for berm areas, public access to berm areas, and potential landscaping and recreation opportunities in berm areas. A consultation summary report is listed in EIS Volume 1 Appendix G, Public Information Distribution and Consultation Supporting Documentation, Part 4 BC Hydro-Led Public Consultation Activities and Materials and is available on the Project website.
- *85th Avenue Industrial Lands:* In addition, BC Hydro provided information and is conducting local meetings with area residents in the vicinity of the 85th Avenue Industrial Lands, a 96 ha parcel of land located in the Peace River Regional District, adjacent to the City of Fort St. John, about the proposed use of the site during construction, potential mitigation measures, and future use after construction.

Related Comments / Information Requests:

This technical memo provides information related to the following Information Requests:

form_0004-005	gov_0002-004	gov_0002-005	gov_0004-015	gov_0004-016
gov_0005-022	gov_0005-023	gov_0010-675	gov_0010-683	gov_0011-011
gov_0011-012	gov_0011-035	pub_0448-ag-034	pub_0071-001	pub_0236-010
pub_0245-001	pub_0331-001	pub_0479-002	pub_0448-ag-036	pub_0448-ag-037
pub_0448-ag-040	pub_0478-011	pub_0580-001	pub_0508-001	pub_0519-001
pub_0540-002	pub_0540-004	pub_0594-001	pub_0598-001	pub_1017-001
pub_1021-001				