



## Pipeline bomber taps into frustration at energy companies, gov't

BY PETE MCMARTIN , VANCOUVER SUN    AUGUST 1, 2009



No one has been injured in the explosions, but police have said they fear the attacks are becoming increasingly violent, with the latest blast — discovered over the weekend — taking place about 250 metres from the nearest home.

**Photograph by:** Handout, Handout

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VANCOUVER -- Since 2000, when the boom really got going, just over 10,000 gas and oil wells have been drilled in the Peace River region. Three of them are on Ken and Loretta Vause's 1,200-acre spread.

In the space of a decade, the bucolic nature of the landscape changed. The tangled infrastructure of the energy industry was set down amid farmland and forest.

Locals had little say in the pace of that change. Under provincial law, subsurface mineral rights superseded the surface property rights of landowners, and if an oil or gas company wanted access to a farm or acreage, there was little a landowner could do about it. Leases and rents could be negotiated, and sometimes the location of wells, but that was about it.

The only recourse a landowner had if he or she disagreed with the terms being offered was appealing to the provincial government's Mediation and Arbitration Board, an arm of the Ministry of Energy, Mines and Petroleum Resources. If mediation failed, disputes went

to arbitration. Arbitration involved a formal hearing, and the arbitrator could direct compensation to either of the parties.

Many landowners, however, quickly came to mistrust the board. Many felt its only purpose was to grease the way for the oil and gas companies.

"There's no doubt about it," Ken Vause said. "They're a kangaroo court. All they're there for is to facilitate the oil and gas industry getting on our lands."

Then, in 2008 and 2009, a series of bombs damaging pipelines and property belonging to EnCana Corp. made national headlines. Despite hundreds of police officers and investigators being put on the case, no arrests have been made.

EnCana, desperate to put a stop to the attacks, on Thursday doubled its offer of a cash reward - to \$1 million - for information leading to the arrest and prosecution of whoever is responsible for the current bombings.

Meanwhile, some officials have admitted there were problems with the mineral rights issue that had to be addressed.

When Cheryl Vickers, the Mediation and Arbitration Board's new chairwoman, took over in July 2007, she found an organization, she said, that "did not have a positive reputation."

"It was a mess," Vickers admitted. "(The Mediation and Arbitration Board) had no credibility."

Vickers drew up a memorandum of understanding with the province's Oil and Gas Commission, seeking to co-ordinate the two boards' work, and improve "relationships" with the landowners by simplifying the process and being more open.

But problems persisted. Some landowners felt the companies were offering pittance for leases and rents. The companies not only had teams of lawyers to back them up, they had a provincial government and urban population happy with the wealth the industry was generating. Landowners and farmers not only felt their way of life was being changed, but that the windfall the province and industry were enjoying was at their expense.

Despite this, landowners weren't necessarily anti-oil-and-gas. The Vauses, for example, had not only accommodated the industry, they had been a part of it. Ken worked on drilling rigs himself. It helped pay for his farm, he said.

And the relationship he had with the company that owned the three wells on his property had been a cordial one.

But the Vauses still found themselves in the fight of their lives with oil and gas.

Another company, Spectra Energy Midstream Corp., wanted access to their land to lay a pipeline. At first, the Vauses thought they could live with it, but then they found out it would run straight through one of their working fields. They ended up going to mediation, then arbitration.

The Vauses hired a lawyer: Spectra brought a battery of lawyers and industry professionals to the table. Both stages went against the Vauses, and Spectra was granted access to their spread. The couple then asked the B.C. Supreme Court for a judicial review of the decision, but were refused because of time limitations.

The Vauses were ordered to pay 90 per cent of Spectra's legal costs for the judicial review application.

The money the Vauses ended up getting from Spectra for access to their land - about \$19,000 - didn't cover half their legal fees and expenses.

Spectra spokesman Rosemary Filba said the Vauses had "a somewhat unrealistic idea what fair compensation would be" and that Spectra has good relationships with the thousands of other landowners it deals with in the region. "It's an unfortunate situation," she said.

Then, in early October 2008, someone set off a bomb in the Tomslake area, south of Dawson Creek. It damaged a 30-cm EnCana pipeline carrying sour gas to its Steep Rock gas plant.

A handwritten letter arrived at a Dawson Creek newspaper on Oct. 10.

Addressed to "EnCana and all other oil and gas interests in the Tom's Lake Area," the letter was blunt and threatening: "You have until Oct. 11 of 2008 (Saturday 12:00 noon) to close down your operations (including the Steep Rock plant) and leave the area until further notice. We will not negotiate with terrorists which you are as you keep on endangering our families with crazy expansion of deadly gas wells in our home lands."

There were five more explosions in the months following. All targeted EnCana property. The last, three weeks ago, ruptured a pipeline. A second letter, again sent to a Dawson

Creek newspaper and addressed only to EnCana, North America's largest natural gas producer, arrived July 15.

It upped the ante, and the rhetoric. Demanding that EnCana and its "terrorist pals" dismantle their plants, leave the area within five years and use their "excessive earnings to install green energy alternatives instead," the bomber wrote there could be no negotiation, "FULL STOP!!"

Noting that the RCMP and security personnel had not been able to stop the bombings, the letter writer rubbed their faces in it. The six "minor and fully controlled explosions" were demonstrations of their vulnerability, and that they could "be rendered helpless despite your megafunds, your political influence, craftiness, and deceit." The bomber was enjoying the game.

By this time, the police were referring to the bomber as an eco-terrorist, with the implication that he or she was a crazed loner.

But an unexpected dynamic had developed in the area. Many people - mostly those rural landowners whose lands the oil and gas wells sat on - publicly expressed sympathy with the bomber's anger.

While none condoned the violence, and few expressed any sentiment like demanding the industry withdraw from the region, they did say they understood the sense of frustration the bomber had with the oil and gas industry and with the government boards that oversaw it. Some wanted the pace of industrialization to slow. Some, like the Vauses, wanted the industry to be more conciliatory.

"I don't agree with his method," Ken Vause said of the bomber, "but I understand where the frustration comes from. If there wasn't a lot of frustration up here, that person who was lighting those firecrackers . . . could have been found out by now."

That fact, that 250 police officers and special intelligence squad members had not been able to catch the bomber, and that no one had responded to a \$500,000 reward that had been offered, was suggested as an indication that perhaps the region's residents weren't as terrorized by the "eco-terrorist" as the police thought they should be.

Landowners in the rural areas also complained of what they considered intimidating and threatening tactics by police and energy company security personnel - of being stopped on the road and questioned, of having lights shined into their homes, of being interrogated

up to eight times.

One man complained that members of the Integrated National Security Enforcement Team, brought into the area for the investigation, followed him into a cafe and publicly accused him of being the bomber.

"They sat down at my table," said Dennis MacLennan, who runs a 160-acre tree nursery in Tomslake, "and accused me, in a raised voice, 'You're the bomber, you're the bomber, you're the bomber,' three times, like that. To which, I got up and left the restaurant."

That scene in the cafe, MacLennan believed, came about because of a lengthy letter he had written to several newspapers and to the Oil and Gas Commission. In it, MacLennan detailed his own fight with EnCana over the placement of a gas pipeline on his property, and the subsequent arbitration hearing he had. The initial compensation EnCana offered him, MacLennan said, was laughably small - \$399.07 - and he considered the arbitration hearing a farce.

The judge granted EnCana access to MacLennan's land.

"I'll probably have to try and seek some satisfaction in a higher court," MacLennan said. "I'm consulting a lawyer at this time, and I'm also consulting a lawyer about the harassment I received."

It hasn't, he said, left him anti-industry.

"It isn't Us against Them. One person (the bomber) has a grievance with one company. That doesn't mean we're all against the industry. We're not against oil and gas development."

His problem, he said, was with the government boards overseeing the industry. "If you look at the system, it probably would work, if it were administered correctly. But it's not."

MacLennan said he is now considering selling his inventory and property.

"There's nothing for me there. This is a farm that has been in my family for 40 years. I'm played out. I'm tired of the situation."

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