

Surface Lease Policy and Seismic Activity on Agricultural Crown Lands*

Wilf Pyle, Saskatchewan Agriculture & Food (SAF), Lands

Interest in gas and petroleum development on Crown agricultural lands has expanded greatly in recent years. Today there are over 4500 active surface lease agreements, several hundred easements and seismic authorizations typically top the 1000 mark each year. These bring in revenue of about five million dollars annually which represents about twenty percent of total branch revenue in any one year.

The branch is a participant in the Saskatchewan Petroleum Industry Government Environmental Committee and posts the reclamation guidelines developed by this group on the SAF Internet site at www.agr.gov.sk.ca. Industry members are urged to use these guidelines in establishing operating procedures on Crown lands. In addition to these there are certain policy procedures that are necessary and will form the first part of this paper. Seismic entry conditions, local contacts and charges are reviewed. The Petroleum and Gas Surface lease agreement is discussed and special reference is made to the environmental requirements outlined in the lease agreement. Prescreening activity and land use restrictions are briefly described and the relevant regulations are covered to provide a quick overview of reclamation and restoration requirements on Crown agricultural lands.

History:

- Lands Branch does not regulate the oil and gas industry must think of us as one big farmer.
- Regulations simply set out the manner in which the department can respond to the developmental needs of the industry.
- Number of seismic authorizations provided in 1973 – 5. Number last year - 230
- Number of surface oil well sites in 1973 – 707. Number last year - 4120

I. Seismic Activity on Agricultural Crown Lands Policy

A. Purpose

To provide a procedure to be followed by companies conducting seismic operations on agricultural Crown lands.

* Presented at the 24th Annual Meeting of the Canadian Land Reclamation Association held jointly with the Saskatchewan Environmental Industry and Managers Association, Saskatoon, Saskatchewan, September 28-30, 1999.

B. Conditions

Where the land is under lease or sale agreement, companies conducting seismic work must obtain prior approval from the Department regarding wildlife habitat and environmental concerns. The company must then negotiate compensation for right of entry, adverse effects, and nuisance and productivity loss with the lessee.

Where land is not under lease or sale agreement, companies conducting work must obtain approval from the Department prior to entry. Payment to the Department for seismic work shall be \$700 per mile on cultivated land and \$400 per mile on grazing land. The charge for access only shall be \$300 per mile. There shall be a minimum charge of one half mile per quarter.

3. Seismic work must be conducted in accordance with the guidelines for Seismic Activity on Crown lands in Saskatchewan.

C. General

Other Damages

Compensation for damages to crops, fences, etc. is not included in the above. The company responsible for the damages is required to pay for such damages directly to the lessee as they occur.

D. Process

Contact the regional office where a seismic agreement or authorization is made available to the applicant.

There are two ways to proceed. Ten days before the start of exploration the company representative brings a copy of the seismic plan to the regional office for review. The company must provide a valid Energy and Mines authority number and the full name of the company undertaking the exploration.

Our staff will then search for any reservations attached to the various Crown lands. For the purposes of this policy and clarity for the industry water bodies are considered Crown lands.

Where reservations are present the company must deal with those reservations. Most common is the restriction under the *Habitat Protection Act*, which affects some four million acres of Crown agricultural lands.

Saskatchewan Environment and Resource Management (SERM) is then advised and SERM will provide an approval conditional to the acceptance of certain restrictions relating to damage to the environment, disturbance and protection of certain plant and animal species.

The second method for processing the seismic request is for the company to have an account on the Crown Land Management System and use this to access the information regarding reservations and lessees. This is then summarized by the company and accompanies the initial request for seismic authorization.

Pay the fees per policy at the time of authorization.

An Overview of Operating Conditions:

The following lists the operating conditions common to authorizations to undertake exploration on Crown agricultural lands. The concepts behind these conditions were developed with full industry input in 1995 through the Saskatchewan Petroleum Industry/Government Environmental Committee (SPIGEC) process.

1. **FOREST ACT**

Permits issued under the authority of *The Forest Act*, "shall expire not later than March 31st next following date of issue." - (Section 15 of The Forest Regulations)

2. **TREE REMOVAL**

New cut lines are not to exceed eight meters in width, unless otherwise approved, and in all cases every attempt must be made to minimize line width. Debris from any clearing must be windrowed with five-meter breaks every 100 meters and at all recognized game and livestock trails.

4. **MAXIMUM WIDTH**

Maximum width of seismic line right-of-way is eight meters; all work and vehicular traffic is restricted to this right-of-way except where necessary to avoid environmentally sensitive terrain such as steep slopes or wetlands (steep refers to any slope where mineral soils will be exposed from travel). Where deviations are necessary, the shortest, the most direct route must be used, or the route of least environmental impact. If wet or thawing conditions exist, all vehicle activity must cease on native grasslands, if rutting could occur.

5. **NO MATERIAL**

No material is to be pushed into standing timber. All leaning trees are to be removed from standing timber by hand cutting, limbing to lie flat and, if not salvaged, “bucking” into sections maximum 2.5 meters in length.

6. OBSTRUCTING TRAILS

Obstructing traveled trails is prohibited.

7. DOG LEGGED

Where tree/shrub removal is authorized, lines are dog legged a minimum of 45 meter back from the edge of the right of way at all road, trail and stream crossings, intersecting seismic lines and points of access, and every 400 meters of seismic line where natural topography.

8. EXPLOSIVE DEVICES

The use of explosive devices is prohibited in or on any open or ice covered fish bearing water body. Precussionary devices are permitted only with special approval from the permitting authority. (Saskatchewan Environment and Resource Management Regional Co-ordinator, Oil and Gas Development.)

9. SPECIAL APPROVAL

Special approval may be granted for shot holes to be drilled in non fishbearing waters (via Saskatchewan Environment and Resource Management Regional Co-ordinator, Oil and Gas Development) provided the proponent agrees to fully and properly plug all holes from bottom to surface with bentonite, prior to taking the shot(s). Such approval must be obtained prior to any work occurring in/on the water body.

10. MERCHANTABLE TIMBER

Unless waived, all merchantable timber is to be salvaged by felling with a power saw (or mechanical harvester) limbing and skidding to locations specified by Saskatchewan Environment and Resource Management. Merchantable refers to all softwoods capable of making at least one 5 meter piece to a (size, 80mm, 100mm or 150mm) top diameter, inside bark, and all aspen capable to making at least one 5 meter piece to a (100mm or 150mm) top diameter inside bark. Saskatchewan Environment and Resource Management must be advised of the quantity and locations of salvaged timber.

11. EQUIPMENT TRANSPORTED

Equipment is to be transported around creeks, not walked through, in any situation where there is an existing crossing within 1 km in either direction. If no such crossing exists SERM's Regional Co-ordinator, Oil and Gas Development is to be contacted for direction.

12. SNOW BRIDGING

Snow bridging across streams may be permitted provided all material is clean and free of debris. The company must not alter the streambed. All introduced material must be removed from the streambed immediately upon completion of the line, or as otherwise authorized.

13. SHORELAND ALTERATION

If any stream, creek or river, is to be crossed, other than at existing structures, or if culverts or bridges are required, a Shoreland Alteration Permit must be obtained from Saskatchewan Environment and Resource Management.

14. FORESTED SITES

On forested sites where erosion may occur due to soil type, or grade, slash must be rolled back, spread and walked in. Additional site specific requirements will be determined by the leasing or permitting authority.

15. LIMITED HABITAT

As trees are a limited habitat in this area, tree removal is prohibited unless authorized by SERM. Saskatchewan Agriculture and Food and Resource Management are to be notified immediately of any changes to the proposed program. This includes any work not completed as per application. If applicable the Forest Management Licence Agreement holder must also be notified of any program changes.

17. ENVIRONMENTAL MONITOR

Due to environmental considerations present on this program, an environmental monitor, approved by Saskatchewan Environment and Resource Management regional office must be present for the duration of this program. The appointed Environmental Monitor must have the experience and be given the authority to halt work or direct changes as may be required to minimize environmental impact.

18. MONITORING REPORT

Within one month of project completion, two copies of an environmental as-built monitoring report are to be submitted to the Saskatchewan and Environment and Resource Management Regional office.

19. FLOTATION EQUIPMENT

In environmentally sensitive areas flotation tired equipment is required (companies must follow pertinent clauses within, Guidelines for Conducting Seismic Exploration on Environmentally Sensitive Terrain in Southern Saskatchewan, Saskatchewan Environment and Resource Management.

20. WILDLIFE HABITAT

On *Wildlife Habitat Protection Act* lands or environmentally sensitive Crown lands, where tree/shrub removal has been authorized, seismic lines must be hand cut unless

otherwise stipulated. On D. programs source lines are restricted to not less than 200 meters apart unless otherwise approved, and can not exceed 2.2 meters in width. Receiver lines are restricted to not less than 100 meters apart unless otherwise approved, and can not exceed 1.5 meters in width.

21. SLASH

Unless otherwise specified by Saskatchewan Environment and Resource Management, the operating company must roll back and spread “slash” on *Wildlife Habitat Protection Act* lands. This clause is not needed unless SERM advises.

22. UNIQUE CLAUSES

The following temporary measures are required to control erosion and otherwise control damage until a restoration plan can be prepared and approved. A description of the activity necessary to protect the soil or prevent vegetative damage. __

II. Crown Lands Petroleum and Gas Surface Lease Policy

A. Purpose

To outline the procedure to obtain a surface lease for the purpose of exploration or developmental drilling for petroleum and natural gas.

To outline rental adjustments for lessees of agricultural Crown land.

To outline endorsement requirements of surface leases issued by the purchaser of agricultural Crown land.

4. To provide environmental guidelines for companies developing well sites compressor and metering stations, access roads and easements on agricultural Crown land.

B. Terms and Conditions

1. Vacant Land or Land under Lease Contract

Where land is under lease or vacant, development companies are required to obtain a surface lease from the department before entering onto the land. Prior to locating and surveying sites on lands under lease, the company must contact the lessee to discuss proposed sites and to obtain access to the lease. In cases where entry is refused, the department will identify any legitimate concerns of the lessee and mediate with the company to resolve these concerns.

The Department will calculate surface lease rentals in accordance with The Surface Leases (Petroleum and Natural Gas) Compensation and Rental Regulations.

Agricultural lessees will receive an annual rental adjustment, which acknowledges the presence of a petroleum or natural gas wellsite and/or roadway.

Rental adjustments will be as follows:

\$100 per wellsite or wellsite with roadway or roadway alone.

(b) Maximum consideration to be not greater than 30% of agricultural leases rental.

(c) In the case of new wells, maximum consideration will be no greater than 100% of the agricultural lease rental.

2. General Conditions for Developers Entering Upon Vacant Land or Land under Lease Contract:

Companies must contact the Regional Office of Lands and Regulatory Management and make application, at least, ten (10) working days prior to expecting entry. As part of the application, companies are responsible to contact all agencies and address any reservations.

Applications for wellsite, access roads and easements must be accompanied by a survey plan for the project. Existing trails, roadways, seismic lines or natural clearings should be utilized whenever possible.

The Exploration Company must advise the department of the name and address of the parent company. The parent company and any sub-contractors are equally responsible for operation and development of a project.

Companies are responsible for damages to all improvements including fences, gates and crops. Compensation for damages is to be paid directly to the lessee.

No traveled trail is to be obstructed.

All contractors and sub-contractors are to be provided with a complete set of these conditions.

All refuse is to be removed to a designated land fill site. None is to be buried or burned on site.

All access routes and sites are to be marked indicating the company name.

3. Land Under Sale Contract

On lands under a sale agreement, the purchaser may give a surface lease to the Development Company, provided the department endorses the lease. Endorsement will be given on the condition that surface lease rentals will be remitted to the department for application against the purchase agreement.

4. General

In addition to surface lease rent paid to the department, the Development Company is responsible to pay the agricultural lessee(s) for damage outside of the leased area. The department will not grant a release where there is any outstanding claim for damages.

III. Surface Lease Fees and Rentals

Description	Amount
1. First Year Development Fee: (wellsites, roadways, compressor, separation or battery sites)	
(a) cultivated land	\$597 per acre
(b) pasture land	506 per acre
2. Annual Surface Lease Rental: (wellsites, roadways, compressor, separation or battery sites)	
cultivated land:	
first 3 acres	597 per acre
each subsequent acre	209 per acre
(Minimum fee is for 2 acres)	
(b) pasture land:	
first 3 acres	506 per acre
each subsequent acre	162 per acre
(Minimum fee is for 2 acres)	
3. Multiple Well Heads	100 per head
4. Access Roads, First Year Development Fee	
cultivated land:	
first 3 acres	530 per acre
each subsequent acre	332 per acre
existing trails	110 per acre
pasture land:	
first 3 acres	425 per acre
each subsequent acre	271 per acre
existing trails	110 per acre

5. Access Roads, Annual Surface Rental

cultivated land:

first 3 acres	304 per acre
each subsequent acre	209 per acre

(b) pasture land:

first 3 acres	235 per acre
each subsequent acre	162 per acre

Description	Amount
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Easements (one time charge)

(a) cultivated land	547 per acre
(b) pasture land	506 per acre

7. Temporary Work Space

(a) cultivated land	273.50 per acre
(b) pasture land	253 per acre

Process:

The process is similar to the seismic authorization process.

Interesting Regulations Relating to Petroleum and Gas Surfacing Leasing

Here are some recent changes in regulations under the Lands Act that are of interest to developers and seismic operators that affect Crown agricultural lands. They cover changes that provide increased compensation to agricultural leaseholders and clarify restoration requirements on any sites utilized by the industry. Many of these have formed part of policy and standard practices for several years and should create no new concerns for the development side of the petroleum industry.

In Saskatchewan compensation is paid to the agricultural lessee where a Petroleum and Gas Surface lease agreement comes into affect. Technically speaking the land is withdrawn from the associated agricultural lease while the petroleum and gas surface disposition is in effect. Every holder of an agricultural lease from which land has been withdrawn for the purposes of a petroleum and gas surface lease is entitled to receive a one-time payment of \$200.00. When more than one well is drilled the agricultural leaseholder is entitled to receive \$200.00 for the second well and \$200.00 for each subsequent well. This compensates the agricultural lessee each time a new well is developed on an existing site. If there are two or more producing wells on the land the agricultural leaseholder is entitled to an annual rental reduction of \$100.00. These

reductions for the agricultural lessee are held to a maximum of 30% of the annual rental charges payable on the agricultural lease.

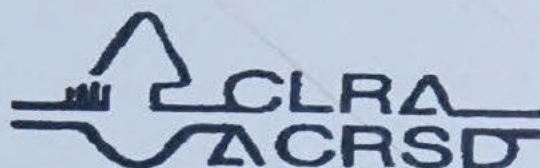
In addition to the above compensation payments, the department will credit the agricultural lease holder for any crop loss suffered by the agricultural lessee due to the withdrawal of the land for the petroleum and gas lease. Compensation is limited to the amount paid by the petroleum and gas surface leaseholder to the department as determined by the department and the surface leaseholder.

Other new protection conditions are now also established in regulation. At the time of application for a petroleum and gas surface lease the developer must file a development plan with the department. While this has been an informal process in the past the plan must outline drilling location, construction, restoration or other development activities. The goal is to have a clear understanding of the impact the development will have on the natural area. As well, it protects wildlife and habitat now and into the future. Agricultural lease land regulations are now very clear on the process of abandonment and the surrender of any surface lease. Wells must be abandoned in accordance with the Oil and Gas Conservation Regulations of 1985. This means all holes must be plugged, the site clean and evidence that any pollutant that was placed on the site by the developer has been removed in an acceptable way. Restoration is spelled out to include a plan of restoration with the goal of attaining as nearly as possible a surface condition similar at the time of lease development or to an approved level. Surface leaseholders remain liable for rental charges where pollution and restoration issues are outstanding.

For seismic operators the regulations have been clarified to allow the Crown to now provide permission for entry to carry out surface operations designed to determine the extent of petroleum and natural gas deposits. Companies must deal directly with the agricultural lessee and address any legitimate agricultural concerns the agricultural lessee might have. Where this proves difficult the Crown can now support the request for surface access.

Perspectives in Land Reclamation and Restoration

Presented by:



Canadian Land Reclamation Association/
Association Canadienne De Réhabilitation Des Sites Dégradés



Including the Canadian Land Reclamation Association's
24th Annual Meeting

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Tuesday, September 28th

7:15 - 7:45 AM Registration

7:45 - 8:00 AM Bus Loading from Saskatoon Inn Lobby

8:00 AM Field Tour Departure (no delays)

7:00 - 10:00 PM Wine and Cheese, Registration

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7:30 Registration

8:00 - 8:05 Introductory Remarks – Saskatchewan Room ‘B’
Tracy Patterson (CLRA) and Theresa Salamone (SEIMA) n/a

8:05 – 8:25 Opening remarks from Saskatchewan Environment and
Resource Management n/a

8:25 – 10:05 Saskatchewan Policy – Saskatchewan Room ‘B’
Session Chair: Lorne Veitch – Saskatchewan Agriculture and
Food, Lands Branch, Swift Current

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Todd Han, Saskatchewan Energy and Mines..... n/a

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Dr. Bob Russell, Department of Sociology, University of Saskatchewan n/a

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