

Petroleum Plaza - South Tower
2nd Floor, 9915 - 108 Street
Edmonton, Alberta T5K 2G8
Phone: (780) 422-0020
Fax: (780) 422-4252
www.srd.gov.ab.ca

August 1, 2009 (Updated FAQ # 9 – May 7, 2010)

Director of Surveys Policy

Dual Registration of Public Land Surveys

The August 1, 2009 Dual Registration of Public Land Surveys policy applies to public land surveys marked with statutory iron posts and provides for **not** registering these surveys at the Land Titles Office (LTO). The process for submitting these surveys to Sustainable Resource Development (SRD) is outlined below.

Surveys completed prior to August 1, 2009

- 1) Review the current survey plan on file with SRD and determine if it reflects the boundary and survey information of your plan (latest version, final version, etc.).
- 2) If the boundary and survey information are identical, no action is required. There is **no** requirement to register this plan at LTO.
- 3) If the boundary or survey information is different, the updated plan should be submitted to SRD, who will accept one of the following:
 - a. Certified survey/construction plan meeting SRD submission and plan standards, see Frequently Asked Question (FAQ) 1 below for additional information, or
 - b. Plan prepared for registration at LTO.
 - i. If the plan is registered, a PDF of the registered plan and a corresponding drawing file meeting SRD submission standards. These plans will **not** have to be updated to show topographic or adjacent disposition information.
 - ii. If the plan is not registered, a PDF of the plan and a corresponding drawing file meeting SRD submission and plan standards. These plans will **not** have to be updated to show topographic or adjacent disposition information, however, these plans **will** have to be certified by the land surveyor, see FAQ 1 below for additional information.

Surveys completed on or after August 1, 2009

SRD will only accept certified survey/construction plans meeting SRD submission and plan standards. These plans **will** have to show topographic and adjacent disposition information. These plans **will** have to be certified by the land surveyor, see FAQ 1 below for additional information.

Frequently Asked Questions

- 1) What affidavit is to be used? For example, "Certified Correct" or "Surveyed in accordance with the Surveys Act...?"

The following new affidavit, which refers to the *Surveys Act* and the Manual of Standard Practice, **must** be used when submitting public land surveys to SRD.

- i. I, _____, Alberta Land Surveyor, of the _____, Alberta, certify that the survey represented by this plan is true and correct to the best of my knowledge, has been carried out in accordance with the *Surveys Act* and the Alberta Land Surveyors' Association Manual of Standard Practice, and the field survey was performed between the ____ day of _____, 20__ and the ____ day of _____, 20__.
- ii. _____
- iii. Alberta Land Surveyor Date Signed
Witness (name of witness)

- 2) Has the option of submitting sketch plans been eliminated?

No, the option of submitting sketch plans is still available. Sketch plans do not require affidavits or signatures. The "Disposition Plan Types / Formats" document outlines when sketch plans will be accepted;

<http://srd.alberta.ca/MapsFormsPublications/Forms/LandsForms/GuidesFormsCompletion/documents/DispositionPlanTypesFormats-Feb-2009.PDF>

- 3) Is it necessary to update Pipeline Agreement (PLA) plans?

No, PLA plans surveyed prior to August 1, 2009 will not have to be updated to show topographic and adjacent disposition information.

- 4) What is the process for surveyors who still feel that the plan has to be registered at LTO?

For several reasons, surveyors are **strongly discouraged** from registering public land surveys at LTO.

- a. Survey plans registered at LTO are usually different from corresponding survey plans registered with SRD. SRD only authorizes survey plans on file; therefore client's rights and interests in the land may not be protected.
- b. LTO staff spends considerable time processing these plans, when the Land Titles Act has no effect upon these plans.
- c. SRD staff spends considerable time processing unnecessary amendments, to accept the final plans.
- d. Surveyors and clients spend considerable time tracking these plans.

- e. Important topographic and adjacent disposition information is not shown on plans registered at LTO.
- f. Alberta Justice has stated there is no legal requirement to register public land survey plans at LTO.
- g. Survey plans registered at SRD are public records and access to these plans is adequately provided.
- h. For surveys completed on or after August 1, 2009, SRD will only accept certified survey/construction plans meeting SRD submission and plan standards. These plans **will** have to be updated to show topographic and adjacent disposition information and **will** have to be certified by the land surveyor.

5) How are surveys that cross from crown to freehold/private land to be dealt with?

When a survey plan extends across crown and freehold/private lands, the plan must be registered at both SRD and LTO.

6) Does the Manual of Standard Practice (MSP) need to be updated?

SRD recommends that the MSP be updated after the issues with the new process have been worked out.

7) The Pipeline Regulation (AR 84/2009), Section 4(1), says "surveyed in accordance with the *Surveys Act*". If Part 2 or 3 monuments are established/re-established, the *Surveys Act* still says a plan has to be registered at LTO.

The Director of Surveys' Dual Registration of Public Land Surveys policy provides that the intent of the *Surveys Act* is met if public land surveys that establish or re-establish Part 2 or Part 3 monuments are submitted to SRD.

8) April 1, 2011 will be the implementation date for surveying and monumenting all dispositions. Would one need to monument the Licence of Occupation (LOC) access road and if so, is this then a boundary that needs to be intersected on other surveys?

On April 1, 2011, with implementation of the requirement to monument all surveyed disposition boundaries (including LOC access roads) with statutory iron posts, surveyors will be required to intersect other surveyed boundaries in accordance with section 45(1)(a)(ii) of the *Surveys Act*. The words 'other surveyed boundaries' here refers to other surveyed boundaries monumented with statutory iron posts.

The requirement to intersect and monument other surveyed boundaries on disposition surveys is consistent with plans of survey registered at LTO, improves the accuracy of disposition mapping, allows for survey quality control, and supports the preservation and maintenance of the provincial land survey system.

9) What are the fees for submitting a final PLA to SRD?

PLA amendment fees are \$25 in addition to a \$50 mapping fee.

10) Will the cost of disposition plans be reduced?

Yes, the cost to purchase disposition plans will be reduced. Work is proceeding for distribution of all disposition plans via SPIN 2. Subject to budget constraints, implementation is scheduled for the fall of 2011.

11) How are monument plans going to be dealt with?

Work is proceeding for the Electronic Disposition System (EDS) to accept monument plans and Well Site Control plans that are not directly related to a disposition. Subject to budget constraints, implementation is scheduled for the fall of 2011.

In the interim, surveyors are required to register monument plans at LTO in accordance with Part C, Section 3.9 and Part D, Section 5.4 of the MSP.

12) Will colour plans be acceptable in the future?

SRD is open to working with surveyors to develop and implement standards for accepting colour plans.

13) Can PLAs be cancelled?

Yes, PLAs can be cancelled, but they are subject to SRD's reclamation requirements. Cancelled sketch and survey disposition plans dating back to 1995 are available from the department's service provider, IHS Canada Ltd.

14) Are there any consequences for geo-referencing to ATS 4.1?

The requirement to provide geo-referenced drawing files will not be affected by the Dual Registration of Public Land Surveys policy.

Work is proceeding on enhancing the geo-referencing requirements for submission to SRD and LTO. Enhanced standards for geo-referencing will be communicated in the fall of 2009.

15) Are government departments working together to share information more effectively?

Yes, government departments are working together on the GeoDiscover Alberta Project; a cross-ministry partnership between the three natural resource and environmental management departments of Energy, Environment and Sustainable Resource Development to ensure information is interoperable and can be shared more effectively. In the process, they will establish a new way of working together through the establishment of shared governance, strategies and practices. A portal has been developed to provide a one window, integrated access point for all shared spatial data information.

16) How does Special Areas fit into the updated process?

Work is proceeding between SRD, Spatial Data Warehouse Ltd. and Special Areas to develop a disposition mapping program. Initially, only Mineral Surface Leases (MSL) and LOCs will be mapped. SRD's digital plan submission standards and current mapping fees will be applied and these dispositions will be mapped in the Digital Integrated Dispositions (DIDs) mapping program. Details and implementation timelines are pending.

Surveyors should continue registering their Special Areas PLA plans at LTO.

17) Does SRD have an enforcement strategy for receiving final or "as-built" survey plans?

SRD is evaluating this issue and discussions with the Canadian Association of Petroleum Producer's Resource Access committee are planned for the fall of 2009.

18) What additional information should be included on public land survey plans submitted to SRD?

Surveyors should show all the usual survey information that would have been included on the plan submitted to LTO. For example, ties to survey control, re-establishments, assumed bearings, etc.

19) We've several LTO style pipeline plans, where we need to return to the field to fix miss postings, subsequently the final date of survey will be after August 1st, 2009. Will we have to survey and add topography to these drawings, because the fix-ups push the field survey completion date past August 1st deadline?

Director of Surveys' comments: Yes, public land disposition surveys completed on or after August 1, 2009 will have to follow SRD submission (PCS, EDS submission) and plan (new affidavit, topographic and adjacent disposition information) standards.

20) Say you have a SRD registered disposition on crown land. What happens if the subject parcel becomes titled sometime afterwards? In that case, a LTO search would not show the SRD registered disposition, correct?

Director of Surveys' comments: This situation currently exists. The disposition holder is advised that SRD is selling the land and that they should protect their interests. Several options are available; private surface agreements could be signed with the new owner; blanket caveats could be registered at LTO; or utility rights-of-way (based on a sketch, description, or survey e.g. gas co-op) could be registered at LTO. Many clients go the caveat route, even when the pipeline plan is registered at LTO. In these cases SRD's PLA number is referenced in the caveat. In the future these plans will not be registered at LTO, but they will be available from SPIN 2 along with all other disposition plans, and clients may continue to register caveats.

- 21) How do we deal with a surveyed right of way or wellsite lease (because of course we now have to post them) if there is no PLA or MSL applied for? Do we go ahead and register a monument plan at LTO? Wouldn't this defeat the whole purpose of what you are trying to accomplish? I'm thinking that the firms out there with the 500, 750 or 1000 unregistered, dormant plans will just bury these plans. They are not registering their plans now, why will they change because of some magic SRD policy? I think the whole situation will be worse.

Director of Surveys' comments: In part, this question is addressed in FAQ 11; monument plans will be accepted at SRD in the future. The concern that surveyors will not submit their monument plans is in part, an ethical question that belongs with each Alberta Land Surveyor. The Alberta Land Surveyors' Association continues to review the dormant plans problem. The issue of not receiving final plans at SRD will also be addressed with the Canadian Association of Petroleum Producers, as indicated in FAQ 17.

- 22) Will the PLA application process change regarding sketch plans? Since you apply a PLA number on a sketch plan, you do not always receive a copy of the final monumented survey, whereas LTO does.

Director of Surveys' comments: The option of submitting sketch plans will continue. Clients need to understand SRD only authorizes plans that are registered with SRD, and what is at LTO is not recognized. Most clients believe they have completed the process when the plan is registered at LTO. Clients will need to change their thinking once they know the plan is not going to be registered at LTO, and they understand that the final monumented plan must go to SRD. The requirement of a final plan completed after construction has been a condition of approval for many years. Through a revised Area Operating Agreement (AOA) process, SRD is looking at ways of ensuring final plans are submitted. It is noted that thousands of dormant plans exist, which suggests LTO does not get all plans.

- 23) Item 2) of your cover letter states that registration at LTO is **not** required with respect to Sec 44(3) and 46(3) of the *Surveys Act*. But in two separate occasions on page 3 of the Alberta Justice legal opinion, Mr. Bachelder states that LTO registration is required. This seems to be a contradiction. Can you clarify?

Director of Surveys' comments: The requirement to follow Sections 44(3) and 46(3) of the *Surveys Act* is clarified in the two recommendations at the end of the Alberta Justice legal opinion. Recommendation 1 indicates that if the Director of Surveys determines that the number of plans re-establishing or establishing monuments on public land is low, the plans can continue to be registered at LTO. Recommendation 2 indicates that if the Director of Surveys determines that the intent of the *Surveys Act* is met with registration of these plans at SRD, then duplicate registration at LTO is not required. The policy supports the latter; that the intent of the *Surveys Act* has been met with registration at SRD and duplicate registration at LTO is not required.

- 24) FAQ question 1 shows the new affidavit. Is this to be used on **all** survey plans submitted to SRD from here forward, including wellsites? Or is the new affidavit only for those plans which include the placing of an iron post?

Director of Surveys' comments: Yes, the new affidavit is required on all survey plans completed on or after August 1, 2009, including wellsites that place spikes/bars. The new affidavit is **not** required on plans for surveys completed prior to August 1, 2009.

- 25) It was standard practice in some survey companies to have an ALS sign the surveyed construction plan that was submitted to SRD, but for many companies, this was not the case. In the new policy, under the section **Surveys completed prior to August 1, 2009**, item 2 states that if the survey plan on record at SRD matches the impending LTO plan, no action is required. Is this meant to apply to unsigned surveyed construction plans?

Director of Surveys' comments: Construction plans that have not been certified and signed by the surveyor will have to be certified, signed and re-submitted to SRD, even when the boundary information shown on the survey plan of record at SRD matches the final plan.

- 26) I have a final pipeline plan that I would like to submit to SRD. The right of way limits are identical to the plan currently on file with SRD, but the final plan shows additional survey data (evidence, intersections, ties, etc.). How can I submit a plan replacement to SRD?

Director of Surveys' comments: Currently, either the disposition holder or a land agent submits replacement plans, in the form of an amendment, to SRD. Part of the amendment process requires input of the disposition holder's client id, which is used for billing and system association with the disposition.

I have asked the Geomatics Committee of the Canadian Association of Petroleum Producers (CAPP) to comment on the question of land surveyors submitting replacement plans directly to SRD. I have also asked CAPP to comment on the additional option of surveyors submitting right of way boundary changes that reflect construction directly to SRD. CAPP will respond by end of November 2009.

- 27) My question is if there are any changes after August 1st for surveying requirement of a LOC in Surveyed Territory, other those stipulated in MSP. According to MSP Part D Sec 5.11, it is pretty obvious that placement of monuments is optional for surveying LOC. Sec 5.11.2 does not spell out clearly the requirements that land surveyors have to intersect every section line its LOC crosses. It only asks for making ties to existing surveys "to determine the relationship between the survey being performed and the Alberta Township System to the level of accuracy specified in Part C, Section 1.6 (Wellsite Surveys) on page 14." To me, it means as long as I have tied enough evidence to calculate section corners, I do not have to physically tied all of them in and intersect them. The level of accuracy specified on page 14 calls for 1:2500 closure. Please kindly confirm that the above requirements spelled out in MSP are not affected by the changes you introduced on Aug 1, 2009.

Director of Surveys' comments: No, the Dual Registration policy has not changed the survey requirements for LOC access roads, and surveyors can continue to follow Part D, Section 5.11 of the MSP. Monumenting an LOC access road is still optional and intersections may be calculated. Please note that effective April 1, 2011, all dispositions, including LOC access roads will have to be monumented with statutory iron posts and marker posts and monumented intersections with other surveyed boundaries will be required. See FAQ for more details.

- 28) I was wondering what your opinion is on this scenario that I am faced with.... I have some surveys that were posted in 2005-07. These are still active PLA's with plans to build in 2011. Now, according to the association these are dormant plans and I should register them. Now for your opinion as the DOS should I do a finalized construction plan with my affidavit and have the client send that in? and if so can I keep my survey dates or does this require a new field visit?

Director of Surveys' opinion: Yes, prepare a finalized construction plan with the new SRD surveyors' affidavit and have your client submit it to SRD as an amendment. A new field visit is not required (this is consistent with LTO) and you should use the original survey dates. With submission of the plan to SRD you have met the intent of the *Surveys Act*, a second plan is not required to be registered at LTO, and you no longer have a dormant plan.

With the August 1, 2009 Dual Registration policy, it is understood that several sections of the MSP will need to be reviewed and amended. I will continue to have discussions with the Council of ALSA and expect updates are forthcoming to the MSP.

- 29) I have sent my client several well site plans that were surveyed after August 1, 2009, but I have not used the new SRD affidavit. Will my plans be rejected?

Director of Surveys' comments: No, your plans will not be rejected. In order to provide surveyors more time to change their drafting templates, the new affidavit will not be mandatory until November 1, 2009. However, plans signed by the surveyor on or after November 1, 2009 will be rejected if the new SRD affidavit has not been used.

Original signed by

P.M. (Mike) Michaud, ALS, CLS
Director of Surveys

A stylized, handwritten-style signature of the word "Alberta" in black ink, followed by a small square icon.