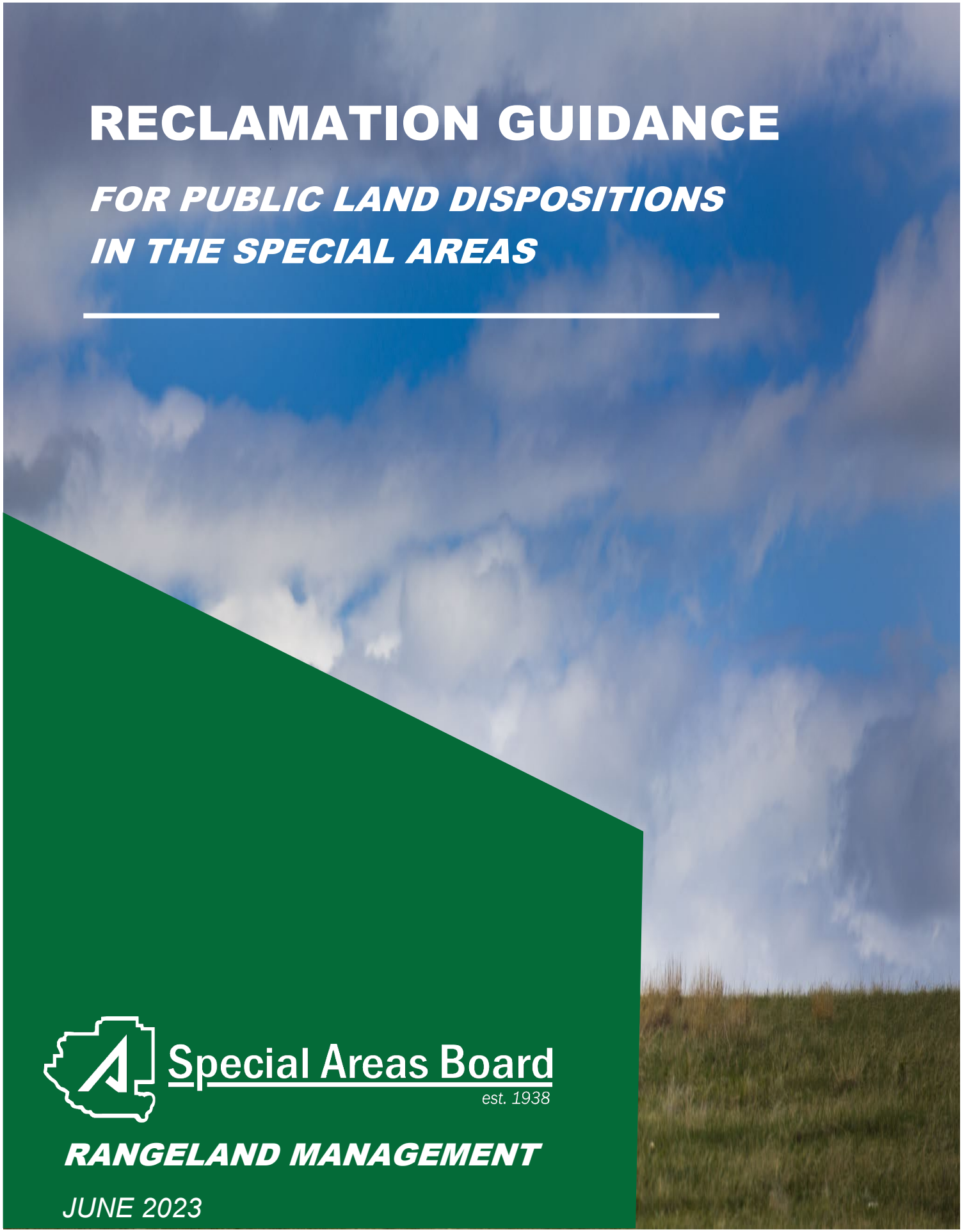
RECLAMATION GUIDANCE

FOR PUBLIC LAND DISPOSITIONS IN THE SPECIAL AREAS



Special Areas Board
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RANGELAND MANAGEMENT

JUNE 2023

Special Areas Board

Special Areas Reclamation Guidance for Public Land Dispositions in the Special Areas

June 2023

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Glossary

Amendment- transfer or reduction of active acres from an industrial disposition. These acres can be removed in the case of a reclamation certificate or transferred to another existing industrial disposition held by the same operator via an assignment.

Assignment- transfer of active acres from an industrial disposition by an operator to an existing industrial disposition held by another operator. This is completed via an Overlapping Exemption.

Inactive- the status of an industrial disposition after it has met the requirements to be removed from the Special Areas Board disposition system. Meeting requirements for inactivation typically include the issuance of a reclamation certificate by the AER and satisfactory inspection by a Special Areas agrologist.

Industrial Disposition- disposition types issued under the *Special Areas Disposition Regulation* to an operator for purposes in connection with mineral production or recovery, pipelines, or any other miscellaneous activity by the lessee. Industrial disposition types can include but are not limited to: Mineral Surface Lease (MSL), Right of Entry (ROE), License of occupation (LOC), Easement (EAS), or Pipeline Agreement (PLA).

Lessee- the individual or registered company holding an agriculture disposition issued under the Special Areas Disposition Regulation (i.e., grazing lessee or cultivation lessee). On the AER Reclamation Application, the Lessee is listed as an occupant.

Noxious Weed- undesirable plant species that are listed in the Weed Control Act.

Operator- the company holding the industrial disposition under the Special Areas Disposition Regulation.

Special Areas- For this document “Special Areas” refers to Special Areas 2, 3, and 4 in general.

Specified Land- land that is subject to reclamation and the associated regulations.

Temporary Workspace Agreement- a field authorization to access lands not covered by an active Mineral Surface Lease or Pipeline License Agreement issued under the *Special Areas Disposition Regulation*. The terms of the Temporary Workspace Agreement are normally for the length of 1 year and do not allow for permanent disturbance to be caused from the work completed.

1 Introduction

The *Special Areas Reclamation Guidance* document provides guidance when completing reclamation and applying for reclamation certificates on public land in the Special Areas.

This document supports the use of regulations, reclamation criteria, effective strategies, and best practices for reclamation of well sites in the Special Areas. A full understanding of these instruments will give the user of this document the guidance needed for successful project management.

The Grassland Restoration Forum (GRF) has developed manuals for restoring native grassland sites that include guidance and best practices for reclamation projects. *Recovery Strategies for Industrial Development in Native Prairie* manuals exist for all four natural subregions that occur in the Special Areas. Digital copies of these manuals are freely available at www.grasslandrestorationforum.ca . Reclamation practitioners' familiarity with the practices in these manuals is encouraged to successfully reclaim native grasslands with industry accepted standards.

2 Background

2.1 History

The Special Areas, located in east-central Alberta, is a provincially administered board established in 1938 to provide municipal services for residents of the region. Large populations of immigrants settled here in the early 1900's. Successive years of drought and economic collapse in the 1930's forced many residents to abandon their lands and move elsewhere. The Special Areas Board was established by the Government of Alberta to deal with the mass exodus of people and provide services to the people that wished to remain. Lands forfeited for tax collection were consolidated, along with Crown-owned lands, under a single ownership of the Special Areas Board. The *Special Areas Act* delegates the authority to the Special Areas Board to administer these lands for the stabilization of remaining farm and ranch units in the area.

2.2 Regulatory Authority

Energy resource activities on Special Areas public lands are included as *specified land* and subject to reclamation requirements as outlined by in the *Environmental Protection and Enhancement Act* (EPEA).

The Alberta Energy Regulator (AER) regulates energy resource activities in the province of Alberta, including making decisions on applications for reclamation certificates of specified land and issuing reclamation certificates. Reclamation

Certificate Applications (RCAs) are sent to the AER utilizing the process described in the AER's *Specified Enactment Directive 002: Application Submission Requirements and Guidance for Reclamation Certificates for Well Sites and Associated Facilities (SED002)* (AER 2019).

3 Land Ownership

3.1 Freehold Titled Land

Freehold titled land in the Special Areas is privately owned by individuals or companies. These lands do not fall under the administration of the Special Areas Board. If projects fall within these lands, consultation should be done directly with the landowner as is done on privately owned land in other areas of the province.

3.2 Public Land

All public land in the Special Areas is administered under the direction of the Special Areas Board. The Special Areas Board leases public land to lessees for either grazing or cultivation uses. The lessee operates the land held under grazing lease or cultivation lease and is responsible for day-to-day management. For project consultation (i.e., file review, land use changes, seed mixes, releases, etc.) on public lands, a Special Areas Agrologist can be contacted to consult on behalf of the Special Areas Board. Contact information can be found in Appendix A. The lessee can also be consulted for information regarding historical knowledge of a disposition, preferences during the reclamation process and decisions that may directly affect them. The Special Areas Board would be considered the landowner on the AER Reclamation Application for public lands within the Special Areas and the lessee listed as the occupant.

3.3 Community Pastures

The Special Areas Board operates five Community Pastures: Richdale Bullpound, Sounding Creek, Buffalo-Atlee, and Remount. Locations of the Community Pastures in Special Areas are shown in Figure 1. The Community Pastures are listed as Crown vacant land and fall under public lands within the Special Areas. The Special Areas Board permits grazing of cattle on these lands under the *Special Areas Disposition Regulation* and employs a supervisor for each community pasture that is responsible for daily management operations. Notifications of access for work being completed within a community pasture should be provided to the supervisor of the pasture and Special Areas agrologists should be contacted for project consultation.

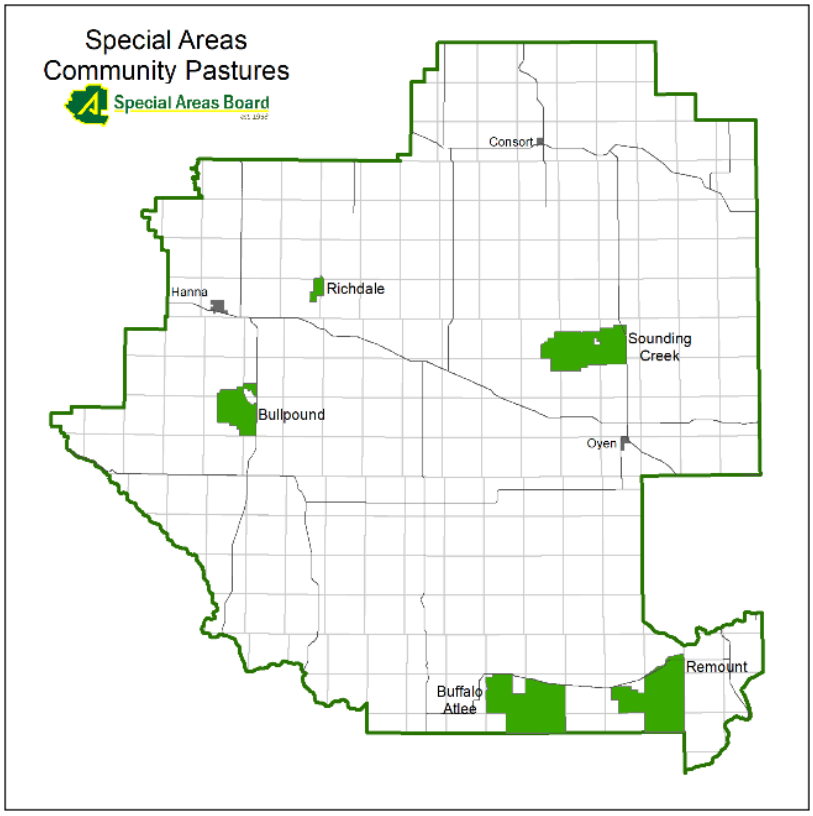


Figure 1- Special Areas Community Pasture Locations

3.4 Industrial Dispositions

Any industrial development on public lands within Special Areas is issued an industrial disposition which is administered under the *Special Areas Disposition Regulation* and includes Mineral Surface Leases (MSL), Pipeline Agreements (PLA), and other miscellaneous dispositions (ROE, LOC, EAS, etc.). The *Special Areas Disposition Regulation* states that the [industrial disposition] holder shall reclaim the land under the disposition in the manner and within the time frame that is acceptable [to the Minister].

Special Areas dispositions are differentiated from Alberta public lands dispositions by the presence of a "_SA" suffix (i.e., MSL604_SA or ROE647_SA).

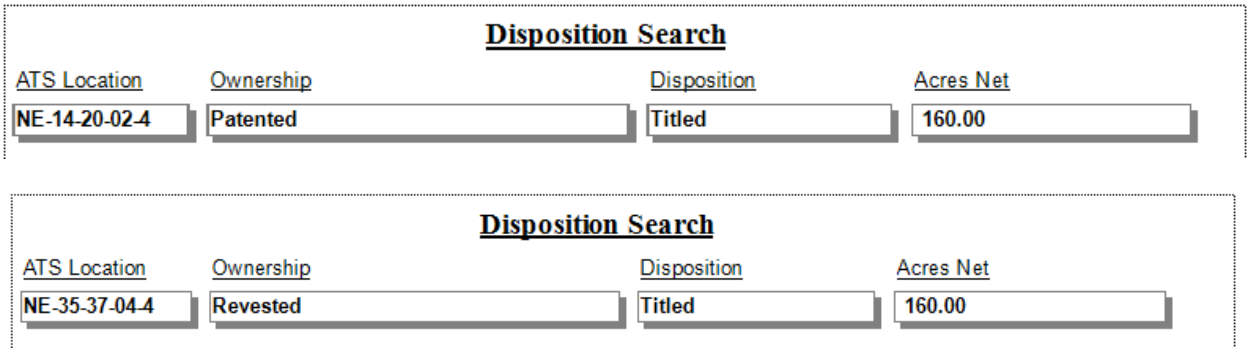
4 Inquiries

4.1 Disposition Searches

The ownership of a parcel of land can be determined by conducting a Special Areas Disposition Search. Special Areas disposition searches can be requested at sasearches@specialareas.ab.ca.

The search will provide information on the ownership of a parcel of land, including the freehold titled landowner or public land lessee and all dispositions located in the searched parcel.

The most effective method to determine the land ownership from a Special Areas disposition search is to look under the disposition column, if it lists *titled* the land is privately owned and managed by a private landowner who will be listed in the rate payer details (See Figure 2).



Disposition Search

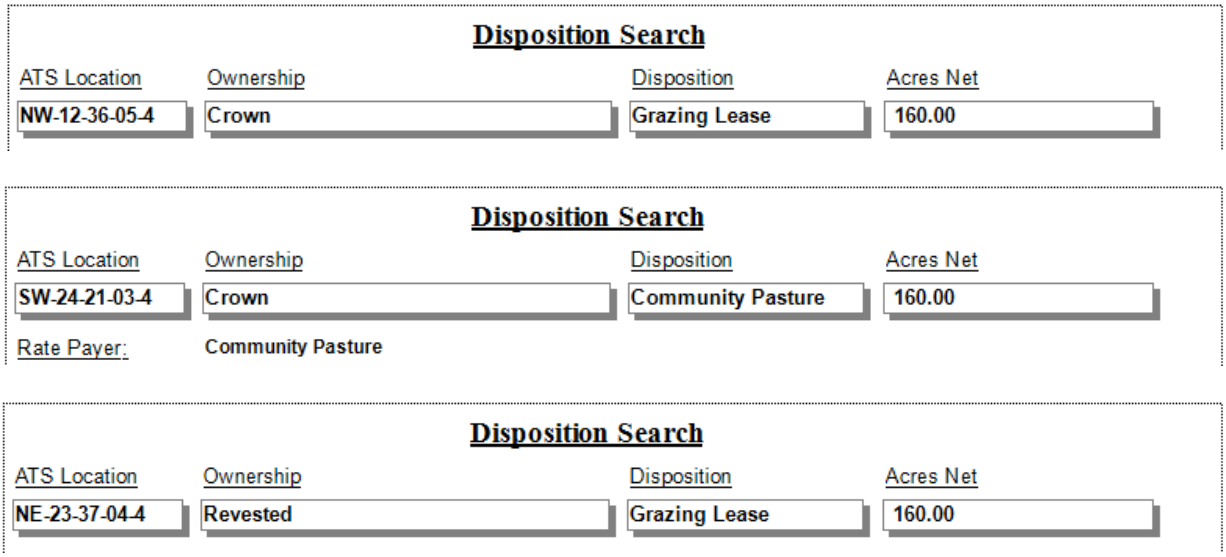
ATS Location	Ownership	Disposition	Acres Net
NE-14-20-02-4	Patented	Titled	160.00

Disposition Search

ATS Location	Ownership	Disposition	Acres Net
NE-35-37-04-4	Revested	Titled	160.00

Figure 2- Examples of results for freehold titled land from a Special Areas Disposition Search

If the parcel has any listing other than *titled* (e.g.: grazing lease, community pasture, etc.) in the disposition column the parcel of land is managed by the Special Areas Board and the disposition search will show the lessee in the rate payer information (See Figure 3).



Disposition Search

ATS Location	Ownership	Disposition	Acres Net
NW-12-36-05-4	Crown	Grazing Lease	160.00

Disposition Search

ATS Location	Ownership	Disposition	Acres Net
SW-24-21-03-4	Crown	Community Pasture	160.00
Rate Payer:	Community Pasture		

Disposition Search

ATS Location	Ownership	Disposition	Acres Net
NE-23-37-04-4	Revested	Grazing Lease	160.00

Figure 3- Examples of results for public land from a Special Areas Disposition Search

4.2 Phase I Interviews

When conducting a Phase I Environmental Site Assessment for well sites located on Special Areas public lands, a Special Areas agrologist can be contacted to obtain relevant information related to the location. The agrologist will search files for applicable information including any site inspections. Disposition numbers must be included when requesting a Phase I search. The lessee of the land should also be contacted and interviewed for information regarding the site and its history. Contact information for Phase I searches is presented in Appendix A.

4.3 Reclamation Inquiries

It is expected that a Special Areas agrologist and the lessee will be contacted at regular stages in the reclamation process to ensure that the end reclamation goal is agreed upon and reclamation is progressing towards that goal. Landowners and lessees can also be helpful for sourcing soil, native hay, clean straw, or seed as well as in implementing beneficial management practices such as grazing at a specific time or weed control. Comments from a Special Areas agrologist and/or lessee on the condition of a reclaimed disposition can be recorded in Section 3 of the RCA under stakeholder information.

4.4 Reclamation Certificate Applications

RCAs are submitted to the AER to obtain a reclamation certificate via the processes described in *Specified Enactment Direction 002* (AER 2019).

The landowner package of the RCA and supporting documents can be submitted digitally or by hard copy to the Special Areas Board for landowner notification as part of the AER application process. Digital RCA submissions can be made to saoilgas@specialareas.ab.ca or hard copies mailed to the Special Areas Board Hanna Office at the address listed in Appendix A.

When completing the RCA include the disposition number on the reclamation application under section 2.2 as an “other associated activity”. The disposition number is used to administratively identify the site. The information provided in the RCA package is utilized by Special Areas staff to inactivate or amend the disposition when the reclamation certificate is issued.

4.5 Site Inspections

RCAs will be reviewed and field inspected to ensure the condition of the disposition meets Special Areas disposition regulation and policies. The Special Areas Board will not inactivate a disposition without inspecting the location, even if a reclamation certificate has been issued by the AER. Field inspections take place in snow-free conditions to accurately view the vegetation and other site conditions.

Due to the normal process of completing Detailed Site Assessments (DSA) during the growing season and then utilizing that data to complete the RCA in the winter, Special Areas Board agrologists prefer to receive notification as early as possible to ensure the field inspection can take place prior to snow cover. The inspection by the Special Areas agrologist can remain on file until the RCA is submitted. This helps to prevent a delay in inactivating the disposition after a reclamation certificate is received and ensures that section 3 of the RCA can be filled out accurately prior to submitting the RCA. Notifications of planned reclamation including legal location and disposition number can be sent to Special Areas agrologists using the information in Appendix A.

If the Special Areas agrologist disagrees with the conclusion of the findings in the RCA or determines that inadequate information and consultation was provided, the AER's complaint and appeal processes available to all landowners will be initiated.

5 Reclamation Information

5.1 Unique Setting

The Special Areas covers parts of four natural subregions found in Alberta- Dry Mixedgrass, Mixedgrass, Northern Fescue and Central Parkland. Native grasslands can be difficult to reclaim in the Special Areas due to short, hot, dry summers and long, cold winters, often with reduced snow cover due to high winds. Other factors that increase reclamation difficulty include shallow soil development, lack of locally adapted and available native seed, slow establishment of native species, presence of problem introduced forages, high grazing pressure, and other specific hurdles that may not exist in other natural subregions. A high level of skill and experience is also required to correctly identify grass species and understand the complex community and successional structures of native grasslands.

5.2 Reclamation Criteria Use

Much of the land administered by the Special Areas Board was cultivated during the settlement period of the early 1900s. Once this land was abandoned some of the land naturally recovered from the seed bank while other lands were seeded with introduced species to stabilize soil and prevent erosion but have had native infill occur over the years. The *2010 Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) should be used on reverting or modified native pastures. Native grasslands can have up to 70% non-native species before they are classified as non-native (ESRD 2013). If the native criteria DSA is conducted and the site and surrounding area are determined to have greater than 70% non-native cover after assessment, it will not affect the outcome of the DSA or the awarding of the reclamation certificate because the pass/fail features are based on the comparison of onsite to

offsite species composition. The DSA will still pass if onsite conditions are similar to the offsite conditions.

When filing out the Record of Observation (RoO) spreadsheet after completing a native grasslands DSA, ensure that zeros are inputted in cells where the sample point (column) was collected but the species was not found. The RoO records blanks as no entry instead of zero when calculating percent cover which can result in incorrect percent cover calculations.

5.3 Seed Mixes

Special Areas contains a multitude of unique plant communities in each of the four natural subregions that occur in the Special Areas. The objective of Special Areas Board *Policy 06-05: Minimum Disturbance of Native Range* is to integrate the industrial disturbance into the surrounding plant communities of the landscape. For this reason, Special Areas agrologists do not recommend generalized seed mixes for the entire area. Seed mixes must be designed based on the species composition of the surrounding plant community. Seed mix design incorporates many factors including target seeding rates, target plant community seral stage, purity of seed lots, origin of seed, environmental factors when seeding, seeding methods, etc. Numerous excellent resources are available for seed mix design so it will not be covered in this document, please refer to Appendix B for a listing of useful resources.

It is the responsibility of the operator or their representative to select a seed mix and carry out any other necessary practices (i.e., weed control, addition of forbs or other key species not included in the seed mix) that results in establishing a target plant community to meet reclamation criteria. A proper seed mix lays the framework to reach a late seral plant community endpoint and prevent undesirable species from establishing. The operator is responsible for what comes up, whether it was intentionally planted or undesirable species from the seedbank or contaminant of the seed mix. Consistent monitoring and quick action to rectify problems as they are observed is important to maintain the desired plant community trajectory.

Approval of seed mixes is not required by the Special Areas Board. It is the responsibility of the operator to ensure that seed mixes are compliant with policy and correctly designed to obtain the desired plant community. If a seed mix approval is desired, please send the following information:

- The surrounding plant community composition,
- The proposed seed mix,
- All seed certificates for the seed mix to be used, and
- Any additional information or justification as to why the seed mix was selected.

Surrounding plant community composition should be recorded in percent cover of each species and collected using a frame to provide accurate species cover information.

5.4 Problem Introduced Forages

Older sites that were constructed using historical reclamation practices and criteria can be difficult to successfully reclaim to a condition that is compatible with the surrounding native plant community. The *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) and Special Areas Board *Policy 06-06*: *Invasive Introduced Forages on Reclamation Sites* contain provisions for older sites where problems may exist. These provisions include cut off dates, the use of reasonable effort, the use of justifications and partial reclamation. It is expected that the operator will make every effort to reclaim the disposition to ensure the applicable criteria are met.

5.4.1 Problem Introduced Forage Species

Problem introduced forages are non-native species that have been introduced to the area either intentionally or by invasion. Some common problem introduced forages in the Special Areas can be found in Table 1.

Common Name	**Latin Name (Alberta)**
Crested wheatgrass	*Agropyron pectiniforme*
Smooth brome	*Bromus inermis*
Russian Wildrye	*Elymus junceus*
Sheep's fescue	*Festuca ovina*
Creeping red fescue	*Festuca rubra*
Kentucky bluegrass	*Poa pratensis*
Alfalfa	*Medicago sativa*
Sweet clover	*Melilotus species*
Canada bluegrass	*Poa compressa*

Table 1- Common and Latin names of common problem introduced forages found in the Special Areas

5.4.2 Ecological Impacts from Problem Introduced Forages

Non-native species reduce the ecological integrity of the native rangeland by competing for limited moisture with native plants and limiting the amount of biomass returned to the land for nutrient cycling. These effects will often deplete soil and litter quality and

diminish biodiversity which can reduce the ecological productivity of a site. Impacts caused by problem introduced forages to agriculture users can include adjusting grazing timing for the small disturbance area or a loss in grazing because it cannot be effectively grazed at the same time as the surrounding area. These and additional concerns caused by problem introduced forages are presented in Alberta Environment's Fact Sheet *Problem Introduced Forages on Prairie and Parkland Reclamation Sites* (AENV 2003).

5.4.3 Special Areas Board Policy for Problem Introduced Forages

Special Areas Board *Policy 06-06: Invasive Introduced Forages on Reclamation Sites* prohibits the use of introduced species on native prairie sites constructed or reclaimed after September 1992. The expectation is that industrial disturbances will be reclaimed with native species that reflect the adjacent areas surrounding the disturbance at both interim and final reclamation.

5.4.4 Problem Introduced Forage Allowances

Historically, problem introduced forages, particularly crested wheatgrass (*Agropyron pectiniforme*), were regularly seeded in the prairies as a standard industry practice. Due to this practice, a high amount of problem introduced forage seed may be present in the seedbank which competes with the establishment of native species. To accommodate for this historical practice the *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) has allowances specific to the construction and reclamation dates of the site.

The *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) shows the vegetation requirement implementation dates to help determine if the problem introduced forage is permitted and is presented below in Table 2. The cut-off date aligns closely to *Special Areas Policy 06-06: Invasive Introduced Forages on Reclamation Sites* for the use of introduced species on native lands in the Special Areas.

Table 2. Implementation dates for the new reclamation criteria for Grasslands.

Vegetation Pass or Fail Conditions by Construction Period:

Constructed Before January 1, 1993			Constructed on or after January 1, 1993	
*Sites Abandoned and/or Reclaimed:			*Sites Abandoned and/or Reclaimed:	
Pre-1993	1993-2001	After 2001	1993-2010	After 2010
The vegetation cover must be ≥70% when compared to control. Comprised of native species, all acceptable substitutions, and compatible species which consist of native and non-native varieties, including problem introduced forages suitable for grazing purposes. Vegetation cover does not include weeds, mosses or lichens. **Sites may be certified with whatever problem introduced forages come up from the seedbank.		**Where problem introduced forages exist, sites may be certified after reasonable effort is documented to control or reduce their presence.	**Undisturbed Assessment:** The composition of native species cover must be ≥70% compared to control. Species composition must reflect the representative off-site species. Native species do not include weed species or problem introduced forages. **Disturbed Assessment****:** The composition of all acceptable substitutions and native species cover must be ≥50% compared to control. Species composition must reflect the representative off-site species. Native species do not include weed species or problem introduced forages. All acceptable substitutions.	Must have ≥15% native-infill species component Only includes allowable acceptable substitutions***

Topsoil Replacement Pass or Fail Conditions by Construction Period

Constructed Before April 30, 1994	Constructed After April 30, 1994
Less than 40% variance between lease mean and control mean	Less than 20% variance between lease mean and control mean
Note: If the average control thickness is <15 cm, topsoil should be distributed across the entire disturbed area but the minimum requirement does not apply.	

"If a site is re-disturbed after the construction date, "Reclaimed" with respect to implementation of the critera refers to sites that have had site re-contouring, soil replacement nd seeding completed. If there is no indication of the reclamation date assessors will need to provide justification based on the timelines outlined above. For areas not re-disturbed during reclamation ,it is encouraged such areas also meet the vegetation requirements as above, and shall be eligible for certification with reasonable, documented effort.

** R&R/03-05 - Problem Introduced Forages (Alberta Environment, 2003).

*** *"Allowable Acceptable Substiutions" must be calculated as outlined in the Section 7.3.*

**** All vegetation assessment components of the 2010 Reclamation Criteria applies.

Table 2- Page 9 of the 2010 Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands (ESRD, 2013) showing reclamation vegetation and soil allowances based on construction and reclamation dates.

Both *Policy 06-06* and the *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) permit problem introduced forages and other non-native species on the reclaimed area as long as these non-native species are also present offsite in the control areas and did not originate from onsite. *Policy 06-06* states that problem introduced forages are permitted on site as long as they are found offsite in equal or lesser amounts. The *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) section 10.6 groups problem introduced forages alongside undesirable species and does not permit a rating drop as specified. The reclamation goal is to obtain a site that meets criteria without having to use Table 2.

5.4.5 Reasonable Effort for Control of Problem Introduced Forages

Reasonable effort to control problem introduced forages on sites that were constructed before 1993 and reclaimed after 2001 can be difficult to determine. Strategies that control and/or reduce the composition of the problem introduced forage over multiple years of effort are required. Methods that effectively remove the problem introduced forage while still maintaining health and function of the existing grassland community are important to consider. Digging, hand pulling, mowing, and herbicide application are

all potential control methods when used at an appropriate time. *Recovery Strategies for Industrial Development in Native Prairie for the Dry Mixedgrass Natural Subregion* (GRF 2023) contains several studies where successful control of problem introduced forages took place and gives guidance on how to successfully manage these species.

Proper control requires actioning the problem introduced forage using a strategy that is effective with the species' specific characteristics. For example, herbicide application or mowing without bagging when the problem introduced forage has already set seed or gone dormant is not an effective control strategy and is not a reasonable effort. A record of control type and timing should be maintained for the site to demonstrate that reasonable effort has occurred. This record of effort should be included in the RCA along with seed mixes, seed certificates, and all other pertinent reclamation information.

Seeding, planting live native material, litter additions, soil replacement, and strategic seed mix selection can and should be utilized in conjunction with control methods but due to the aggressive nature of most problem introduced forages, these good practices are generally not enough on their own to successfully reduce the viable plants and seeds of the problem introduced forage.

Problem introduced forage control is an ongoing challenge in the reclamation world and innovation is expected and encouraged. The strategies listed here are not exhaustive and any strategy used may have other unintended effects. Be sure to consider all factors when implementing a reclamation strategy. A Special Areas agrologist can be contacted if you would like to discuss a proposed strategy or to help determine if reasonable effort has been met.

5.5 Erosion Control

5.5.1 Straw

The use of straw is permitted to stabilize soil disturbances within native grassland in the Special Areas. The straw must be sourced from clean crop fields local to the area of the project. A weed seed analysis must be completed on the straw, but these results do not guarantee that the straw is free of all undesirable weed and forage species. It is encouraged to observe the field that the straw is being removed from prior to harvest to identify if any noxious weed or problem introduced forage concerns are present. Source fields that are in proximity to a known noxious weed infestation will not be permitted for use. It is the responsibility of the operator or the operator's representative to source clean straw and control whatever problem introduced forages, nuisance and/or noxious weeds that may establish from the straw source.

5.5.2 Cover Crops

Annual cover crops are permitted to incorporate into the seeding of disturbances. Cover crop selection should be limited to non-persistent species that will provide initial canopy

cover and then allow natural revegetation to occur in the following years. A seeding rate of ¼ to ½ the normal agriculture practice for cropping is recommended. It is important to recognize that annual cover species will compete with the germination and establishment of native seedlings in the absence of abundant moisture. Annual cover crops should be used where soil erosion risk is high and a quick canopy establishment is desired in the first growing season (i.e., sandy soils or large disturbances).

5.5.3 Native Hay

Native hay is a low-risk method to incorporate erosion control, add organic matter, and incorporate native seed bank to a disturbance. A site restoration trajectory can be improved with the use of native hay. The native hay can be incorporated from areas within the disposition boundaries (e.g., bringing native mulch from areas surrounding a well center disturbance to the middle of the well site). Short term fencing of the disposition boundaries can be installed to allow litter to develop within the disposition to use and to protect the harvested areas from grazing at future vulnerable times. Fencing should be completed in consultation with the lessee to ensure additional fencing will not negatively impact their operations. Harvesting of native hay from areas outside of disposition boundaries must have the consent of the lessee and will require a *Temporary Workspace Agreement* from the Special Areas Board. Consideration for fencing or protecting the harvested area to allow recovery of the grassland prior to being grazed again is necessary.

5.5.4 Erosion Matting

Engineered degradable matting is permitted to use on steep slopes and highly erodible locations. The mesh within the matting must be completely degradable. Natural fibers found in erosion matting do not degrade as quickly in the Special Areas as they do in more northern climates due to the drastically reduced moisture found in the Natural Subregions of the Special Areas. Synthetic mess that remains on-site after the erosion matting has decomposed will be considered debris and is required to be removed. Caution should be exercised when using this erosion control method in areas of sensitive snake ranges as the matting can cause entrapment of snakes in the mesh.

5.6 Features Left in Place

Lessees can request features to remain in place for the benefit of their agricultural operations by communicating this desire with the operator and by signing off on the feature. Features left in place include constructed roads, minimum disturbance trails, approaches, Texas gates, fences, ramps, or anything else that was added or changed through the lifespan of the industrial disposition. The survey plan and well file are good sources to determine what features were added or improved as a part of the disposition. The *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013) as well as *Specified Enactment Direction 002* (AER 2019) section 7.4.7

indicate that features left in place must not impact drainage, be stable, non-hazardous, non-erosive, useful for the ongoing farming operation, and have no impact on surrounding lands. If the feature to remain does not meet the conditions listed above, the feature can be repaired instead of removed and a release submitted after repair (i.e., eroding roads can be stabilized with gravel, Texas gates repaired, culverts repaired to facilitate drainage, fences repaired, and re-vegetation of ramps). Debris or any form of contamination is never permitted to be left on site. The operator or the operator's representative can send the lessee's release of the feature including the disposition number and other applicable information (i.e., survey or photos) to the Special Areas Board who will sign off the feature on behalf of the landowner. The lessee and Special Areas Board releases must be included in the RCA package.

5.6.1 Approaches within Road Allowances

Approaches to remain that are located within a municipal road allowance in the Special Areas will require written acceptance from the Special Areas Board and the lessee or landowner. This includes approaches within the road allowance that were used to gain access to well sites on freehold titled lands. To obtain Special Areas Board sign off on an approach send the completed landowner or occupant sign off to saoilgas@specialareas.ab.ca and include legal land description, disposition (if applicable) and any other supporting information.

Approaches to remain that are located on numbered highways are signed off by Alberta Transportation.

5.6.2 Fences

Fences that have not been released must be removed before submitting the RCA. Some leniencies will be permitted in cases where freezing or wet conditions prevented timely fence removal. Where this has occurred, please include these comments in the RCA. Reclamation criteria (ESRD 2013) states that sites need to be able to withstand grazing pressure comparable to the surrounding area. If a fence is not removed to allow grazing prior to submitting the reclamation application the site's ability to withstand livestock will not have been tested. If a fence is removed and the site cannot withstand grazing, the disposition will not be inactivated and the Special Areas Board will apply to have the reclamation certificate rescinded.

5.6.3 Texas Gates

If a Texas gate and/or approach is removed, the disturbance caused by its removal must be reclaimed and re-vegetated prior to submitting a reclamation application. All material from the site must be removed unless it has had a written release and remains in place. If the occupant has requested the material (e.g., Texas gate or fence posts), it is the responsibility of the operator to remove the materials from the industrial disposition. Failing to remove these materials may be considered a contravention to the

Special Areas Disposition Regulation for allowing waste or debris to accumulate on the land under the disposition. Dispositions where this material is present will not be inactivated until the material is removed.

5.6.4 Two-track Gravel Trails

Two-track gravel trails were designed to remain after reclamation as a best practice and increased disturbance should not be incurred to remove the gravel from the land. This is also indicated in section 3.3.1 of *SED 002* (AER 2019). When constructed properly the gravel on these trails does not restrict vegetation growth and facilitates soil stabilization. Please consult with a Special Areas agrologist if there are concerns related to the condition of two-track gravel trails at the time of reclamation.

5.6.5 Road Allowances

The *Letter of Authority* issued by the Special Areas Board for the approval of an industrial disposition indicates that the Special Areas Board may require reclamation of any portions of previously undeveloped road allowances utilized for access to the site. This means if the undeveloped road allowance was improved and/or utilized and the occupant or Special Areas Board does not agree to the condition of the road allowance, it will need to be reclaimed to a satisfactory condition. Satisfactory condition meets reclamation criteria including landscape and vegetation parameters and/or meets the requirements of a feature to remain in place (i.e., stable, non-hazardous, and useful).

5.7 Justifications

Justifications (also called variance requests) and their appropriate usage are described in section 8.2 of *SED 002* (AER 2019) and section 8.5 the *Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands* (ESRD 2013). It is expected that when a justification is used the operator or the operator's representative will discuss it with a Special Areas agrologist before submitting the RCA. It is also expected that the justification be logical. Justifications involving circular reasoning, inadequate reclamation, inadequate reporting, or lack of communication will trigger a *Statement of Concern* submitted to the AER.

6 Partial Reclamation, Assignments & Cancellations

6.1 Partial Reclamation

Section 4.5.1 of the *SED 002* (AER, 2019) states that well sites cannot be left without access. The Special Areas Board permits partial reclamation of an industrial disposition in situations where portions of a disposition need to remain because they are utilized to access a site that is still active. RCAs for partial reclamation must have the accurate number of acres that are being applied on in the RCA, include a survey plan that clearly highlights the acres that are to be reclaimed in yellow color. The acres that are to

remain should be hi-lighted in red color or indicated in some form that they are not included in the RCA. When the reclamation certificate is received the disposition will be amended to reflect the new acres of the remaining portion of the disposition.

6.2 Assignments

For portions of an industrial disposition that have not been reclaimed and are required by another operator for their operations in the area, an assignment of acres can be completed by the Special Areas Board. The RCA must include an *Overlapping Activity Agreement* signed by both operators to acknowledge the transfer of acres and a survey plan highlighted to indicate the acres to be transferred. When the reclamation certificate is received, the remaining acres will be transferred to the accepting operator and the original disposition inactivated.

6.3 Cancellations

Where a disposition was issued but the operator never entered the lands with activity other than site surveying, a cancellation of the disposition can be requested to the Special Areas Board. A letter of cancellation request is required from the operator which is to include the disposition number, legal location, and survey plan. A field inspection will be completed to confirm that no entry disturbance was caused on the disposition before cancelling the disposition.

References

Alberta Energy Regulator (AER). 2019. Specified Enactment Direction 002: Application Submission Requirements and Guidance for Reclamation Certificates for Well Sites and Associated Facilities. Calgary, Alberta.

Alberta Environment. 2003. Problem Introduced Forages on Prairie and Parkland Reclamation Sites: Guidance for Non-Cultivated Land. Edmonton, Alberta.

Environment and Sustainable Resource Development (ESRD). 2013. 2010 Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands (July 2013 Update). Edmonton, Alberta.

Grassland Restoration Forum (GRF). 2023. Recovery Strategies for Industrial Development in Native Grasslands for the Dry Mixedgrass Natural Subregion of Alberta-Second Approximation.

Appendix A: Contacts

Contact Name	Reason to Contact	Contact Information
Special Areas Searches	• Special Areas Disposition Searches	Email: SAsearches@specialareas.ab.ca
Special Areas Agrologists	• Phase I information requests • Seed Mix Inquiries/Approvals • Reclamation Comment request/General Questions/Justifications • Reclamation Application Submission to Landowner • Growing Season Site List Submission (for sites where reclamation application will be submitted in the winter)	Email: SAOilGas@specialareas.ab.ca Mail: Special Areas Board Box 820, Hanna, AB, T0J 1P0 Website: www.specialareas.ab.ca 403-854-5600
Alberta Energy Regulator	• Questions regarding Reclamation Criteria or Specified Enactment Direction 002 • Reclamation Applications and One Stop Usage • Justification Approvals • Overlapping Exemptions	Phone: 1-855-297-8311 Email: inquiries@aer.ca or recremquestions@aer.ca Website: www.aer.ca Overlapping Exemption Form: https://www.alberta.ca/assets/documents/ep-application-exemption-overlap.pdf

Appendix B: Additional Resources

AER Specified Enactment Direction 002 https://www.aer.ca/regulating-development/rules-and-directives/specified-enactment-directions

2010 Reclamation Criteria for Well Sites and Associated Facilities for Native Grasslands https://open.alberta.ca/publications/9780778589815-native

Special Areas Policy 06-06 https://specialareas.ab.ca/document/policy-06-06-invasive-introduced-forages-on-reclamation-sites/

Problem Introduced Forages on Prairie and Parkland Reclamation Sites (Alberta Environment. 2003) https://open.alberta.ca/publications/problem-introduced-forages-on-prairie-parkland-reclamation-sites-guidance-for-non-cultivated-land

Conservation Assessments in Native Grasslands https://open.alberta.ca/dataset/5fd1e4b9-88d1-4dd5-bc9d-3ac4da4b8e4f/resource/041ced93-12e3-4644-97fb-042118925c3c/download/conservationassessnativegrassland-jun2018.pdf

Special Areas Act https://open.alberta.ca/publications/s16

Special Areas Disposition Regulation Available: https://open.alberta.ca/publications/2001_137

Plant Material Selection and Seed Mix Design http://www.tannasenvironmental.com/uploads/pdf/Plant_Material_Selection_and_Seed_Mix_Design_-_Final.pdf

Grassland Restoration Forum Recovery Strategies https://grasslandrestorationforum.ca/information-portal/#recoverystrategies

Range Plant Community Guides https://www.alberta.ca/range-classification-and-survey-tools.aspx