



Information Letter 2001-01

January 12, 2001

Conducting Exploration Programs in Municipalities

A Municipal, Resource Industry, Provincial Action Dialogue Working Group has reviewed the question of geophysical exploration on road allowances and the issue of municipalities charging fees for seismic exploration on road allowances. A number of recommendations were considered. Most of the recommendations are currently covered by either the *Exploration Regulation (AR 214/98)* or by a condition in the exploration program letter of approval. A pilot program was conducted in 1999 and some modifications have been made for this year. New requirements or changes to existing requirements have been **bolded**.

Background

Petroleum and natural gas (P&NG) companies are concerned about the fees that some municipalities are charging for seismic exploration on road allowances and the use of public right of ways and additional charges for certain uses on public land. They feel these practices are not fair or equitable because they are being selectively targeted to pay these additional fees.

Municipalities are concerned about public safety, liability and the impact of increased industrial activity on developed roads. They want assurance that industry will not walk away from their responsibility to repair extraordinary damage done to roads and infrastructure.

The Ministers of Resource Development (RD), Environment (AE), Municipal Affairs (MA) and Infrastructure (AI) met with affected municipalities, the Alberta Association of Municipal Districts and Counties (AAMD&C), and industry representatives on March 30, 1999 to review the issue. The Ministers asked a stakeholder group to look for non-regulatory means to resolve the issue and develop specific recommendations that would eliminate the need for municipalities to charge fees for seismic activity on road allowances by the summer of 1999.

Recommendations

The recommendations focus on a process of notification and inspection for seismic activity and set out how the costs incurred by municipalities are to be dealt with. The process emphasizes the use of existing regulations and guidelines, recommends some modifications to existing provisions and enhances notification procedures.

These recommendations apply to any company, or its agent, planning to conduct seismic operations on municipal roads, road allowances and/or cross-country programs. Many of the concerns and interests identified by the participants may also apply to the broader operational phases of the P&NG

industry and to other industries such as forestry and agriculture. These industries will be dealt with in the next phase of joint discussions.

The recommendations relate to three main areas, notification, inspection and working relationship.

Notification

- a) Licensee or permittee for the program of exploration shall notify the municipality, by fax or some other agreed form of notification, prior to submitting the application to Alberta Environment.

They may do this by either sending a FAX or a copy to the municipality outlining a broad general land description of the proposed program (Township Range Meridian) prior to submitting the application to Alberta Environment. They may also choose to send to the municipality the entire application that they submit to Alberta Environment.

If the first option is chosen, the licensee or permittee must include a copy of the FAX with the application to Alberta Environment. If the second option is chosen the licensee or permittee must include a copy of the courier receipt with the application to Alberta Environment.

Note: Alberta Environment will deem an application incomplete if a copy of the FAX or courier receipt to an affected municipality is not included. These programs will not be processed for an approval.

- b) A licensee or permittee shall provide written notice to the municipality of the commencement date, estimated timeline, a copy of the exploration approval and a copy of the approved preliminary plan for the program. In accordance with Section 28 of the *Exploration Regulations*, this notification must be made during the 7 day period before the program commences. Consideration is being given to revise the regulation to make this requirement not less than 2 business days or more than 15 business days. It is recommended that the industry provide this information to the municipality a minimum of two business days before commencement of the program.
- c) All residents within 400 metres of any seismic line(s) must be notified of planned seismic operations in the area. This notification must be made at least 48 hours before commencement of seismic operations, and is required regardless of the energy source used. The notification must contain the following information: the name of the licensee and/or permittee, a contact name complete with phone number, and a description of the energy source.
- d) A licensee or permittee shall provide written notice to the municipality not more than 24 hours after the removal of all crews and exploration equipment used in the conduct of the exploration program in accordance with Section 28 of the *Exploration Regulations*.

Inspection

- a) Pre and post inspections will be carried out jointly by the municipality and the permittee. **The inspection fee for pre and post inspections has been raised to a total of \$200 per project, for projects involving road allowances, with the inspection fees to be paid up front.** The requesting party will pay the cost, on a fee for- service basis, for any additional interim inspections.
- b) The licensee and permittee will follow standard safety procedures in accordance with Section 50 of the Exploration Regulation. **The “Municipal Roadway Seismic Operating Guidelines” are attached for reference.**
- c) Alberta Environment and municipalities shall jointly review inspection responsibilities and educate all parties of their obligations and responsibilities.

Alberta Environment maintains a complaint line for seismic. If any there are any concerns or if it appears a condition of approval has been breached, please call (780) 427-3932 or email LFS.seismic@gov.ab.ca or you may send it to:

Contact

Exploration Program Manager
Sustainable Resource Development
Lands Division
3rd Floor, South Petroleum Plaza
9915 - 108 Street
Edmonton, Alberta, Canada T5K 2G8

Attachment:

Municipal, Resource Industry, Provincial Action Dialogue Group

Municipal Roadway Seismic Operating Guidelines (September, 2000)

1. Right-of-ways, including road surfaces, shoulders, back slopes, side slopes, and ditches on both developed and underdeveloped road allowances shall not be cut, dug or in any way damaged by the exploration operation. The consequences of not adhering to this requirement shall be in accordance with Sections 47 and 48 of the *Exploration Regulation*.
2. All established drainage patterns within or adjacent to the roadway, which were established prior to the exploration operation, shall not be altered or disturbed in any way. Drainage structures and appurtenances within the road right-of-way will not be plugged or blocked so as to affect the original drainage pattern. The licensee or permittee shall re-establish any altered or disturbed drainage patterns at no cost to the Municipality.
3. The Company shall make every attempt to gain access to the ditch bottom and/or back up to the road surface from existing approaches. Where it is not practical to do so, the contractor shall only pull out of the ditch onto the shoulder of the road at a location where the driver, prior to pulling onto the shoulder of the road, has checked and confirmed he can see clearly up and down the road to a minimum of 200 meters, or 300 meters if the posted speed is more than 80 kilometers per hour. Flag persons are required to conform to the *Uniform Traffic Control Devices of Canada* when the site line is less than 200 meters, less than 300 meters with a posted speed of 80 kilometers per hour, or when traffic is limited to one lane. On projects where flag persons are required, the contractor shall provide them.
4. Each project shall have warning signs erected to control and guide traffic as outlined in the current edition of the *Department of Infrastructure Flag Persons Handbook* and as determined by the operations manager. The signs shall conform in color, design and size to the standards outlined in the *Uniform Traffic Control Devices for Canada Manual*. Each sign shall be mounted on a portable stand capable of remaining in place and be fully visible to motorists at all times. Damaged or dirty signs shall be replaced or cleaned as required. Signs shall be covered when not in use and promptly removed upon completion of the project.
5. Any damages occurring to developed or underdeveloped Municipal roadways, ditches, shoulders, backslopes, side slopes and traffic signs are to be reported as soon as possible to the Municipal Administrator.
6. The licensee or permittee shall comply with any/all identified site specific safety concerns which the Municipality may identify. The operator may be required to cease operations if safety concerns arise.
7. Operations "may" be restricted to daylight hours and are to be undertaken only at such times as roadway conditions are favorable. Conditions such as smoke, fog, and snow may cause a condition, which would make it unsafe to operate within the right-of-way. The traveled portion of a roadway shall be kept clean of mud clumps and debris. All travel within the roadway right-of-way shall be in the same direction as the closed travel lane. All parked seismic vehicles must be visible for a minimum of 200 meters, 300 meters if the posted speed is more than 80 kilometers per hour.
8. The Company must adhere to the provisions of the *Highway Traffic Act* at all times.
9. The Company agrees to indemnify and save harmless the Municipality from any loss, claim, damage, suite, or action resulting from the operation of this program.
10. The Company shall carry adequate liability insurance.