

SEISMIC OPERATIONS AND LANDOWNER RIGHTS

This information is intended to provide Strathcona County land owners with a brief outline of their rights regarding seismic operators wishing to conduct seismic operations on private land.

You have the right to refuse seismic operations on your land. It's important to note that a seismic operator may enter onto deeded property only after obtaining approval from the owner. No other agency has the authority to grant access for seismic operations. Therefore, it's entirely up to the landowner/occupant to negotiate the specific terms of the contract to ensure that his/her interests are protected.

Strathcona County owns all municipal road allowances. Permission for seismic exploration can be granted by the County for seismic operations within these road allowances.

Note: If a landowner/occupant refuses access on private lands, the program could continue around those lands by using road allowances.

Notification Condition

According to the Strathcona County Protocol for Seismic Surveying, Drilling, Construction and Operation of Oil and Gas Facilities in Strathcona County*, conditions of all seismic approvals being carried out in Strathcona County include notification to all landowner/occupant/residents within 800 metres of any seismic line(s) planned in the area. This notification must be made a minimum of three weeks prior to the commencement of seismic operations and is required regardless of the energy source being used. The notification must contain, as a minimum, the following information: the name of the seismic exploration company, a contact name complete with phone number, a description of the energy source, and an information fact sheet provided to the exploration company by the County.

Seismic Operations and Water Wells

If water well damage is a prime concern, the land owner can exercise their right to refuse entry until adequate guarantees are given. If there are concerns about the possibility of well failure or water quality deterioration when seismic activity is proposed over your land, the landowner/occupant can negotiate a well test before and after the seismic activity.

*Alberta Sustainable Resource Development is the regulator for seismic activity and requires notification within 400 metres of seismic lines, 48 hours prior to commencement of operations.

Components may include documentation of information about the well, performance of a static level test, and a pump test at the operator's expense, prior to the signing of any permit forms (you may want to negotiate a chemical test pre-imposed). See Appendix 3 for information on independent Water Testing Labs.

Compensation

The matter of compensation for entry and access is left entirely to the landowner/occupant and the seismic operator. There is no legislation governing the amount or method of payment. It is common practice for seismic operators to offer compensation that is equitable to all who are affected by the geophysical program. If a negotiated amount cannot be reached, the landowner/occupant may refuse to allow entry. Generally, most operators agree to pay access fees within 30 to 90 days following completion of the geophysical program. However, payment may be requested prior to or shortly after entry by the licensee.

Consent Agreement

If the landowner/occupant agrees to provide access, he or she will be asked to give written consent. Please note that the landowner's consent should be the result of a negotiated agreement between both the landowner/occupant and the seismic company. In order to best protect the landowner/occupants' interests, Strathcona County recommends the use of the following two forms. The first form is the *Permit to Conduct Geophysical Operations* which is a widely used, standard permit form developed by the Canadian Association of Geophysical Contractors, in conjunction with the office of the Farmer's Advocate and other government and industry bodies. A copy of the Permit is provided as Appendix 2a.

Strathcona County also recommends that the landowner/occupant execute an addendum to the *Permit to Conduct Geophysical Operations* to further protect landowner/occupant interests. The purpose of the addendum, which would form a part of the Permit, is to specify any additional conditions the landowner/occupant deems necessary to protect its interests and minimize the impact associated with seismic operations on its property. Please see Appendix 2b for an example of an addendum which contemplates key considerations a landowner/occupant should consider when agreeing to provide access to a seismic company on its property. It is imperative that the Permit refer to the Addendum, such as is proposed within Section 7 of the Permit attached as Appendix 2b.

Please note these documents are provided for information purposes only. Strathcona County recommends that a landowner/occupant seek advice from a lawyer and develop an agreement which best suits the specific conditions and concerns of the landowner/occupant.

Ask Strathcona County Engineering and Environmental Planning for information regarding two publications: Seismic Operations and Farmer's Rights (Revised 2003 09) from Alberta Agriculture, Food and Rural Development ([http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex1127?opendocument](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex1127?opendocument)) or When the Oilpatch Comes to Your Backyard – A Citizen's Guide (2nd edition) from the Pembina Institute. Both publications have more information on the seismic process and how to negotiate the best conditions for you.

For further information or clarification, you may contact the following:

Strathcona County

Engineering and Environmental Planning

(780) 464-8279

<http://www.strathcona.ab.ca/Strathcona/Departments/Engineering+and+Environmental+Planning/Energy+exploration/default.htm>

Canadian Association of Geophysical Contractors

(403) 265-0045

<http://www.cagc.ca>

Geophysical Inspectors/Investigators

Alberta Sustainable Resource Development

780) 427-3932

<http://www3.gov.ab.ca/srd/land/index.html>

Pembina Institute

(780) 542-6272

<http://www.pembina.org/>

Office of the Farmers' Advocate

Alberta Agriculture, Food and Rural

Development (780) 427-2433

[http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/ofa2621](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/ofa2621)

Summary Note: Strathcona County wants to ensure that you know that you have the right to refuse seismic activity on your land and that seismic information may lead to oil/gas exploration that you can not prohibit on your land.