



Province of Alberta

FORESTS ACT
MINES AND MINERALS ACT
PUBLIC HIGHWAYS DEVELOPMENT ACT
PUBLIC LANDS ACT

EXPLORATION REGULATION

Alberta Regulation 284/2006

With amendments up to and including Alberta Regulation 170/2012

Office Consolidation

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(Consolidated up to 170/2012)

ALBERTA REGULATION 284/2006

**Forests Act
Mines and Minerals Act
Public Highways Development Act
Public Lands Act**

EXPLORATION REGULATION

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Definitions

1(1) In this Regulation,

- (a) “Act” means the *Mines and Minerals Act*;
- (b) “approved permit tag” means a permit tag that is approved within the meaning of section 42;
- (c) “business day” means a day on which the offices of the particular board or corporation or the Government are open for business;
- (d) “centre source point” means,
 - (i) in relation to an explosive energy source used in the conduct of a program of exploration, a centre point around which a number of shot points are shot in a pattern in order to obtain data from that source point, and
 - (ii) in relation to a non-explosive energy source used in the conduct of a program of exploration, a point attributed on the earth’s surface from which energy is

being created and which is the centre point of the array of a sweep area for that non-explosive energy source;

- (e) “closed road” means
- (i) a public road in a municipal district, other than a leased road, that is closed by the council of the municipal district pursuant to section 22 or 24 of the *Municipal Government Act*,
 - (ii) a road, trail or bridge in a special area that is closed by order of the Minister of Municipal Affairs under the *Special Areas Act*,
 - (iii) a highway, other than a leased road, that is closed by order of the Minister of Transportation pursuant to section 47 of the *Public Highways Development Act*, or
 - (iv) a highway, other than a leased road, that is closed by the council of a city, town, village or summer village pursuant to section 22 or 24 of the *Municipal Government Act*,
- (f) “constructed road” means a public road or highway that has a travelled portion, a shoulder and a slope of the shoulder;
- (g) “date of commencement” means the date on which the process, including ground or vegetation disturbance, to establish the shot points or receiver points to be used in any line in a program of exploration commences;
- (h) “date of completion” means the date on which the recording phase of an approved exploration program is completed;
- (i) “Department” means the Department of Environment and Sustainable Resource Development;
- (j) “energy source” means a method that is used to generate energy for the purpose of obtaining exploration data;
- (k) “exploration” means
- (i) any operation on or over land or water to determine geologic conditions underlying the surface of land or water, and
 - (ii) any operations or activities that are preparatory to or otherwise connected with the operations described in

subclause (i) that, in the opinion of the Minister, have the potential to cause surface disturbance,

but does not include operations exempted from Part 8 of the Act by the Minister under section 109(2) of the Act;

- (l) “Exploration Directive” means an Exploration Directive adopted under section 2;
- (m) “final plan” means a final plan filed under section 34;
- (n) “harmful contaminant” means a substance that, by its nature or the concentration in which it is used, is toxic or harmful to humans, plants or animals;
- (o) “highway” means highway within the meaning of Part 17 of the *Municipal Government Act*;
- (p) “hole plug” means a device for plugging shot holes or test holes;
- (q) “inspector” means a person designated as an inspector under section 108.3 of the Act and section 6 of this Regulation;
- (r) “investigator” means a person designated as an investigator under section 108.3 of the Act and section 6 of this Regulation;
- (s) “leased road” means
 - (i) the whole or any part of a highway that is closed by order of the Minister of Transportation under section 47 of the *Public Highways Development Act* and leased under an order or regulation made under section 54(d) of that Act, or
 - (ii) the whole or any part of a public road that is closed by the council of a municipality other than a city pursuant to section 22 or 24 of the *Municipal Government Act* and leased by bylaw or resolution made by the council and approved by the Minister of Transportation;
- (t) “letter of clearance” means a letter of clearance issued under section 58;
- (u) “licence of occupation road” means a road on public land that is the subject of a grazing licence issued under the *Public Lands Administration Regulation* and a road held under a licence of occupation issued pursuant to the *Special Areas Disposition Regulation* (AR 137/2001);

- (v) “Minister” means the Minister of Environment and Sustainable Resource Development;
- (w) “municipal authority” means municipal authority within the meaning of the *Municipal Government Act*;
- (x) “municipality” means a city, town, village, summer village, municipal district or specialized municipality;
- (y) “occupied public land” means public land that is the subject of a disposition under the *Public Lands Act*, the *Special Areas Act* or any other enactment that conveys an estate or interest sufficient to enable the holder of the disposition to exclude persons from entering on the land, but does not include a leased road;
- (z) “operations manager” means an employee of the Government of Alberta who is the district manager responsible for matters pertaining to highways and the right of way of highways situated in a highways district;
- (aa) “pipeline” means a pipe used to convey a substance or combination of substances, and includes installations associated with the pipe;
- (bb) “predecessor regulation” means the *Exploration Regulation* (AR 423/78), the *Exploration Regulation* (AR 32/90) and the *Exploration Regulation* (AR 214/98);
- (cc) “preliminary plan” means a preliminary plan for a program of exploration submitted under section 23;
- (dd) “private land” means land that is owned by a person other than the Crown in right of Alberta or Canada or an agent of the Crown in right of Alberta or Canada;
- (ee) “program licensee” means,
 - (i) with respect to a particular program of exploration, the licensee by whom or on whose behalf the application for the exploration approval is made,
 - (ii) with respect to a particular approved program of exploration, the licensee under whom the approved exploration program is conducted,
 - (iii) a licensee to whom a program of exploration is transferred under section 65, and
 - (iv) a successor licensee, being a licensee that is a successor corporation to a licensee described in subclause (i), (ii) or (iii) or is a successor to such a

- successor corporation, by any of the following means, to the extent that it is recorded with a department of the Government:
- (A) a change of name;
 - (B) an acquisition of assets or shares;
 - (C) a merger or amalgamation;
- (ff) “program permittee” means, with respect to a particular program of exploration,
- (i) the person designated as program permittee as required by this Regulation, and
 - (ii) a successor permittee, being a permittee that is a successor corporation to a permittee described in subclause (i) or is a successor to such a successor corporation, by any of the following means, to the extent that it is recorded with a department of the Government:
 - (A) a change of name;
 - (B) an acquisition of assets or shares;
 - (C) a merger or amalgamation;
- (gg) “public land” means land that is owned by the Crown in right of Alberta, but does not include mines and minerals or land within a road allowance;
- (hh) “public road” means
- (i) a road or a road allowance that is subject to the direction, control and management of a municipality or of a Minister of the Crown in right of Alberta, or
 - (ii) a licence of occupation road that is not closed pursuant to the *Public Lands Administration Regulation* or otherwise,
- but does not include a highway;
- (ii) “recording” means the process by which exploration data is obtained or retrieved from an energy source;
- (jj) “relevant Department authority” means the branch of the division of the Department that is designated in the Exploration Directives as the relevant Department

authority for the purposes of the provision of this Regulation in which the term is used;

- (kk) “road allowance” means
 - (i) the right of way of a highway or public road, and
 - (ii) any other right of way established or surveyed under the *Surveys Act*, whether or not it contains an existing thoroughfare;
- (ll) “sealing product” means a substance or material used for the purpose of sealing shot holes or test holes;
- (mm) “shot hole” means a hole drilled in a program of exploration for the purpose of detonating an explosive charge for the primary purpose of obtaining, designing or evaluating technical parameters for obtaining seismic information;
- (nn) “survey marker” means a device used in the surveying of a program of exploration to establish or produce the program;
- (oo) “survey monument” or “monument” means a post, stake, pin, mound of rock or other material, pit, trench or any other thing used to mark a triangulation point or the surveyed corner of a quarter section or a section, and includes a witness post indicating the position of such a corner;
- (pp) “tenant” means a person who holds a lease in respect of a leased road;
- (qq) “test hole” means a hole drilled in a program of exploration for the primary purpose of obtaining geological information and in which no explosive charge will be detonated but in which logs may be run.

(2) The definitions in the *Forests Act*, the *Public Highways Development Act* and the *Public Lands Act* do not apply to this Regulation, except where this Regulation specifically makes such a definition applicable.

(3) Section 23 of the *Interpretation Act* does not apply to a notice given pursuant to this Regulation.

(4) Except where this Regulation specifically provides to the contrary, this Regulation does not apply to exploration for

- (a) metallic and industrial minerals as defined in the *Metallic and Industrial Minerals Tenure Regulation* (AR 145/2005), or
- (b) ammonite shell as defined in the *Ammonite Shell Regulation* (AR 152/2004).

AR 284/2006 s1;35/2007;68/2008;187/2011;170/2012

Part 1 Exploration Directives

Adoption of Exploration Directives

- 2(1)** The Exploration Directives listed in Schedule 1, as amended from time to time, are adopted and form part of this Regulation.
- (2)** A reference in this Regulation to “this Regulation” includes the Exploration Directives adopted under subsection (1).
- (3)** Exploration Directives and changes to them must be made in accordance with the procedure set out in the applicable Exploration Directive.

Duty to comply

- 3** In conducting exploration, a program permittee and a program licensee shall comply with, and shall ensure that anyone operating under their authorization complies with, all applicable Exploration Directives.

Condition of licence or permit

- 4** Compliance with
 - (a) section 3, and
 - (b) directions of the Minister under section 108.2 of the Act,is a condition of the exploration licence and associated exploration approval or the exploration permit, as the case may be.

Part 2 General

Liability of delegates

- 5** If
 - (a) a provision of this Regulation or a condition of an exploration approval imposes a duty on a program licensee or program permittee, whether or not the

provision specifically refers to a program licensee or program permittee, as the case may be,

- (b) a program licensee or program permittee delegates, by whatever manner, the performance of the duty to another person, or that other person performs the duty under the authority of the licence or permit of the program licensee or program permittee, and
- (c) that provision or that condition is actually contravened by that other person,

then, for the purpose of this Regulation, that provision or condition is to be treated as having been contravened not only by the program licensee or program permittee but also by that other person.

Powers of inspectors and investigators

6(1) A designation of a person as an inspector or investigator under section 108.3 of the Act must indicate

- (a) whether the person designated may exercise his or her powers throughout Alberta or only in a part of Alberta specified in the designation, and
- (b) whether the person designated is authorized to act in respect of Part 8 of the Act and this Regulation generally or only in respect of particular provisions specified in the designation.

(2) In the designation of an inspector the Minister may authorize the inspector to do any or all of the following in the area of Alberta for which he or she is designated:

- (a) conduct inspections in relation to programs of exploration;
- (b) advise as to the terms and conditions to which exploration approvals should be subject;
- (c) carry out the powers and duties with respect to the administration of exploration approvals that are not assigned to investigators under the Act or this Regulation.

(3) An investigator may, in the area of Alberta for which he or she is designated,

- (a) conduct investigations where it appears that there may have been a contravention of Part 8 of the Act, this Regulation or a term or condition of a licence, permit or exploration approval, and

- (b) determine contraventions of Part 8 of the Act, this Regulation and terms and conditions of licences, permits and exploration approvals and advise as to the appropriate enforcement action to be imposed in respect of such contraventions.

Authority to conduct exploration

7 Subject to this Regulation, an exploration approval authorizes the program licensee and any person conducting a program of exploration under the authority of the program licensee to use the land designated in the exploration approval in accordance with the terms and conditions of the approval.

Consents required

8(1) No person shall conduct exploration

- (a) on private land, except with the consent of the owner of the land or a person authorized by the owner to give that consent;
- (b) on land owned or occupied by the Crown in right of Canada, except with the consent of the appropriate Minister or agency of the Government of Canada or of a person authorized by the appropriate Minister or agency to give the consent;
- (c) on land, other than public land, of which the Crown in right of Alberta is in lawful possession, except with the consent of the appropriate Minister or agency of the Government of Alberta;
- (d) on occupied public land that is not the subject of an agricultural lease within the meaning of the *Exploration Dispute Resolution Regulation* (AR 227/2003), except with the consent of the person in possession of the public land under and by virtue of the disposition;
- (e) on occupied public land that is the subject of an agricultural lease within the meaning of the *Exploration Dispute Resolution Regulation* (AR 227/2003), except in accordance with the requirements, processes and procedures set forth in that Regulation;
- (f) on public land under the administration of a Minister of the Crown in right of Alberta other than the Minister of Environment and Sustainable Resource Development, except with the consent of the Minister who has the administration of the public land;

- (g) on public land under the administration of a corporation that is an agent of the Crown in right of Alberta, except with the consent of that corporation;
 - (h) on land within the boundaries of
 - (i) a city, town, village or summer village,
 - (ii) an urban service area of a specialized municipality, or
 - (iii) a rural service area of a specialized municipality, where an order in council under the *Municipal Government Act* deems the rural service area to be a city for the purposes of enactments affecting roads, culverts, ditches, drains and highways in the rural service area,

except with the consent of the council of the city, town, village, summer village or specialized municipality or an employee of the city, town, village, summer village or specialized municipality who is authorized to give the consent;
 - (i) on land within the boundaries of a Metis settlement, except with the consent of the settlement council and the Metis Settlements General Council;
 - (j) on a part of a highway that is under construction, except with the consent of the operations manager in the Department of Transportation for the region of Alberta in which that part of the highway is located or an employee of the Crown in right of Alberta authorized by the operations manager to give that consent;
 - (k) on a part of a public road as defined in section 1(1)(hh)(i) that is under construction within the geographical area of a municipal authority, except with the consent of the municipal authority.
- (2) Notwithstanding subsection (1), where
- (a) the exploration to be conducted on land referred to in that subsection involves the conduct of an activity or the commission of waste, and
 - (b) the person from whom consent must be obtained under that subsection does not have the right to give the consent in respect of the activity or the commission of waste, as the case may be,

the consent must be obtained from the person who has the right to give it or from a person who is authorized by that person to give it.

(3) Subsections (1) and (2) shall not be construed as removing the necessity to obtain a consent to conduct exploration on any land from any person not referred to in those subsections, if that person's consent is required by law.

(4) Notwithstanding subsection (3), where an exploration approval is granted in respect of land that is or includes a road allowance located in a municipal district, improvement district, special area, specialized municipality or town under the *Parks Towns Act*, exploration may be conducted in the road allowance under the exploration approval without the need for any consent from the council of the municipal district, improvement district, special area, specialized municipality or town in addition to consent that may be required under subsection (1) or section 59.

AR 284/2006 s8;68/2008;170/2012

Exploration on certain land

9 No person shall conduct exploration

- (a) on land within that part of the location of an agreement issued under the Act in which the holder of the agreement has been granted surface access to the mineral rights granted by the agreement under a disposition granted under the *Public Lands Act* unless that person is the holder of the agreement or a person authorized by the holder of the agreement to conduct the exploration;
- (b) on land within the area of a permit for a mine site or mine granted under the *Coal Conservation Act* unless that person is the holder of the permit or a person authorized by the holder of the permit to conduct the exploration;
- (c) on land within the area of an approval for a scheme or operation granted under the *Oil Sands Conservation Act* unless that person is the holder of the approval or a person authorized by the holder of the approval to conduct the exploration;
- (d) on land that is within the area of a metallic and industrial minerals lease issued under the *Metallic and Industrial Minerals Tenure Regulation* (AR 145/2005) and is the subject of an authorization under section 50 of that Regulation, unless that person is the holder of the lease or a person authorized by the holder of the lease to conduct the exploration;

- (e) on land that is being used for the operation of a quarry as defined in the *Activities Designation Regulation* (AR 276/2003) unless that person is the person who will be primarily responsible for carrying on the quarrying operation or is a person authorized by that person to conduct the exploration.

Right to enter on leased or closed road

10(1) The program licensee or program permittee for a program of exploration that is to be conducted, in whole or in part, on a leased road shall, prior to the date of commencement of the program, make a reasonable effort to negotiate the right to enter on the leased road with the tenant.

(2) If a right to enter cannot be negotiated in accordance with subsection (1), entry may be made on the leased road for the purpose of conducting the program of exploration if, not less than 48 hours prior to the date of entry, the program licensee or program permittee gives notice in writing of the entry to the tenant.

(3) The program licensee or program permittee for a program of exploration that is to be conducted, in whole or in part, on a closed road shall, prior to the commencement of the program, attempt to negotiate the right to enter on the closed road with

- (a) the council for the municipal district in which entry is to be made, if entry relates to a public road described in section 1(1)(e)(i),
- (b) the Special Areas Board, if entry relates to a road, trail or bridge described in section 1(1)(e)(ii),
- (c) the operations manager for the transportation district in which entry is to be made, if entry relates to a highway described in section 1(1)(e)(iii), or
- (d) the council for the city, town, village or summer village in which entry is to be made, if entry relates to a highway within the meaning of section 1(1)(e)(iv).

(4) If a right to enter cannot be negotiated in accordance with subsection (3)(a), (b) or (d), entry may be made on the closed road for the purpose of conducting the program of exploration if, not less than 48 hours prior to the date of entry, the program licensee or program permittee gives notice in writing of the entry to the person, board or corporation with whom the licensee or permittee attempted to negotiate the right to enter under subsection (3)(a), (b) or (d).

(5) A notice given under subsection (2) or (4) must

- (a) state the intent to conduct the program of exploration on the leased road or closed road,
- (b) indicate the point or points where entry will be made on the leased road or closed road for the purpose of conducting the program,
- (c) indicate the anticipated date of entry on, and the expected date of departure from, the leased road or closed road by the person or persons conducting the program, and
- (d) contain an undertaking by the licensee or permittee for the program that the licensee or permittee will be liable for any damage resulting from the conduct of the program on the leased road or closed road.

(6) Nothing in this section relieves any person from the requirement to obtain any applicable consent under section 8.

Prohibited exploration and other activities

11(1) No person shall conduct exploration in any area of Alberta described in an Exploration Directive as an area in which exploration is prohibited by the Exploration Directive.

(2) No person shall

- (a) operate a type of energy source,
- (b) operate a type of exploration equipment, or
- (c) conduct a method of exploration

in an area of Alberta described in an Exploration Directive as an area in which such an activity is prohibited by the Exploration Directive.

(3) No person shall

- (a) operate a type of energy source,
- (b) operate a type of exploration equipment, or
- (c) conduct a method of exploration

in an area of Alberta described in an Exploration Directive during a period specified in the Exploration Directive in which such an activity is prohibited by the Exploration Directive.

(4) Where an Exploration Directive indicates that, in an area of Alberta described in the Exploration Directive, a person must

- (a) operate a type of energy source,
- (b) operate a type of exploration equipment, or
- (c) conduct a method of exploration

in accordance with conditions specified in the Exploration Directives, no person may carry on such an activity except in accordance with such conditions.

(5) No person shall, in an area of Alberta described in an Exploration Directive, drill shot holes or test holes to a depth greater than the maximum depth specified by the Exploration Directive for shot holes or test holes in that area.

(6) If any discrepancy exists between a description of an area of Alberta in an Exploration Directive and the area as shown on a map in the Exploration Directive, the description of the area prevails.

Reviews by Minister

12(1) The Minister may,

- (a) on application by a program licensee or program permittee or a person authorized by the program licensee or program permittee, or
- (b) on the Minister's own initiative,

as provided in the Exploration Directives, review a decision of the Minister in respect of a program of exploration if the decision relates to a matter that is specified by the Exploration Directives as a matter that is reviewable under this section.

(2) The Minister may refuse to consider an application under subsection (1)(a) if the program licensee, program permittee or authorized person has not complied with the requirements of the Exploration Directives in respect of the application.

(3) In conducting a review the Minister shall give an opportunity to the program licensee, program permittee or authorized person to make representations in respect of the subject-matter of the review.

(4) On having conducted a review under this section the Minister may

- (a) confirm the decision, or
- (b) vary the decision or revoke it and make a new decision,

and the Minister's decision on the review is final.

Release of program information

13(1) Subject to the *Freedom of Information and Protection of Privacy Act* as it relates to the release of personal information, on the request in writing made by any person to the relevant Department authority, the Minister may release and make available to that person information that is held in the records of the Department in relation to an approved exploration program and is of a nature or type specified in the Exploration Directives for the purposes of this section.

(2) A release of information described in subsection (1)

(a) may be made

- (i) at any time after 2 years following the date of completion, or
- (ii) at any time during that 2-year period if the Minister is satisfied that the licensee has consented to the release,

and

(b) must be made in accordance with the requirements of the Exploration Directives.

(3) At any time after the approval by the Minister of a final plan for a program of exploration, information as to the location of lines in the programs that are specified and described in the Exploration Directives for the purposes of this subsection may be released by the relevant Department authority to a branch or division of the Department designated in the Exploration Directives for the purpose of identifying the location of those lines on access maps to which persons involved in the conduct of exploration in Alberta will have access.

Administrative penalty amounts

14 The maximum amounts of administrative penalties that may be imposed for the purposes of section 112 of the Act are as set out in Schedule 2.

Offences

15 A person who contravenes section 3, 8(1) or (2), 11, 32, 44, 45(1), 46(1)(b), 50(b), 51, 59(1), or (2), 60(2)(d), (f) or (g), 62 or 63(1)(b) or (c) is guilty of an offence.

Part 3 Licences and Permits

Applications for licence or permit

16(1) A person may apply to the Minister in writing for an exploration licence or an exploration permit.

(2) The application must be in the form and contain the information required by the Exploration Directives and must be accompanied by

- (a) an application fee of \$100 in the form of cash or a certified cheque or money order,
- (b) a deposit in the form of cash or a certified cheque or money order in the amount of \$10 000 if the applicant is applying for an exploration licence or \$5000 if the applicant is applying for an exploration permit, and
- (c) if the applicant is a corporation, proof satisfactory to the Minister that the applicant is entitled to carry on business in Alberta.

Return of deposit

17 The Minister shall return a deposit to the applicant if the exploration licence or exploration permit is not issued.

Deposits - transitional

18 A person who is a licensee or permittee on the date this Regulation comes into force shall ensure that, not more than 3 months following that date, there is on account with the Department in respect of its exploration licence or exploration permit a deposit that meets the requirements of section 16(2)(b).

Disposition of deposit

19(1) The Minister may expend any portion of a deposit

- (a) to remedy or redress any matter related to a contravention of Part 8 of the Act or of this Regulation or to a failure to comply with the terms or conditions of an exploration approval,
- (b) as provided for in section 46(5), 54(b), 60(3)(b) or 63(3)(b) or (4)(b),
- (c) to restore or repair damage to public land or to a renewable resource, structure, improvement, installation, facility or other property on public land that has been

damaged or adversely affected through the conduct of a program of exploration by the licensee or permittee, or

- (d) to pay any money owing by the licensee or permittee to the Government under Part 8 of the Act or under this Regulation.

(2) If all or part of the deposit is expended by the Minister, the licensee or permittee, as the case may be, shall, within 3 months after a request from the Minister, pay a sufficient amount of money to the Minister so that the deposit is again in the amount prescribed by section 16(2)(b).

(3) If the Minister cancels an exploration licence or exploration permit pursuant to section 110(1) of the Act,

- (a) the deposit held by the Minister in respect of that licence or permit is forfeited to the Crown in right of Alberta, and
- (b) the Minister may expend the deposit or any portion of the deposit as described in subsection (1).

(4) If the Minister cancels an exploration licence or exploration permit at the request of the licensee or permittee, the Minister shall return to the licensee or permittee the portion of the deposit that has not been expended as described in subsection (1) if the Minister is satisfied that

- (a) all money owing to the Government by the licensee or permittee under any enactment under the Minister's administration has been paid, and
- (b) all duties and obligations of the licensee or permittee under any enactment under the Minister's administration have been discharged.

Inactive licences and permits

20(1) The Minister may declare a deposit forfeited to the Crown in right of Alberta if,

- (a) for a period of at least 3 years, the licensee or permittee has not conducted exploration under the exploration licence or exploration permit and has not advised the Minister of its intention to so conduct exploration, or
- (b) where the licensee or permittee is a corporation, the licensee or permittee has, for a period of at least 3 years, ceased to be entitled to carry on business in Alberta.

(2) If the Minister declares a deposit forfeited under subsection (1), the exploration licence or exploration permit in respect of which the deposit was furnished is automatically cancelled.

One licence or permit per person

21 No person shall hold more than one exploration licence or exploration permit at any time.

Related corporations

22(1) In this section, “group of related corporations” means

- (a) bodies corporate that are affiliates of one another or affiliated bodies corporate as described and defined in section 2 of the *Business Corporations Act*, or
- (b) bodies corporate that are related to or associated with each other in any of the ways described and defined in section 2 of the *Business Corporations Act*.

(2) Where more than one body corporate in a group of related corporations holds an exploration licence or an exploration permit, the Minister may

- (a) by notice in writing require the group of related corporations to designate a body corporate as the body corporate that is to be the licensee or permittee, and
- (b) issue one licence or permit to the body corporate designated under clause (a), cancel all other licences or permits held by bodies corporate in the group of related corporations and transfer all programs listed in the records of the Department under those licences or permits to the licence or permit of the designated body corporate.

Application for exploration approval

23(1) A licensee or a person authorized by the licensee may apply to the Minister in writing for an exploration approval.

(2) The application must be submitted to the relevant Department authority and must be accompanied by

- (a) a preliminary plan as described in the Exploration Directives and any other information required by the Exploration Directives, and
- (b) an application fee of \$350 in the form of cash or a certified cheque or money order or paid through an account established with the Government.

Notification of decision

24(1) The Minister shall notify the applicant in writing as to the disposition of the application for an exploration approval not later than 10 business days after the day on which the application was received by the Minister.

(2) If the Minister refuses an application for an exploration approval, the Minister shall specify the reasons for the refusal.

Waiver of fee on resubmission

25 Where an application must be resubmitted because of a deficiency with the application, the Minister may waive the fee payable under section 23(2)(b) if the Minister considers that, in the circumstances, it would be appropriate to do so.

Notice to permittee

26(1) If the Minister accepts an application for an exploration approval, the program licensee shall deliver a copy of the exploration approval to the program permittee prior to the date of commencement of the program.

(2) The program permittee shall post a copy of the exploration approval in a conspicuous place at its field headquarters until the program of exploration is completed.

Security deposits

27(1) The Minister may require a program licensee to provide a security deposit in an amount and form specified by the Minister

- (a) before an exploration approval is granted for the program of exploration, or
- (b) after the granting of the exploration approval and before the program licensee has obtained, in respect of the program of exploration,
 - (i) a letter of clearance referred to in section 58(3), in the case of a program of exploration conducted on public land or within a road allowance, or
 - (ii) a release from the owner of the land or the owner's agent, in the case of a program of exploration conducted on private land.

(2) The Minister may, at any time after payment of a security deposit under subsection (1), increase the amount of the security deposit required under subsection (1) if the Minister discovers or identifies any matter or thing connected with the program of

exploration that, in the Minister's opinion, justifies increasing the amount.

(3) If the Minister requires a security deposit for a program of exploration before the granting of the exploration approval, the Minister shall not grant an exploration approval unless the Minister has received the security deposit.

(4) If the Minister requires a security deposit for a program of exploration after the granting of an exploration approval or increases the amount of a security deposit under subsection (2), no person shall perform any operation or activity in connection with the program of exploration after the date specified by the Minister for payment of the security deposit or the increased amount unless, before that date, the Minister receives the deposit or increased amount.

Forfeiture of security deposit

28 If the Minister is of the opinion that

- (a) a program of exploration for which a security deposit has been furnished under this Part is not being or has not been conducted in compliance with Part 8 of the Act, this Regulation or the terms or conditions of the exploration approval, or
- (b) land, any renewable natural resource or any structure, improvement, installation, facility or other property located on land is being or has been damaged or adversely affected through the conduct of such a program,

the Minister may declare the security deposit forfeited to the Crown in right of Alberta and may

- (c) expend on the location of the program of exploration the security deposit and any additional funds that are necessary to remedy the non-compliance or to restore or repair the damage to the land, renewable natural resource, structure, improvement, installation, facility or other property, and
- (d) recover the additional funds referred to in clause (c) in an action in debt against the program licensee.

Return of security deposit

29(1) Where the Minister declares a security deposit to be forfeited under section 28, the Minister shall, after complying with section 28(c), forthwith return to the licensee any part of the security deposit that remains.

(2) The Minister shall forthwith return a security deposit to the program licensee where the Minister is satisfied that section 28 does not apply.

Amendment of approved program

30(1) The Minister may, on application in writing by a program licensee or a person authorized by the program licensee, and on payment of a fee of \$175, amend an exploration approval.

(2) An application for an amendment may not be made after the exploration approval has expired.

(3) Sections 23(2)(a) and 24 apply to an application for an amendment to an exploration approval.

(4) Subject to section 8(1)(a) and the Exploration Directives, the program licensee may move a seismic line in an approved exploration program being conducted on private land without obtaining an amendment to the exploration approval if the line is moved

- (a) within the quarter section in which it is located as shown on the preliminary plan approved for the program, or
- (b) to an adjoining quarter section if the location of a line in that quarter section is shown on the preliminary plan approved for the program or in an amendment to the exploration approval.

Temporary field authorizations

31 After an exploration approval has been granted for a program of exploration on public land, the Minister may, in accordance with the Exploration Directives, authorize

- (a) the use of any existing cut lines or the cutting of new lines that were not shown on the preliminary plan, or
- (b) any other activities associated with the conduct of the program.

Duties of licensee and permittee

32 The program licensee and program permittee shall ensure that all exploration in an approved exploration program is conducted in accordance with

- (a) the preliminary plan approved for the program,
- (b) the terms and conditions of the exploration approval, and

- (c) any authorizations given by the Minister under section 31.

Expiry of exploration approval

33(1) Subject to subsections (2) and (3), an exploration approval expires

- (a) on the date specified in the exploration approval for the expiry of the exploration approval, or
 - (b) if no such date is specified in the exploration approval, on April 30 of the fiscal year of the Government next following the fiscal year in which the exploration approval was granted.
- (2)** On the date of completion of an approved exploration program, the exploration approval granted in respect of the program is deemed to have expired.
- (3)** In accordance with the Exploration Directives, the Minister may extend the term of an exploration approval if the program licensee or a person authorized by the program licensee makes a written request to the relevant Department authority.
- (4)** The Minister may grant the extension for any period and subject to any terms and conditions that the Minister considers appropriate.

Duty on completion of exploration

34(1) Within 90 days after the date of completion, the program licensee shall

- (a) file with the relevant Department authority a final plan for the program of exploration in accordance with the Exploration Directives, and
 - (b) in the case of a program of exploration that was conducted in whole or in part on land that is within the location of or subject to a forest management agreement or timber licence within the meaning of section 38(1)(a), provide a copy of the final plan to the holder of the forest management agreement or timber licence.
- (2)** If
- (a) no exploration field operations are conducted under an approved exploration program before its expiry date as determined under section 33(1) or (3), or

- (b) the program licensee cancels an approved program of exploration without having conducted any exploration field operations under it,

the program licensee shall, not later than 30 days after the expiry date, file with the relevant Department authority a written statement that no exploration field operations were conducted under the program.

- (3) A final plan must be accompanied with copies of all authorizations in respect of the program given by the Minister under section 31.

Deficiencies in final plan

35(1) The Minister may by notice in writing require the program licensee to

- (a) correct any deficiencies in a final plan filed under section 34, or
- (b) refile the final plan where the Minister considers it appropriate to do so due to the nature of the deficiencies.

(2) A program licensee who receives a notice under subsection (1) shall comply with it in accordance with its terms.

(3) A program licensee who refiles a final plan under subsection (1)(b) shall forthwith provide a copy of the refiled final plan to the holder of a forest management agreement or timber licence referred to in section 34(1)(b), where applicable.

Approval of final plan

36 The Minister is considered to have approved a final plan on the expiry of 90 days after receipt of it unless the Minister gives the program licensee a notice under section 35 before the expiry of the 90-day period.

Part 4 Notices

Notice to relevant Department authority

37(1) Not more than 5 business days prior to the date of commencement or, if the Minister has agreed in writing to a different time or period of time for the purpose of this subsection, at or before that time or within that period of time, the program licensee and program permittee shall ensure that the relevant Department authority is provided with a notice containing the

particulars about the proposed program of exploration that are required in the Exploration Directives.

(2) Not more than 5 business days after the date of completion, the program licensee and program permittee shall ensure that the relevant Department authority is provided with a notice containing the particulars about the completed program of exploration that are required in the Exploration Directives.

(3) A notice under subsection (1) or (2) must be given in the form and manner required by the Exploration Directives.

Notice to other persons

38(1) In this section and section 39,

- (a) “forest management agreement” and “timber licence” mean respectively a forest management agreement and a timber licence in respect of public land pursuant to the *Forests Act* and the regulations under that Act;
- (b) “relevant land authority” means,
 - (i) in relation to a program of exploration conducted wholly or partially in a special area, other than on a highway, the Special Areas Board,
 - (ii) in relation to a program of exploration conducted wholly or partially in a municipality, other than on a highway, the council of the municipality, and
 - (iii) in relation to a program of exploration conducted wholly or partially on a highway that pursuant to an enactment of the Government is subject to the direction, control and management of the Minister of Transportation, the operations manager for the region in Alberta in which the program has been or is to be conducted.

(2) Not less than 2 business days nor more than 15 business days prior to the date of commencement, or if the relevant land authority has agreed in writing to a different time or period of time for the purpose of this subsection, at or before that time or within that period of time, the program licensee and program permittee shall ensure that the relevant land authority is provided with

- (a) written notice of the date of commencement in the form required by the Exploration Directives, and
- (b) a copy of the exploration approval and of the approved preliminary plan for the program of exploration.

(3) If the Minister approves an amendment to the exploration approval for an approved exploration program at any time after the earlier of

- (a) compliance by the program licensee or program permittee with subsection (2), and
- (b) the time or period of time specified for compliance by the program licensee or program permittee pursuant to subsection (2),

and the relevant land authority is the Special Areas Board or the council of a municipality, the program licensee and program permittee shall, not more than 2 business days after the approval of the amendment, ensure that written notice of the amendment is provided to the relevant land authority.

(4) Not more than one business day after the date of completion of an approved exploration program that was conducted in whole or in part in a municipality or special area or on a highway referred to in subsection (1)(b)(iii), the program licensee and program permittee shall ensure that written notice of the date of completion is provided to the relevant land authority.

(5) In the case of a program of exploration conducted in whole or in part on land that is within the location of or subject to a forest management agreement or timber licence,

- (a) the program licensee and program permittee shall ensure that, not less than 2 business days nor more than 15 business days prior to the date of commencement, the holder of the forest management agreement or timber licence is provided with
 - (i) written notice of the date of commencement in the form required by the Exploration Directives, and
 - (ii) a copy of the approved preliminary plan for the program of exploration,

and

- (b) subsections (3) and (4) apply, with necessary modifications, as if the references to a relevant land authority in those subsections were references to the holder of the forest management agreement or timber licence.

(6) A notice that is required to be given pursuant to this section must be given in the form and manner required by the Exploration Directives.

Notice of temporary cessation of operations

39(1) If, before the date of completion, the crew and equipment conducting a program of exploration are to be removed from the location of the program as shown in the preliminary plan, the program licensee and program permittee shall, before the removal, ensure that the relevant Department authority and the relevant land authority are provided with notice in writing of the date on which exploration field operations under the program are to cease and of the approximate date on which those operations are to be resumed.

(2) The program licensee and program permittee shall ensure that the relevant Department authority and the relevant land authority are provided with notice in writing of any change in the date on which exploration field operations under the program are to be resumed.

(3) The exploration approval granted in respect of the program of exploration is deemed to have expired and the conduct of exploration under the program is deemed to have been completed

- (a) on the date on which the crew and equipment are removed from the location of the program, in a case where no removal notice is given under subsection (1), or
- (b) on the date on which exploration field operations under the program were to be resumed, in a case where a resumption notice is given under subsection (1) or (2) and operations are not resumed on the date set out in the notice.

(4) In the case of a program of exploration conducted in whole or in part on land that is within the location of or subject to a forest management agreement or timber licence, subsections (1) to (3) apply, with necessary modifications, as if the holder of the forest management agreement or timber licence were a relevant land authority.

Part 5 Exploration Field Operations

Change in designation of program permittee

40 A designation of program permittee made in a notice given under section 37(1) may, in accordance with the Exploration Directives, be changed by notice in writing from the program licensee to the relevant Department authority.

Operation of exploration equipment

41(1) The program permittee shall ensure that one of the following identification numbers appears conspicuously, and in characters not less than 10 cm high, on both sides of units of exploration equipment and vehicles that are specified in the Exploration Directives and are used by or on behalf of the permittee in circumstances described in the Exploration Directives in the conduct of the program of exploration:

- (a) the words “PERMIT NO.” followed by the number of the permit of the permittee who owns or has leased the unit or vehicle or under the authority of whose permit the unit or vehicle is being used in or in connection with the program;
- (b) the letter “U” followed by the unique identification number obtained by the owner or lessee of the unit or vehicle pursuant to an application under subsection (4) and the Exploration Directives.

(2) The program licensee shall ensure that one of the following identification numbers appears conspicuously, and in characters not less than 10 cm high, on both sides of vehicles that are specified in the Exploration Directives and are used by or on behalf of the licensee on the location or site of the program of exploration in circumstances described in the Exploration Directives:

- (a) the words “LIC NO.” followed by the number of the licence of the licensee who owns or has leased the vehicle or under the authority of whose licence the vehicle is being used in or in connection with the program;
- (b) the letter “U” followed by the unique identification number obtained by the owner or lessee of the vehicle pursuant to an application under subsection (4) and the Exploration Directives.

(3) No person shall operate a unit of exploration equipment or vehicle in a manner described in subsection (1) or (2) unless the unit or vehicle bears an identification number as required by subsection (1) or (2).

(4) The Minister may grant a unique identification number to a person who applies to the relevant Department authority and pays a fee in the amount of \$100.

Use of products in exploration

42(1) In this section, “product” means

- (a) a permit tag,

- (b) a hole plug,
- (c) a sealing product, and
- (d) any other thing specified in the Exploration Directives as a product for the purposes of this section.

(2) A program licensee and a program permittee shall, in the conduct of a program of exploration, use only products that are

- (a) listed as approved products in the Exploration Directives, or
- (b) approved by the Minister for use pursuant to an application that is made in the manner and contains the information required by the Exploration Directives.

Pipeline crossing

43(1) In this section,

- (a) “low pressure distribution pipeline” means a distribution pipeline that is designed to operate or is intended to be operated at a pressure of 700 kilopascals or less;
- (b) “rural gas utility” means rural gas utility as defined in the *Gas Distribution Act*.

(2) The program licensee and program permittee for a program of exploration that is to be conducted on, over or across a pipeline that is subject to the provisions of the *Pipeline Act* shall comply with the relevant provisions of the *Pipeline Regulation* (AR 91/2005).

(3) The program licensee and program permittee for a program of exploration that is to be conducted on, over or across a low pressure distribution pipeline or a pipeline that is part of a rural gas utility shall ensure that the owner or operator of the low pressure distribution pipeline or rural gas utility is notified in writing that the program is to be so conducted not less than 2 business days nor more than 15 business days before the day on which the crossing will occur.

Distance requirements

44 The program licensee and program permittee shall ensure that all persons conducting a program of exploration comply with the set-back distance requirements and consent requirements specified in the Exploration Directives for methods of exploration conducted in relation to structures described in the Exploration Directives.

Contamination of water and damage to aquifers

45(1) The program licensee and program permittee shall ensure that no shot hole or test hole

- (a) is drilled or abandoned using fluids or materials that contain harmful contaminants,
- (b) is drilled where temporary water has collected on the land surface, except with the prior approval of the Minister and in accordance with the requirements of the Exploration Directives, or
- (c) is drilled or abandoned in a manner that would, in the opinion of the Minister, permit the movement of water from one aquifer or formation to another or from the surface of land to an aquifer or other formation.

(2) The program licensee and program permittee shall ensure that the drilling of shot holes through water bodies is in compliance with the requirements of the Exploration Directives.

(3) If, in the opinion of the Minister, damage to or disturbance of an aquifer or obstruction of the flow of water within or from an aquifer has been caused during the conduct of a program of exploration,

- (a) the Minister may direct the program licensee or program permittee to take the action or do the work the Minister considers appropriate in relation to the damage, disturbance or obstruction, and
- (b) the program licensee or program permittee, as the case may be, shall comply with the Minister's directions under clause (a).

Flowing holes

46(1) If water is released from an aquifer or stratum and comes to the surface as a result of the drilling of a test hole or the drilling or detonation of a shot hole, the program licensee and program permittee shall ensure that

- (a) all drilling that is in progress is discontinued and that no explosive charge is loaded in a shot hole,
- (b) the flow of water from the shot hole or test hole is confined to the aquifer or stratum of origin
 - (i) as set out in the Exploration Directives,
 - (ii) as directed by an inspector, or

- (iii) in another manner that is determined by the program licensee or permittee and is acceptable to the Minister,
 - (c) the requirements of the Exploration Directives in relation to the subsequent drilling of shot holes and test holes in the program of exploration are complied with, and
 - (d) a report on the flowing hole is forthwith submitted to the relevant Department authority as required by the Exploration Directives.
- (2)** If, after reasonable attempts, the flow of water from a shot hole or test hole cannot be confined as set out in subsection (1)(b), the program licensee and program permittee shall ensure that a plan for the control and management of the flow of water from the flowing hole is developed and is agreed to by the owner of the land on which the flowing hole is located.
- (3)** Subsection (2) does not apply where the flow of water in a flowing hole is confined and contained by the completion and operation of the flowing hole as a water well in accordance with the *Water (Ministerial) Regulation* (AR 205/98).
- (4)** The program licensee and program permittee shall ensure that the Minister is forthwith provided with
- (a) a copy of an agreement referred to in subsection (2), or
 - (b) where the flowing hole is completed as a water well, a copy of the agreement to that effect between the program licensee or permittee and the landowner.
- (5)** If the program licensee and program permittee do not comply with subsection (1), (2) or (3), as applicable, the Minister may do one or more of the following:
- (a) take the action or do the work or engage a person to do the work that is necessary to remedy the non-compliance;
 - (b) expend all or any part of the deposit furnished by the program licensee or program permittee under section 16 to remedy the non-compliance;
 - (c) recover the cost to the Government of remedying the non-compliance in an action in debt, which may be brought on a joint and several basis.

Encountering gas

47 If gas is encountered in the drilling of a shot hole or test hole, the program licensee and program permittee shall ensure that

- (a) the gas is immediately confined to its source or place of origin in a manner that prevents an adverse effect on the environment, human health, property or public safety,
- (b) immediately after the gas has been confined in accordance with clause (a), a report on the flowing hole is submitted to the relevant Department authority as required by the Exploration Directives, and
- (c) the procedures and precautionary measures to avoid an explosion that are set forth in the Occupational Health and Safety Code adopted by the *Occupational Health and Safety Code Order* (AR 321/2003) are carried out.

Subsidence

48(1) If the ground surrounding a shot hole or test hole drilled in a program of exploration subsides or collapses, the program licensee and program permittee shall ensure that the necessary action is promptly taken

- (a) to fill the area of the subsidence so that the ground level is the same as it was before the shot hole or test hole was drilled, and
- (b) to minimize any further subsidence.

(2) All material used as fill under subsection (1) must be free of noxious weeds and restricted weeds as defined in the *Weed Control Act* and of harmful contaminants.

Charges in shot holes and depths of shot holes and test holes

49(1) If the size of the explosive charge proposed to be detonated in a shot hole drilled in the conduct of a program of exploration exceeds the maximum charge size permitted for shot holes by the Exploration Directives, the program licensee and program permittee shall

- (a) ensure that the Minister is provided with an explanation and reasons to justify exceeding that maximum charge size, and
- (b) ensure that no explosive charge is loaded in the shot hole without the prior written approval of the Minister.

(2) If a shot hole or test hole drilled in the conduct of a program of exploration is proposed to be drilled to a depth exceeding the maximum allowable depth for shot holes or test holes permitted by the Exploration Directives in the area of Alberta in which the program is being conducted, the program licensee and program permittee shall

- (a) ensure that the Minister is provided with an explanation and reasons to justify exceeding that maximum allowable depth, and
- (b) ensure that the shot hole or test hole is not drilled beyond that maximum allowable depth without the prior written approval of the Minister.

(3) If a program of exploration will involve the use of an explosive energy source that is not in a shot hole, the program licensee and program permittee shall ensure that written approval is obtained from the Minister before using that energy source.

Temporary abandonment of shot holes and test holes

50 The program licensee and program permittee shall ensure that a shot hole or test hole drilled in a program of exploration to a depth of 20 metres or less that has not been permanently abandoned as required under this Regulation

- (a) is temporarily abandoned
 - (i) in a manner that is in accordance with the requirements of the Exploration Directives for shot holes or test holes drilled in the operations, under the conditions, within the area or at or within the location in which or at or under which the shot hole or test hole was drilled, and
 - (ii) in a manner, if any, prescribed by the Minister under section 52,

and

- (b) is not left unattended until it is temporarily abandoned under clause (a).

Abandonment of shot holes and test holes

51(1) The program licensee and program permittee shall ensure that a shot hole drilled in a program of exploration to a depth of 20 metres or less is permanently abandoned

- (a) immediately after the detonation of the charge in the hole, subject to the Exploration Directives,
 - (b) in a manner that is in accordance with the requirements of the Exploration Directives for shot holes drilled in the operations, under the conditions, within the area or at or within the location in which or at or under which the shot hole was drilled, and
 - (c) in a manner, if any, prescribed by the Minister under section 52.
- (2)** The program licensee and program permittee shall ensure that a test hole drilled in a program of exploration to a depth of 20 metres or less is permanently abandoned
- (a) within 30 days after the day on which the drilling of the hole is completed,
 - (b) in a manner that is in accordance with the requirements of the Exploration Directives for test holes drilled in the operations, under the conditions, within the area or at or within the location in which or at or under which the test hole was drilled, and
 - (c) in a manner, if any, prescribed by the Minister under section 52.
- (3)** If a shot hole is drilled in a program of exploration to a depth of more than 20 metres, the program licensee and program permittee shall ensure that
- (a) before permanently abandoning the shot hole, the Minister is advised of the proposed abandonment and of the proposed procedure for abandonment and that the Minister's approval for that proposed procedure for abandonment is obtained, and
 - (b) the procedure for abandonment of the shot hole approved by the Minister under clause (a) is followed.
- (4)** The program licensee and program permittee shall ensure that a test hole drilled in a program of exploration to a depth greater than 20 metres is abandoned in accordance with the requirements of the Exploration Directives that apply to such test holes.

Alternate shot hole abandonment

52(1) The Minister may extend the time periods under section 51(1) and (2) and may prescribe directions, instructions or provisions with respect to the temporary or permanent

abandonment of shot holes or test holes that differ or vary from the requirements of the Exploration Directives or of the exploration approval for the program.

(2) Directions, instructions and provisions prescribed by the Minister under subsection (1) shall, to the extent that they conflict with, modify or replace the requirements of the Exploration Directives or the exploration approval, supersede and prevail over those requirements.

Damage to plugging

53 A person who, in the conduct of any activity other than the construction or upgrading of a highway or public road, intentionally damages or destroys the plugging of a flowing hole or the plugging of a shot hole or test hole shall repair the damage to the plug or replug the hole in accordance with the directions of, and to the satisfaction of, the Minister.

Minister's powers

54 If a person to whom a direction is given under section 45(3), 52(1) or 53 fails to comply with the direction, the Minister may do any or all of the following:

- (a) take the action or do the work or engage a person to take the action or do the work that is necessary to remedy the non-compliance;
- (b) in the case of a failure by a program licensee or program permittee, expend all or any part of the deposit furnished by the program licensee or program permittee under section 16 to remedy the non-compliance;
- (c) recover in an action in debt against the person all or any portion of the cost to the Government of remedying the non-compliance.

Display of permit tag

55(1) If an explosive energy source is used in the conduct of a program of exploration, the program licensee and program permittee shall, to the extent possible, ensure that, before the drilling rig is initially removed from the location of the last of the shot holes drilled to obtain data from a centre source point, an approved permit tag that contains the number of the exploration approval for the program and the permit number of the program permittee clearly and conspicuously impressed or engraved on it is securely affixed in a location that is readily visible and is

- (a) facing the centre source point and on the same side of the highway or public road as the centre source point, and
- (b) not more than 10 metres from each centre source point.

(2) If a non-explosive energy source is used in the conduct of a program of exploration, the program licensee and program permittee shall, to the extent possible, ensure that, before the equipment used for recording the program is initially removed from the site or location of the program, an approved permit tag that contains the number of the exploration approval for the program and the permit number of the program permittee clearly and conspicuously impressed or engraved on it is securely affixed in a location that is readily visible and is

- (a) facing the centre source point and on the same side of any highway or public road as the centre source point, and
- (b) not more than 10 metres from each centre source point or, with the written approval of the Minister, not more than that distance from each second such centre source point.

Clearing of vegetation on road allowances

56 The program licensee and program permittee for a program of exploration in which the clearing of trees, shrubs, bushes or other vegetation is or is proposed to be conducted on a road allowance shall ensure that

- (a) the consent of the relevant Department authority is obtained prior to the clearing operation,
- (b) the surface of the ground from which the vegetation is cleared and the surface of the ground in the immediate vicinity of the clearing is left in a condition that will prevent the occurrence of erosion, and
- (c) the terms and conditions of the exploration approval and the requirements of the Exploration Directives that relate to the clearing of vegetation on the road allowance are complied with.

Debris, refuse and other material

57 The program licensee and program permittee shall ensure

- (a) that, in the case of a program of exploration being conducted on public land or within a road allowance,
 - (i) the terms and conditions of the exploration approval relating to debris, refuse and other material resulting

from the conduct of the program of exploration are complied with, and

- (ii) debris, refuse and other material are cleaned up and disposed of in accordance with the requirements of the Exploration Directives, to the extent that they are not in conflict with terms and conditions referred to in subclause (i) or if there are no such terms or conditions,

and

- (b) that, in the case of a program of exploration being conducted on private land where the authorization to enter the land that was given by the owner does not address the cleanup and disposal of debris, refuse and other material resulting from the conduct of the program, the clean up and disposal is carried out in accordance with the requirements of the Exploration Directives.

Letter of clearance

58(1) The program licensee for a program of exploration

- (a) must, in the case of a program of exploration conducted on public land under the administration of the Minister, and
- (b) may, in the case of a program of exploration conducted within a road allowance

apply to the Minister for a letter of clearance in respect of the program within 2 years after the date of completion or within any longer period allowed by the Minister pursuant to a request in writing from the program licensee.

(2) An application under subsection (1) must be made in accordance with the Exploration Directives.

(3) The Minister shall issue a letter of clearance if the Minister is satisfied that the surface of the public land or road allowance has been reclaimed and restored in a satisfactory manner.

(4) A letter of clearance does not release the program licensee from the obligation to comply with the terms and conditions of the exploration approval or the provisions of this Regulation respecting the conduct of the program of exploration.

Exploration on road allowances

59(1) The program licensee and program permittee shall ensure that, during the course of the conduct of a program of exploration, no person drills a shot hole or test hole

- (a) on the surface, the shoulder or the slope of the shoulder of a constructed road, or
- (b) in the case of a road allowance that does not contain a constructed road but contains a travelled portion, on or within 2 metres of the travelled portion.

(2) The program licensee and program permittee shall ensure that written consent is obtained under subsection (3) before any of the following operations are carried out:

- (a) the operation of a non-explosive energy source on a constructed road;
- (b) the operation of a non-explosive energy source on or within 2 metres of the travelled portion of a road allowance that does not contain a constructed road but contains a travelled portion;
- (c) the operation of exploration equipment on a constructed road where the equipment is in the process of drilling a shot hole or test hole in the ditch;
- (d) the operation of exploration equipment on or within 2 metres of the travelled portion of a road allowance that does not contain a constructed road but contains a travelled portion, where the equipment is in the process of drilling a shot hole or test hole beyond 2 metres from the travelled portion.

(3) The consent referred to in subsection (2) must be obtained from

- (a) the council of the municipality that has direction, control and management of the road allowance pursuant to the *Municipal Government Act*,
- (b) the Special Areas Board, if the road allowance is in a special area and is subject to the direction, control and management of the Minister of Municipal Affairs,
- (c) the disposition holder, if the road allowance is held under a disposition issued under the *Public Lands Act*, or
- (d) the operations manager for the region in which the road allowance is located, if the road allowance is subject to

the direction, control and management of the Minister of Transportation.

(4) The program licensee or program permittee shall ensure that a written consent obtained under subsection (2) to operate an energy source or exploration equipment is available for inspection at the location of the program of exploration at all times during the conduct of the program of exploration.

(5) The requirement to obtain consent under this section is in addition to any other requirement under this Regulation to obtain consent.

AR 284/2006 s59;35/2007;68/2008

Damage to highways, public roads, etc.

60(1) In this section, “property related to a highway or public road” means

- (a) a bridge or culvert forming part of a highway or public road, or
- (b) a sign, signal, structure or traffic control device on a highway or public road that is used in connection with the construction or maintenance of, or the control of traffic on, the highway or public road.

(2) If, in the course of the conduct of a program of exploration, any person

- (a) causes damage to or the destruction of any property related to a highway or public road,
- (b) damages or ruts the travelled portion, the shoulder, the slope of the shoulder or the ditch of a highway or public road, or
- (c) causes any damage within the right of way of a highway or public road,

the program licensee and program permittee shall

- (d) ensure that the operations or activities that caused the damage or destruction are immediately discontinued,
- (e) ensure that notice of the damage or destruction is given to
 - (i) the relevant Department authority,
 - (ii) the council of the municipality, in respect of a public road that is subject to the direction, control and

management of a municipality pursuant to the *Municipal Government Act*,

- (iii) the Special Areas Board, in respect of a public road that is in a special area and is subject to the direction, control and management of the Minister of Municipal Affairs,
- (iv) the operations manager for the region of Alberta in which the damage or destruction occurred, or an officer of the region designated by the operations manager, if the damage or destruction occurred in relation to a highway, and
- (v) the holder of the licence of occupation, if the damage or destruction occurred in relation to a licence of occupation road,
- (f) ensure that the damage is repaired or that the damaged or destroyed property is repaired or replaced at its own cost or pay the cost of the repair or of the replacement to the Government or to the municipality, corporation or individual that has direction, control and management of, or is responsible for the maintenance and upkeep of, the highway or public road, and
- (g) comply with all directions given pursuant to section 61.

(3) If the program licensee and program permittee fail to comply with subsection (2)(f) or (g), the Minister may do any or all of the following:

- (a) repair the damage or replace the damaged or destroyed property or engage a person to do so;
- (b) expend any or all of the deposit furnished by the program licensee or program permittee under section 16 to repair the damage or replace the damaged or destroyed property;
- (c) recover the cost to the Government of repair or replacement under clause (b) in an action in debt, which may be brought on a joint and several basis.

AR 284/2006 s60;35/2007;68/2008

Directions re damage

61 An inspector or an investigator may direct the program licensee or program permittee for a program of exploration in which any of the matters described in section 60(2)(a), (b) or (c) occur to take the actions and follow the procedures that the inspector or investigator considers necessary or appropriate for the

purposes of complying with section 60(2) or for the purpose of repairing the damage or replacing the damaged or destroyed property.

General duty of care

62 The program licensee and program permittee shall take reasonable care to ensure that the operation of exploration equipment on the travelled portion of a highway or public road in the conduct of a program of exploration is conducted in a safe manner and in accordance with the requirements of the Exploration Directives.

Damage to survey monuments and survey markers

63(1) If a survey monument or survey marker is damaged, destroyed, moved or altered during the conduct of a program of exploration, the program licensee and program permittee shall

- (a) ensure that the matter is immediately reported in writing to the relevant Department authority and to the Director of Surveys and that the report includes the course of action that will be followed with respect to the survey monument or survey marker,
- (b) ensure that an Alberta land surveyor registered under the *Land Surveyors Act* is engaged to restore, replace or re-establish the survey monument or survey marker and pay the costs and expenses of the restoration, replacement or re-establishment, and
- (c) follow any directions given by the Minister or the Alberta land surveyor regarding the restoration, replacement or re-establishment of the survey monument or survey marker.

(2) If the Minister becomes aware of the damage, destruction, movement or alteration of a survey monument or survey marker and the Minister has not received a report in accordance with subsection (1)(a), the Minister may

- (a) order the program licensee or program permittee for a program of exploration that was conducted in the immediate vicinity of the survey monument or survey marker to restore, replace or re-establish the monument or marker or to pay the costs and expenses of doing so, or
- (b) if more than one program of exploration was conducted in the immediate vicinity of the survey monument or survey marker, order the program licensees or permittees for those programs of exploration to restore, replace or

re-establish the monument or marker or to share the costs and expenses of doing so.

(3) If a survey monument or survey marker is not restored, replaced or re-established as required by subsection (1) to the satisfaction of the Minister, the Minister may

- (a) engage an Alberta land surveyor registered under the *Land Surveyors Act* to restore, replace or re-establish the survey monument or survey marker,
- (b) pay the costs and expenses of the restoration, replacement or re-establishment under clause (a) from the deposits furnished under section 16 by the licensee and permittee in the proportion that the Minister considers appropriate, and
- (c) recover any portion of the cost to the Government of restoration, replacement or re-establishment under clause (a) that cannot be recovered from the deposit or deposits pursuant to clause (b) in an action in debt, which may be brought on a joint and several basis.

(4) If a survey monument or survey marker is not restored, replaced or re-established as required by subsection (2) to the satisfaction of the Minister, the Minister may

- (a) engage an Alberta land surveyor registered under the *Land Surveyors Act* to restore, replace or re-establish the survey monument or survey marker,
- (b) pay the costs and expenses of the restoration, replacement or re-establishment from the deposits furnished under section 16 by the persons against whom the order was made, in the proportion that the Minister considers appropriate, and
- (c) recover any portion of the cost to the Government for restoration, replacement or re-establishment under clause (a) that cannot be recovered from the deposit or deposits pursuant to clause (b) in an action in debt against the persons against whom the order was made.

Assistance in dispute resolution

64(1) At the request of any person having an interest that is directly affected by the conduct of a program of exploration on private land, an inspector or investigator may cooperate in facilitating a resolution of any matter, issue or dispute related to the program of exploration and, for that purpose, may gather or assemble any information related to the program.

- (2) For the purpose of assisting an inspector or investigator who is acting under subsection (1), the program licensee and program permittee shall
- (a) render all reasonable assistance requested by the inspector or investigator in respect of the program or the conduct of the program,
 - (b) answer all reasonable inquiries made by an inspector or investigator pertaining to the program or to the conduct of the program, and
 - (c) supply the information reasonably requested by an inspector or investigator if it is available for the program.
- (3) The program licensee and program permittee shall ensure that all persons conducting a program of exploration under the authority of its licence or permit comply with subsection (2).

Part 6 Transfer of Programs

Transfer of program of exploration

65(1) The Minister may transfer a program of exploration from the licence that it is listed under in the records of the Department to another licence if both the current program licensee and the prospective program licensee apply to the relevant Department authority for the transfer, and the application is accompanied by the documents and materials required by the Exploration Directives.

- (2) If a licensee becomes a successor licensee to a licensee within the meaning of section 1(1)(ee)(iv)
- (a) the successor licensee shall forthwith notify the Minister of that fact, and
 - (b) all programs that are listed in the records of the Department under the former licensee's licence automatically become programs under the license of the successor licensee whether or not the Minister has been notified under clause (a).

Cancellation of licence or permit

66(1) If the licence of a program licensee is cancelled before exploration in a program of exploration is completed, no person shall conduct exploration under that program from the time of the cancellation until a person with a valid and subsisting licence has applied to the relevant Department authority for and obtained

- (a) an exploration approval in respect of that program, or
- (b) a transfer of the program to its licence pursuant to section 65.

(2) If the permit of a program permittee is cancelled or suspended before exploration in a program of exploration is completed, no person shall operate exploration equipment under that program from the time of the cancellation or suspension until a person with a valid and subsisting permit has been designated as program permittee by a written notice to the relevant Department authority in accordance with the Exploration Directives.

Part 7

Transitional Provisions, Repeals, Expiry and Coming into Force

Transitional

67(1) An exploration licence, exploration permit or exploration approval that was issued or granted under a predecessor regulation and is in force on the coming into force of this Regulation is continued and is deemed to have been issued or granted under this Regulation.

(2) An application for an exploration licence, exploration permit or exploration approval that was made under the *Exploration Regulation* (AR 214/98) and is not concluded on the coming into force of this Regulation shall be dealt with under this Regulation.

(3) A deposit or security deposit that was provided to the Minister under the *Exploration Regulation* (AR 214/98) and is in effect on the coming into force of this Regulation is continued as a deposit or security deposit under this Regulation.

(4) For the purposes of section 20, the 3-year period referred to in section 20(1) includes time that has elapsed before the coming into force of this Regulation.

(5) Where on the coming into force of this Regulation, a flowing hole or escaping gas exists as a result of drilling that took place before the coming into force of this Regulation, the procedure in section 46 or 47, as the case may be, applies for the purpose of dealing with the flowing hole or escaping gas.

(6) Section 53 applies in respect of damage or destruction that occurred before the coming into force of this Regulation and has not been repaired on the coming into force of this Regulation.

Repeals

68 The *Exploration Regulation* (AR 32/90) and the *Exploration Regulation* (214/98) are repealed.

Expiry

69 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2020.

Coming into force

70 This Regulation comes into force on the date on which section 3(2) of the *Administrative Penalties and Related Matters Statutes Amendment Act, 2002* comes into force.

Schedule 1**Exploration Directives**

- ED2006-01 Development of Exploration Directives
- ED2006-02 Restricted Exploration Areas
- ED2006-03 Review of Program Approvals and Conditions
- ED2006-04 Release of Program Information
- ED2006-05 Application for Licence or Permit
- ED2006-06 Application for Exploration Approval
- ED2006-07 Temporary Field Authorization
- ED2006-08 Extension to an Exploration Approval
- ED2006-09 Final Plan Submissions
- ED2006-10 Notice to Relevant Department Authority
- ED2006-11 Notice to Relevant Land Authorities and Holders of Forest Management Agreements and Timber Licence
- ED2006-12 Change in Designated Program Permittee
- ED2006-13 Operation of Exploration Equipment
- ED2006-14 Authorization for Testing and Use of Products in Exploration
- ED2006-15 Distance Requirements
- ED2006-16 Surface Water and Aquifers
- ED2006-17 Flowing Holes and Encountering Gas
- ED2006-18 Charges in Shot Holes and Depth of Shot Holes and Test Holes That Exceed Maximum Levels
- ED2006-19 Temporary Abandonment of Shot Holes and Test Holes
- ED2006-20 Permanent Abandonment of Shot Holes and Test Holes

ED2006-21 Clearing of Vegetation on Road Allowances
ED2006-22 Cleanup of Debris, Refuse and Other Material
ED2006-23 General Duty of Care
ED2006-24 Request for Transfer of Licence
ED2006-25 Cancellation of Licence or Permit
ED2006-26 Letter of Clearance

Schedule 2

Administrative Penalty Amounts

- 1(1)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 107 of the Act is \$50 000.
- (2)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 3, 8(1) or (2), 11, 32, 44, 45(1), 46(1)(b), 50(b), 51, 59(2), 60(2)(d), (f) or (g) or 62 of this Regulation or section 108.2(2) of the Act is \$25 000.
- (3)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 63(1)(b) or (c) of this Regulation is \$10 000.
- (4)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 37 or 46(1)(a) or (c) of this Regulation is \$5000.
- (5)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 49, 55, 56 or 57 of this Regulation is \$2500.
- (6)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 38, 60(2)(e) or 63(1)(a) of this Regulation is \$2000.
- (7)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 34 or 39(1) or (2) of this Regulation is \$1500.
- (8)** The maximum administrative penalty that may be ordered to be paid in respect of a contravention of section 26(2), 41(3), 46(1)(d), 47(b), 58(1)(a) or 59(1) or (4) of this Regulation is \$1000.
- (9)** In the case of a contravention of section 46(1)(b) that is of a continuing nature, the administrative penalty referred to in subsection (2) may be ordered to be paid for each day on which the contravention occurs.

(10) The administrative penalty referred to in subsection (8) with respect to a contravention of section 59(1) is a penalty per hole drilled in contravention of that provision.



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