

September 10, 2003

INFORMATION LETTER 2003-25

SUBJECT: GOVERNMENT OF ALBERTA: HONOURING EXISTING MINERAL COMMITMENTS IN LEGISLATED PROVINCIAL PROTECTED AREAS

INTRODUCTION

This Information Letter describes the Alberta government's policy to honour existing mineral commitments in legislated protected areas ("protected areas") in Alberta. Legislated protected areas include the following classes of parks and protected areas: wildland provincial parks, provincial parks, and provincial recreation areas established under the *Provincial Parks Act*, as well as natural areas and heritage rangelands established under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*. This does not include Willmore Wilderness Park, wilderness areas or ecological reserves where the exploration and working of minerals is precluded.

This letter is directed to Alberta government staff who process applications for mineral surface and subsurface dispositions on provincial Crown land, and to applicants who require government approval, agreements or dispositions to use provincial Crown land in protected areas for mineral surface and subsurface activities.

BACKGROUND

The Government of Alberta's Special Places program concluded in July 2001. A total of 81 protected areas were designated, adding nearly two million hectares to the province's network of parks and protected areas. The network now encompasses about 2.8 million hectares of provincial land, or approximately 4 percent of the province's land base. Of this, only a portion is affected by existing commitments. As the mineral resource associated with existing commitments inside protected areas is developed and depleted over time, it is expected that protected areas will eventually contain no existing mineral commitments.

HONOURING EXISTING COMMITMENTS

The Government of Alberta has agreed to honour existing mineral commitments as defined by any tenure, disposition, right, agreement or approval that existed prior to a protected area being established. This includes all activities, both subsurface and

surface, needed to win, work and recover the mineral resource defined in the existing mineral commitment. Considering that the primary purpose of the *Provincial Parks Act and the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act* is to protect these areas, special care must be taken when exploring, working and recovering the mineral resource in order to minimize impacts of activities on the natural landscape, wildlife, fish and vegetation.

SUBSURFACE

Existing Subsurface Commitments

Existing commitments will be honoured, which includes renewing subsurface dispositions for existing mineral activities.

SURFACE

Existing Surface Commitments

Existing commitments will be honoured, which includes renewing surface dispositions, approvals and agreements for existing mineral activities.

New Surface Dispositions

Applications for new surface dispositions for existing surface (e.g., a new disposition for a pipeline to a well) or subsurface (e.g., a new disposition for a well, road, pipeline, facility, etc.) commitments will also be honoured as necessary 'extensions' to an existing commitment, subject to a review through the current application and approval process.

SEISMIC

Applications for seismic programs that are associated with existing subsurface commitments will be reviewed through the current application and approval process.

LIMITATIONS

Existing surface or subsurface commitments within a protected area cannot be used as a basis to access new subsurface rights within a protected area (e.g., whether to access new subsurface deeper rights, new lateral subsurface rights, or additional new rights). By definition, any new subsurface disposition or subsurface right does not qualify as an existing commitment, as it came into effect after the protected area was established.

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