Acknowledgement of Reclamation Requirements

Directive PNG016

February 3, 2026

Revision 6.0

Governing Legislation:

Act:	*The Oil and Gas Conservation Act*
Regulation:	*The Financial Security and Site Closure Regulations*
Order:	09-26

Record of Change

Revision	Date	Description
0.0	October 20, 2009	
1.0	November 4, 2010	Updated information pertaining to the cover letter, detailed site assessment, surface release and submission sections
2.0	November 13, 2013	Guideline updated to be more comprehensive
3.0	July 29, 2014	Revisions to sections 2.2, 4.3, 4.4.1, 5.2, 6, 8.2, 9 and 10.
3.1	August 27, 2014	Minor revisions for clarification to sections 2.1, 4.3, 4.4.1, 5.2, 6.4.
3.2	January 29, 2015	Minor revisions for clarification and update mailing address in section 4.1.
4.0	November, 2015	Update to facilitate introduction of IRIS in 2015.
5.0	October, 2019	Updates to establish routine and non-routine AOR application types, including Risk-Based Site Closure and Administrative Controls non-routine AOR application types.
5.1	July, 2020	Clarification on Landowner Acknowledgement Form requirements in section 4.4.
6.0	February, 2026	Clarifications and updates to align with FSSCR, the latest IRIS updates, and industry-requested changes. This also includes process updates from the Ministry of Agriculture, the Ministry of Environment, Environment and Climate Change Canada, and Indian Oil and Gas Canada.

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1. Overview

This Directive is intended to provide clarification of the existing regulations and reclamation submission requirements overseen by the Ministry of Energy and Resources (ER).

Pursuant to *The Financial Security and Site Closure Regulations* (FSSCR), upon the abandonment of a well or decommissioning of a facility, the respective site is to be assessed, decommissioned and reclaimed and the licensee is to submit a report which substantiates the satisfactory reclamation of the site. The application for an Acknowledgement of Reclamation (AOR) serves as the report.

Under the AOR Program, there are four types of applications available to licensees seeking to satisfy their reclamation obligations for their well and facility sites:

- **Acknowledgement of Reclamation** – For sites reclaimed in accordance with the FSSCR;
- **Grandfathered Reclamation Release** – For sites that were reclaimed before the implementation of the AOR Program on June 19, 2007.
- **Full Exemption from Reclamation (fully overlapping activity)** – For sites where reclamation is delayed due to full overlapping well or facility activities on the land area;
- **Partial Exemption from Reclamation (partially overlapping activity)** – For sites where reclamation is delayed due to partial overlapping well or facility activities on the land area.

Licensees can obtain a list of wells and facilities that are subject to the AOR Program by viewing the Licensee Liability Rating (LLR) *Well List* or *LLR Facility List* available through the Integrated Resource Information System (IRIS or on saskatchewan.ca). By applying the following selection criteria to the above-mentioned lists, a licensee can determine their wells or facilities with outstanding reclamation obligations.

- Select the licensee's name from the Operator Name column;
- Set the Well Status column to 'cancelled' or 'abandoned' (i.e. cut and capped for a well); and
- Set the Grandfathered Reclamation Release column to blank; and
- Set the AOR column to blank; and
- Set the Exemption from Reclamation column to blank or contains a "P".

2. Scope of the Acknowledgement of Reclamation Program

Pursuant to the FSSCR an application for an AOR must be submitted for any well or facility site in which reclamation has not been completed prior to June 19, 2007.

A "Site" as defined in the FSSCR includes the access road and is not limited to the extent of the leased area. Furthermore, clause 6-1(1)(d) of the FSSCR requires reclamation of any area beyond the site boundary that has been damaged, contaminated or otherwise adversely affected by the operations of the well or facility.

"Reclamation" is defined in the FSSCR but for the purposes of this Directive also includes decommissioning a site to remove surface infrastructure, equipment, machinery, concrete, refuse and materials.

An “improvement” is defined as any feature to remain in place after reclamation. These include, but are not limited to, fences, gates, approaches, cement pads, dugouts, culverts, lease roads, built up government road allowances and lease pads.

The licensee is expected to return the site as reasonably close to the conditions that existed prior to the time the well/facility operation was commenced, or to conditions comparable to the directly adjacent surrounding land. Therefore, the licensee shall:

- Remove all refuse material from the site and access;
- Drain and fill all excavations;
- Remove equipment and machinery, if applicable;
- Remove all surface infrastructure associated with the well/facility site; this includes but is not limited to overhead power lines, culverts, fences, access roads (including used/built up government road allowances), trails, above/below ground storage tanks, cement pads, water wells, borrow pits, etc.; and
- Level the surface to blend with the surrounding drainage/contours. This includes all disturbed areas within/outside of surveyed lease boundaries that were disturbed to access the site.

It is incumbent upon the licensee to check for additional supplemental information on the AOR website as this information can be updated without notification from ER.

3. Alternatives to the Acknowledgement of Reclamation Application

Licensees seeking to satisfy their well or facility site reclamation obligations may qualify to be exempted from the AOR application submission required under the FSSCR. To determine if a site is eligible for one of the alternative application submissions, review the information provided below or visit saskatchewan.ca.

3.1 Grandfathered Reclamation Release Application Requirements

Licensees of well and/or facility sites that were reclaimed before the implementation of the AOR program on June 19, 2007, may qualify to be exempt (grandfathered) from an AOR application submission required under the FSSCR.

The Grandfathered Reclamation Release authorization applies to those well and facility sites that were reclaimed before June 19, 2007, where ER has no record of either:

- A surface lease release from the landowner after completion of the reclamation work; or
- A certificate of release for the restoration of the well or facility site issued by the Surface Rights Board of Arbitration.

If eligible, the licensee may submit the completed *Grandfathered Reclamation Release Form* (available on saskatchewan.ca) and required attachments for consideration:

- **Survey** (use the most recent proposed or as-drilled survey available that accompanied the well or facility licence) that clearly identifies:
  - Areas where land use differs from historical surrounding land use;
  - Exemption from Reclamation areas approved by ER (highlighted in green) along with the Licensee and Licence # that retains reclamation responsibility of the exempted area;

  - Landowner authorized "improvements" remaining on site (highlighted in red); and
  - The remaining site and access road (highlighted in yellow).
- **Surface title(s)** from Information Services Corporation (ISC) identifying all of the current registered landowner(s) associated with the given well/facility site and access road(s).
- **Release** which may include one or more of the following documents:
  - Surface Lease Release signed by the landowner;
  - Certificate of Release issued by the Surface Rights Board of Arbitration;
    - NOTE: where the above documents do not match the current surface title holder(s) the Reclamation Feedback Form (available at saskatchewan.ca) is required to ensure there are no existing issues at the site.
- **Evidence of the reclamation** must be submitted where a Surface Lease Release or Certificate of Release was not dated prior to June 19, 2007.
  - For example, a time stamped aerial photo dated prior to June 2007 may be used provided it demonstrates that the site is equivalent to the surrounding area and no issues or concerns are present.

For sites that would otherwise qualify as grandfathered, but where available information would suggest an issue may still be present (contamination or otherwise), ER may require that the AOR application process be followed instead.

3.2 Exemption from Reclamation Application Requirements for Cancelled Well Licence Sites without Surface Disturbance

Licensees of licensed cancelled well and facility sites qualify to be exempted from an AOR application required under the FSSCR provided no surface disturbance exists at the site.

ER considers surface disturbance to be any physical disturbance at a site by the licensee beyond the in-field survey. This includes stripping soil or preparing the site, installing a fence, etc.

If surface disturbance exists solely due to the cancelled licence at a site ER will require an application in accordance with the AOR requirements in section 5.4 (licensed sites) or section 5.5 (unlicensed sites).

Licensees of licensed cancelled well and facility sites without surface disturbance are exempt from an AOR application and are not required to submit any form of application to zero the liability of the licence.

ER does not require a submission for unlicensed cancelled well or facility sites where no surface disturbance other than an in-field survey occurred.

3.3 Exemption from Reclamation Application Requirements for Sites with Overlapping Activity

Licensees of well and/or facility sites where reclamation is delayed due to overlapping activities on the land area may qualify to have the AOR application submission required under the FSSCR exempted in full or in part.

A licensee may apply for an exemption from reclamation when the land area of their cancelled/cut and cap abandoned well or decommissioned facility overlaps with another well or facility operation, belonging to the same or different licensees. However, an exemption from reclamation approval is not guaranteed. Therefore, ER recommends the licensee seek and receive partial exemption approval before reclamation work is carried out at the site to ensure the licensee does not incur additional work (at their expense) in the future prior to ER granting an AOR approval.

Please note that only one AOR application may be submitted per site. If multiple wells or facilities are located within the same site, an exemption must be prepared to consolidate the reclamation responsibilities for the overlapping licences into a single application.

The following sections provide examples of situations where the exemption from reclamation may be applied to overlapping activities involving the same licensee (section 3.3.1), different licensees (section 3.3.2), or overlap due to the occurrence of a contamination event off lease (section 3.3.3).

If eligible, the licensee may submit the completed *Exemption from Reclamation (overlap activity) Form* (available on saskatchewan.ca) and required attachments for consideration:

- Obtain the most recent survey for both licences involved in the overlap land activity. Each survey must clearly define the following:
  - Boundary of the well or facility site;
  - Boundary of the associated access road, where applicable;
  - Surface co-ordinates of the given well, where applicable;
  - Surveyed area assigned to the given well or facility site; and
  - Surveyed area assigned to the associated access road, where applicable
  - NOTE: in situations where a facility survey does not exist, it must be clearly discussed within the exemption form

- Complete the *Exemption from Reclamation (overlap activity) Form*:
  - All required information must be completed (i.e. if there is no non-exempt area remaining, a ‘0’ must be entered – the field cannot be left blank);
  - Refer to IRIS to ensure the correct owner names are provided for the licence numbers identified.
  - Both sections must be completed and digitally signed/dated by an applicable employee of the licensee to validate the document regardless of whether the exemption involves single or multiple licensees.
    - The first section provides details of the licensed well/facility site and the licensee requesting the exemption from reclamation due to overlapping land activity. Note: The Orphan Fund Procurement Manager is the representative signature required for deemed orphan well or facility sites.

    - The second section provides details of the licensed well/facility site and the licensee accepting responsibility to reclaim the exempted/overlapping area of land.
    - Note: if the overlap activity involves different licensees the application must be completed jointly by the applicable licensees.

- Prepare each of the surveys involved in the overlap activity as follows:
    - Use an arrow to clearly indicate the applicable wellbore location or facility boundary and label it with the corresponding licence number.
    - Highlight the applicable areas (so you can still see the survey information beneath it):
        - Green - overlap area being requested for exemption.
        - Yellow - any non-exempt site or access area associated with the licence proposed for exemption.
        - Blue - any non-exempt site or access area associated with the licence proposed to take on the reclamation obligations of the exempted area.
    - Provide the calculations used to derive the area assigned to the site, access, overlap and non-overlap areas reported on the exemption form, where it is not obvious.
- Provide an aerial photo of the sites with lease boundaries outlined. Acceptable sources include, but are not limited to, publicly available satellite imagery such as that accessible through Google Earth.

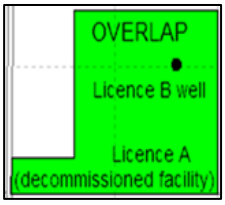
If an exemption from reclamation (overlap activity) is approved, the responsibility to reclaim the exempted area is transferred to the licensee identified in the application that accepted reclamation responsibility of the lands with the overlapping activity. ER will increase the reclamation liability of the licence taking on the reclamation obligations of the exempted area to the highest liability between the two licences involved in the exemption if its current reclamation liability is less than the licence receiving the exemption. This is being done to ensure there is sufficient coverage to reclaim the exempted area.

3.3.1 Site Overlap Activities Involving a Single Licensee

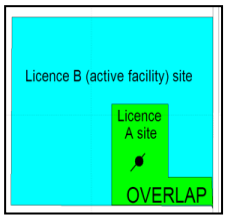
A single licensee may be unable to fully reclaim an abandoned/cancelled licensed well or decommissioned facility site because the entire land area, or a portion thereof, is still being used for another one of their well or facility operations.

In this situation, the single licensee would complete both sections of the Exemption from Reclamation (overlap activity) Form, along with the survey requirements, as they would be applying to exempt the reclamation requirements of the overlap area (portion or entire site) associated with their one licensed site and accept to transfer the reclamation responsibility to their other licensed site. The licensee must disclose any known issues (contamination or otherwise) existing at the proposed exempted area within the exemption application.

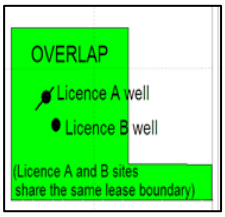
Some examples of activities that would be considered for full exemption from reclamation involving a single licensee are:



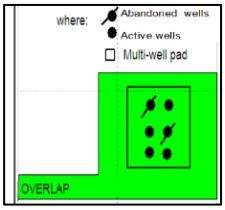
Example 1: A single licensee has a decommissioned facility site (licence A) and an active well (licence B) that share the exact same lease boundary. In this instance the licensee cannot reclaim the facility site as they need it for the well operation. Therefore, the licensee may apply to ER to have the entire site overlap exempted from licence A's reclamation requirements and transferred to licence B.



Example 2: A single licensee has two leased sites in which the abandoned well (licence A) lease boundary is entirely contained within their active facility (licence B) lease boundary. In this instance the licensee cannot reclaim the well site as they need it for the facility operation. Therefore, the licensee may apply to ER to have the entire site overlap exempted from licence A's reclamation requirements and transferred to licence B.



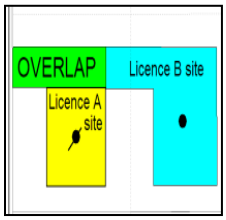
Example 3: A single licensee has an abandoned well (licence A) and active well (licence B) that share the exact same lease boundary. In this instance the licensee cannot reclaim the site as they need it for the licence B well operation. Therefore, the licensee may apply to ER to have the entire site overlap exempted from licence A's reclamation requirements and transferred to licence B.



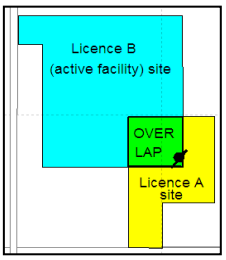
Example 4: A single licensee has a multi-well pad located on a single lease site that consists of both abandoned and active wells. In this instance the licensee cannot reclaim the site as they need it for operating the active wells. Therefore, the licensee can apply to ER to have the entire site overlap exempted from the abandoned wells reclamation requirements and transferred to one of the active wells on the pad. A separate exemption application is required for each abandoned well on the pad.

Example 5: A single licensee built and prepared a proposed wellsite. However, they did not drill the well within a year and the licence subsequently expired and was cancelled. The licensee does not want to reclaim the site because they intend to licence and drill a well on the built lease. Therefore, the licensee can apply to ER to have the entire site overlap exempted from the reclamation requirements of the cancelled well and transferred to the newly licensed well once it is drilled. This application would only be required where reclamation liability is present on the cancelled well.

Some examples of overlap activities that would be considered for **partial exemption from reclamation:**



Example 6: A single licensee has two separately leased sites that are connected by the same access road. Entry to both sites is through the abandoned licence A well. In this instance the access road (overlap portion) cannot be reclaimed with the licence A site as it is needed to access the licence B site. Therefore, the licensee may apply to ER to have the overlap portion exempted from licence A's reclamation requirements and transferred to licence B.



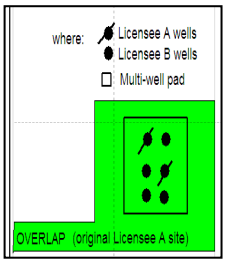
Example 7: A single licensee has two separately leased sites in which the abandoned licence A well site and the active Licence B facility site share a common land area. In this instance the overlap portion cannot be reclaimed with the licence A site as it is needed to operate the licence B site. Therefore, the licensee may apply to ER to have the overlap portion exempted from licence A's reclamation requirements and transferred to licence B.

3.3.2 Site Overlap Activities Involving Different Licensees

A licensee may be unable to fully reclaim an abandoned/cancelled licensed well or decommissioned facility site because another licensee is currently using a portion or the entire land area to operate their own licensed well or facility.

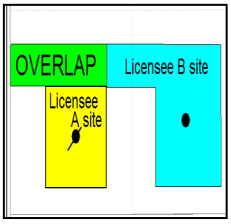
In this situation, the licensees must jointly complete the Exemption from Reclamation (overlap activity) Form whereby one licensee applies to exempt the overlapping area from their reclamation requirements, and the second licensee acknowledges responsibility for the future reclamation of the exempted area. The licensee who is applying for exemption must disclose any known issues (contamination or otherwise) existing at the proposed exempted area within the exemption application.

An example of overlap activities that would be considered for full exemption from reclamation involving different licensees:

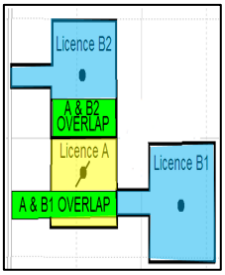


Licensee A has a multi-well pad located on a single lease site that consists of both abandoned and active wells. Licensee A decides to retain the abandoned wells and sells the active wells to licensee B. In this instance licensee A cannot reclaim the site as licensee B needs it to operate their active wells. Therefore, the licensees may jointly apply to ER to have the entire site overlap exempted from licensee A's reclamation requirements and transferred to one of the active licensee B wells. A separate exemption application would be required for each of the abandoned wells.

Some examples of overlap activities that would be considered for partial exemption from reclamation involving different licensees:



Example 1: Licensee A has an abandoned well site with an access road that is also being used by licensee B to gain entry to their licence B well site. In this instance the access road (overlap portion) cannot be reclaimed with licensee A's site as it is needed to access licensee B's site. Therefore, the licensees may jointly apply to ER to have the overlap portion exempted from licence A's reclamation requirements and transferred to licence B.

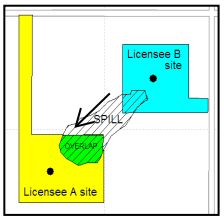


Example 2: Licensee A has an abandoned well site which is partially overlapped by two other active well sites operated by licensee B (licence B1 and B2). In this instance the two overlap areas cannot be reclaimed with licence A's non-overlap area as they are needed by licensee B. For licensee A to satisfy their reclamation obligations the licensees (A and B) must jointly apply to ER to have the overlap portions exempted from licence A's reclamation requirements and transferred to licence B1 and B2. A separate exemption application would be required to receive partial exemption for the licence A & B1 overlap and for the licence A & B2 overlap. After the partial exemption approvals have been obtained licensee A must reclaim the non-exempted portion of the licence A site and submit an AOR application to have the reclamation liability removed.

3.3.3 Overlap Due to Off-lease Contamination Issues

Situations may arise where the activities of one licensee's site may have adversely impacted another licensee's site (for example a spill occurred). The responsible party is expected to have the impacted lands reclaimed as soon as possible. Licensees are reminded that pursuant to section 17.01 of *The Oil and Gas Conservation Act* (OGCA), ER may intervene, if necessary and order the responsible party to carry out reclamation work for the purpose of public safety or the safety of any person, for the protection of property or the environment, etc.

ER realizes that reclamation of the impacted area in a timely manner may not always be possible. As such, ER may consider an exemption from reclamation (overlap activity) application that is jointly completed by both licensees and accompanied by a Phase II investigation, remediation plan and the applicable licence surveys. It is the responsibility of the licensee whose site the impact originated from to have the Phase II and remediation plan prepared.



For example, licensee A's site has been impacted by a spill originating from the operations at licensee B's site. The spill extends from the surface to the subsoil and groundwater. In this situation licensee A may apply to ER to have the impacted portion of their site exempted from their reclamation requirements and transferred to licensee B.

If all requirements of the application have been met, ER will notify both licensees that licence A has received a partial exemption from reclamation. At this time the liability associated with the licence A site will remain unchanged. However, the liability associated with the licence B site may be increased depending on the extent of contamination. When licensee A reclaims the remainder of their site they can submit an AOR application that excludes the area impacted by licensee B's site to have the liability removed. Likewise, when licensee B reclaims their site, assuming licensee A is no longer using the site, they must submit an AOR application that includes the impacted area exempted from licensee A's responsibility.

4. Acknowledgement of Reclamation Application Components

Pursuant to subsection 6-1(1) of the FSSCR, upon abandonment of a well or decommissioning of a facility, the respective site is required to be assessed, decommissioned and reclaimed and the

licensee is required to submit a report (AOR application) that substantiates the satisfactory reclamation of the site.

The AOR application is required for all well and facility sites, including dry and abandoned wells, stratigraphic test wells, built not drilled well sites, and licensed wells associated with coal exploration. Potash wells that fall under the Directive PNG016 requirements are outlined in *Guideline PNG049: Potash Well Requirements*.

The AOR application must be prepared, with the exception of the cover letter and reclamation feedback sections by a qualified third-party consultant (as defined in section 4.8) and include the following components:

- **Cover Letter** – intent of application, licensee contact information, supplemental information and signed declaration;
- **Summary Statement of Conclusions and Recommendations (SSCR)** – consultants summary of the entire history of the site, landowner communication, contact information and signed declaration;
- **Reclamation Feedback Form** – provided to and filled out by the registered landowner(s) or authorized designate, along with corresponding details relating to the given site/access (i.e. current ISC surface titles, survey and disclosure of any pipelines and/or flowlines left onsite);
- **Environmental Site Assessment (ESA)** – Phase I ESA is mandatory; along with subsequent Phase II ESA, where required;
- **Remediation Report** – where applicable, summarizing the work conducted to address any issues identified at the site;
- **Reclamation Information** – where available, summarizing the work conducted to return the site to as similar as possible to the surrounding area. Professionally certified reports are not necessary; a description of on-site work, such as daily activity records etc., is acceptable. Where this information is not available it must be discussed in the SSCR.
- **Detailed Site Assessment (DSA)** – a soil, vegetation and landscape assessment of the re-contoured and re-vegetated site.

The minimum requirements for each component of the AOR application are explained in detail in the following sections.

It is the responsibility of the third-party consultant compiling the AOR application to review all prior work, and when incomplete or not in agreement, include additional reasoning and justification that the site meets all requirements of this Directive. Where the third-party consultant does not believe the requirements are met, further investigation is required.

As of the date this Directive version comes into force, the licensee/qualified third-party consultant must digitally sign and date as well as stamp (where applicable) all AOR required documents to validate the documents. Reports completed prior to this do not need to be updated with a digital signature.

4.1 Cover Letter Requirements

The licensee ultimately bears responsibility for their sites as it is the licensee that is seeking an AOR approval to remove the associated reclamation liability. Therefore, the licensee must

review the AOR package and prepare the cover letter to accompany the AOR submission made by the third-party consultant. Unsigned documents and/or incomplete submissions will result in the application being denied.

The cover letter must include the following information:

- **Well or facility site information**, such as:
  - Licence # (where applicable);
  - Unique well identifier (if applicable); and
  - Legal Land Description of the site Surface location.
- **Contact information** – licensee name and mailing address along with the licensee representatives name, phone number and email address (as ER may need to contact them to discuss a component of the submission).
- **Crown Land Disposition Number** – include the Crown Land Disposition Number that corresponds to all sites that are located on Crown owned land.
- **Intent of the application** – to apply for an AOR;
- **Supplemental information** – provide additional support, from the licensee's perspective, regarding the site that was not already addressed in the application (i.e. address why a third-party consultant's recommendations may not have been carried out by including an alternate interpretation, or why a landowner complaint may not have been considered valid, etc.).
- **Declaration statement** – acknowledgement by the licensee representative that the site reclamation has met all ER requirements (including required signatures on all documents).
- **Signature –** the licensee representative must sign and date the cover letter to validate the declaration statement.

Although the cover letter will be submitted with the entire AOR application, the licensee may wish to address the cover letter to the following:

Remediation and Reclamation
Liability Management Branch
Ministry of Energy and Resources
610 – 1945 Hamilton Street
Regina, Saskatchewan S4P 2C7

4.2 Summary Statement of Conclusions and Recommendations Requirements

Following the cover letter, the third-party consultant must provide a letter summarizing the components of the AOR application's most relevant information pertaining to the site. This must include the reclamation/remediation work performed at the site that supports the recommendation that the site is suitable for AOR in the professional opinion of the consultant. ER considers this component extremely important, and it must be completed by a third-party consultant. Otherwise, the application will be denied.

The SSCR must include the following information:

- **Well or facility site information**, such as:
  - Licence # (where applicable);
  - Unique well identifier (if applicable); and

- Legal Land Description of the site Surface location.

- **Contact information** – third-party consultant company name along with the name, phone number and email address of the consultant who prepared this summary (this should generally be the same consultant that prepared the passing DSA and will be submitting the AOR application on behalf of the licensee).
- **Summary** – this should include a chronological history of the site, the purpose of the site, the well or facility type, whether or not the well produced/injected, a summary of each report included within the AOR application, spill events, landowner communication, inconsistencies in data, potential justification if DSA or remediation criteria could not be met. **Landowner communication should be detailed and include attempts to contact and dates of discussions. Any concerns raised by the landowner must be thoroughly investigated and include what was done to validate or invalidate these concerns, including offering to meet the landowner on-site, completing additional reclamation work (where required), and any other relevant follow up measures.** If the Phase I ESA was done prior to well abandonment (i.e. cut and cap) or a facility being fully decommissioned, then this summary must also address section C of the Phase I ESA Form (available on saskatchewan.ca). The summary should be as detailed as possible and include all relevant information as well as why potential missing information or data gaps are not a concern.
- The following is a very brief, reduced example of a SSCR. A more detailed example of an SSCR is available within the supplemental information on saskatchewan.ca. Please include as much information as possible to ensure no data gaps or questions remain:

  "As part of the Phase I ESA, all available documentation was researched including drilling records, drilling waste disposal documentation, etc. There are no records of any spills or incidents that occurred on the site that would be of environmental concern. A site visit was conducted and there was no evidence of contamination or impacts to adjacent lands. The well was drilled in March 20XX as a stratigraphic test well for sampling purposes only; the well was not used for oil and gas production purposes, and it was subsequently abandoned in May 20XX. Based on the results of the Phase I ESA and the relative low risk of the well, it is concluded that the likelihood of adverse impacts caused by the existence of the well are remote and therefore it is recommended that further investigation is not warranted. A DSA was conducted in August 20XX and the results indicate a pass for all DSA criteria. The landowner was contacted prior to the DSA and did not raise any concerns with the reclamation and signed the Reclamation Feedback Form on September 12, 20XX. The landowner's name was John Doe and can be reached at 306-555-5555 or at john.doe@email.net. It is concluded that the site has been successfully reclaimed and is recommended for Acknowledgement of Reclamation."
- **Declaration statement** – acknowledgement by the consultant that the site reclamation has met all ER requirements (including required signatures on all documents);
- **Signature** – the qualified third-party consultant must digitally sign and date the document and professionally seal, where applicable, and indicate third-party consultant qualification (as defined in section 4.8) within the SSCR document to validate the declaration statement.

4.3 Landowner(s) Communication and Reclamation Feedback Form Requirements

ER has developed a Reclamation Feedback Form (RFF) available on saskatchewan.ca. The RFF must be completed jointly by the licensee (representative or third-party consultant) and all applicable landowner(s) or their authorized designate (via written agreement or documented

verbal agreement). Multiple landowners residing at the same address may complete a single RFF, with all necessary signatures. The name, address, and contact information for all landowners or authorized designates must be provided within the RFF. For land owned by corporations, an ISC Corporate Registry Profile must be obtained with any director listed able to sign the RFF on behalf of the corporation.

ER considers a Landowner's feedback to be an important component of the AOR application to substantiate the satisfaction of the landowner(s) with the reclamation that has occurred at the given site/access. Therefore, it is expected that the licensee will actively engage with the landowner, providing explanations and answering questions when attempting to obtain a filled out/signed RFF. Sending the AOR package and RFF via registered mail without follow-up is not adequate landowner engagement.

ER requires that the licensee make the AOR application available to the landowner(s) or their designates, if requested, and allow them 30 days to review all supplied information and to investigate the site. As soon as the landowner returns the RFF, the licensee may apply for an AOR regardless of whether this 30-day review period has passed.

Landowners are not obligated to sign the RFF but are encouraged to fill the form out, including their contact information, to ensure that if concerns are raised, ER can contact them to discuss further. If a landowner states they are unwilling to fill out/sign the RFF, the licensee may apply for an AOR after the 30-day review period has passed. The landowner's unwillingness to sign the form should be documented and, if known, the reasons why they are unwilling to fill in/sign the RFF should be documented in the SSCR.

It is noted that land owned by the federal or provincial government (Crown Land) must be signed off by the appropriate representative. An AOR cannot be submitted for Crown Land until the required representative has reviewed the site and has provided a signed RFF.

A signed Reclamation Feedback Form does not constitute a surface lease release or have any relevance to the surface lease agreement made between the licensee and landowner(s) or the Surface Rights Board of Arbitration requirements.

Licensees are expected to make every necessary effort to resolve issues at the given site with the landowner(s) prior to submitting an AOR application. This includes meeting landowners on site to validate or invalidate their concerns. ER acknowledges that an on-site meeting with the landowner may not always be possible. In such cases, the SSCR must clearly document why the landowner could not be met and outline the steps taken to validate or invalidate the landowner's concerns. If unresolved landowner issues are identified in the RFF, despite attempts by the licensee and/or third-party consultant to rectify these, ER will follow-up directly with the landowner to assess the scope and nature of the issue. If ER determines that the complaint is substantiated, the licensee will be notified that the AOR application is denied, and the applicant will be required to revisit the site and conduct additional work (at their own expense) before an AOR application will be considered.

It is recognized that there will be situations where the licensee is unable to establish contact with the landowner. It is expected that the licensee will make numerous contact attempts over a

reasonable period of time. If after this period has occurred the licensee was not able to contact the landowner, an AOR application may be submitted documenting the following information:

- The date the landowner(s) were provided the RFF;
- The contact name and the company that was trying to contact the landowner(s);
- The contact method(s) used;
- Date/time of contact attempts; and
- The results of each attempt.

Prior to distributing the RFF and required attachments to the applicable landowner(s), the licensee must:

- Complete the General Information section;
- Complete questions 1 to 3 of the Reclamation Feedback section for situations that are not applicable so the landowner knows a response is not required;
- Complete question 2 of the Reclamation Feedback section, where applicable, to identify any "improvement" features where the licensee is seeking the landowner(s) authorization to remain in place. ER will not accept "improvements", even with the landowner(s) authorization, if they are not legitimate or logical or if they pose a potential environmental risk, such as but not limited to:
  - Access roads or cement pads that are unstable, hazardous or erosive;
  - Contaminated soil or groundwater that are not remediated or risk managed; or
  - Areas that are not reclaimed and are not improvements for landowner use.
- Obtain the surface title(s) from ISC identifying all current registered landowner(s) associated with the given well/facility site and access road. ER must be notified if the licensee/consultant becomes aware of any changes made to the surface title ownership after the AOR application is submitted and prior to the AOR approval being issued;
- Obtain the applicable survey (use the most recent proposed or as-drilled survey that accompanied the well or facility licence) and clearly identify:
  - Areas where land use differs from historical surrounding land use;
  - Exemption from reclamation areas approved by ER (highlighted in green) along with the licensee and licence # that retains reclamation responsibility of the exempted area;
  - Landowner authorized "improvements" remaining on site (highlighted in red); and
  - The remaining site and access road (highlighted in yellow).
- Obtain a disclosure survey, diagram or sketch, where applicable that identifies the approximate location of any pipelines, flowlines, or other underground lines remaining in-place that were used in the well/facility site operation;
- Obtain authorized designate documentation (via written agreement or documented verbal agreement), where applicable that clearly demonstrates the authority of the designate to complete the RFF on behalf of the registered landowner(s). Acceptable documentation may include:
  - A letter signed by the registered landowner(s) appointing a designate where multiple landowners are involved;
  - Documentation showing the designate as the executor of estate, power of attorney, or representing lawyer, where the title is held "in-trust" or to someone who has passed away or is incapacitated;
  - A business card or explanation of the designates affiliation with the organization (i.e. Ministry of Environment, Ministry of Agriculture, etc.) which is acting on behalf of His

Majesty the King (HMK) (refer to the *Addresses for Service* portion of the surface title to determine the organization acting on HMK's behalf);

- Saskatchewan Corporate Registry Profile Report from ISC that clearly identifies the designated authority/role (i.e. the president, holding the majority of the voting shares in the corporation), where the surface title is held by a corporation; or
- any other documents which demonstrate such authority.

4.4 Environmental Site Assessment

A third-party Environmental Site Assessment (ESA) (minimum Phase I ESA) is required to be conducted **upon abandonment of a well (i.e. cut and capped)** or **decommissioning** of a facility as per subsections 6-1(1) of the FSSCR, except for built not drilled well sites (sections 5.4 and 5.5).

The ESAs must meet the standards set by *Directive PNG033: Phase II Environmental Site Assessment* (Directive PNG033, available on saskatchewan.ca) and Canadian Standards Association (CSA) *Phase I ESA (Z768-01)* and *Phase II ESA (Z769-00)* documentation. The following sections will provide the Phase I and II ESA documentation requirements for the AOR application submission.

4.4.1 Phase I ESA Requirements

To standardize this component of the AOR application, ER has developed a Phase I ESA Form available on saskatchewan.ca. The Phase I ESA Form is a fillable PDF that must be completed electronically to ensure the data entered meets the requirements of the dropdown options provided.

All sections within the Phase I ESA Form and required attachments are mandatory, unless otherwise indicated within the form, and the qualified third-party consultant must complete the declaration portion of the Phase I ESA Form to validate the document. An unsigned and/or incomplete Phase I ESA Form will result in the AOR application being denied.

The Phase I ESA may be conducted prior to well abandonment or facility decommissioning. However, where this occurs ER requires section C of the Phase I ESA Form to be addressed in the SSCR component of the AOR application to ensure the application is complete.

All components of the Phase I ESA Form must be completed by a single third-party consultant company and address the following four principal components:

1. Record/Desk-top Review

The third-party consultant must conduct a search to acquire all relevant information regarding the site being investigated. At a minimum, the consultant must review the information listed in the table below:

Records to be reviewed	Source of Information
Surface Title Search	ISC – Land Titles
Aerial Photographs Include a minimum 1 pre-disturbance, 1 post-disturbance, and 1 photo for every 3 years of the site being active. Details of what is occurring in the photos including land use, water bodies, residences, identifying construction changes, changes in structures to site, etc., need to be discussed. Where these are not available or no change has occurred between photos, it must be spoken to.	ISC – Maps & Photos, Google maps, etc.
Historical Site Activity (i.e. well, facility, pipeline, flow lines) This includes overlapping licences that do not have AOR approvals, facilities, etc. Overlapped Grandfathered sites must be fully investigated during the AOR.	Companies' files, GeoScout, AccuMap or ER's Info Map, ER's IRIS system or hardcopy files* or the *Licensee Liability Rating (LLR) Well or Facility Lists* available on saskatchewan.ca
Previous ESA reports	Companies' files or ER's IRIS system or hardcopy files*
Site Specific Records (i.e. licence, survey, A1 form, daily drilling reports, landowner(s) approval to dispose of material off-site, drilling mud and additive list, tour reports, manifests, contractor invoices/truck ticket/invoices (Gas Migration, Abandonment Reports, Well Centre Sampling, etc.)	Companies' files or ER's IRIS system or hardcopy files*
Upstream Incident/Spill Information All historical spills that are associated with the site, including pipeline releases off lease, must be investigated	1) Companies' files; or 2) Visit ER's Incident Management and Reporting Webpage (available on saskatchewan.ca) to obtain the *PNG Spill Directory* and The Saskatchewan Upstream Oil and Gas IRIS Incident Report; 3) View the incident reports through ER's IRIS system.
Site Topography, Soil Classification, Groundwater Maps, or Hydrological Reports	Company files or Water Security Agency of Saskatchewan
Salinity Maps	Agriculture & Agri-Foods - South Saskatchewan & North Saskatchewan Maps
*Non-confidential information may be viewed through IRIS by those with a valid Business Associate (BA) ID. Those without access to IRIS can make information requests through the ER Service Desk at 1-855-219-9373 or ER.servicedesk@gov.sk.ca.	

2. Site Visit/Inspection

A site visit is mandatory for the Phase I ESA and photographs must be included that substantiate the condition of the site along with any visual signs of on-site/off-site soil contamination (i.e. surface staining, reduced vegetation growth, visible salt crystals, etc.) that was noted at the time of the visit. Each picture must include a caption detailing the date taken, location taken from,

direction facing and significance of what is being photographed. Unmanned Aerial Vehicle (UAV) photographs of the site should be submitted to provide additional details of the site.

3. Interviews

In some cases, a landowner/occupant is the only knowledgeable source of information on the history of the site. Therefore, an application is considered incomplete if there is no indication that the landowner was contacted during the Phase I ESA.

Several attempts must be made to contact the landowner, their designate or an occupant, and each attempt must be documented. A single unanswered phone call is not sufficient. If the landowner or occupant cannot be contacted after several attempts, proof of reasonable attempts by the consultant including the dates, time and method(s) used (phone, email, registered mail, in person, etc.) must be provided.

As part of the third-party's due diligence to determine potential sources of contamination, interviews must be conducted with the site landowner/occupant/operator and potentially the adjacent landowner/occupant. For Crown land, a landowner interview is not required. However, an interview must be conducted with the occupant or renter, where one exists.

The details to be discussed during the interview include, but are not limited to, the following:

- Site history and location of facilities or structures;
- Waste management and waste disposal practices;
- Spills and the clean-up procedures implemented;
- Location of unproductive land (i.e. salt, sterilant or hydrocarbon damaged soil);
- Location of slumping soil (especially around the well head);
- Location of backfilled and/or previously remediated drilling sumps and pits; and
- Concerns or comments regarding any problem areas that may have been missed and the degree of satisfaction with the remediation/reclamation work.

If the third-party consultant conducting the assessment has a concern or receives a complaint from the landowner/occupant regarding the site it must be investigated and addressed prior to submission of the application. Furthermore, the application must document the licensee's response in addressing the concerns or complaints. Otherwise, the application will be denied.

4. Landowner Information letter

ER has created the landowner information letter (available at saskatchewan.ca) which is to be given to the landowner and explained in detail during the Phase I ESA. This is meant to properly explain the process from abandonment to AOR, what steps are involved, any questions the landowner has regarding the process, any remediation/reclamation concerns, or any other issues with the process the landowner has. This conversation should also explain that once an AOR application is approved by ER, lease payments end (further questions regarding payments should be directed to licensees) and that as per Section 6-3(1) of the FSSCR the licensee is forever responsible for environmental liability associated with the site.

Note: For Phase I ESA's completed prior to the release of this Directive, this document must be discussed with the landowner prior to submission of the AOR application and documented within the SSCR.

5. **Phase I ESA Evaluation** (provided by the third-party consultant)

ER provides latitude to the qualified consultants (defined in section 4.8) to exercise their professional judgement to ensure their client meets the reclamation regulatory obligations and due diligence requirements. It is the responsibility of the consultant to determine if the information gathered during the Phase I ESA does or does not show evidence of actual or potential contamination and make recommendations as to whether a Phase II ESA and/or additional remediation work is required.

If information is not available, or evidence indicates further investigation is warranted because it cannot be concluded that the drilling waste was dealt with in a manner that was compliant with the *GL 99-01 Saskatchewan Drilling Waste Management Guideline* (available at saskatchewan.ca), then a Phase II ESA of the site is required.

4.4.2 Phase II ESA Requirements

The third-party consultant must refer to *Saskatchewan Environmental Quality Guidelines* (available on saskatchewan.ca), to determine the applicable sampling parameters, requirements and remediation criteria for the given site based on the amount, quality and nature of information obtained during the Phase I ESA. ER is not opposed to the use of site assessment guidelines and remediation criteria currently used in similar jurisdictions and prior approval from ER is not required. However, an explanation of the rationale for using the alternate criteria must be addressed in the application.

The Phase II submission must be prepared by a qualified third-party consultant (as defined in section 4.8) and include the following information as detailed in Directive PNG033 (available on saskatchewan.ca) and CCME *Phase II ESA (Z769-00)* document:

- **Well or facility site information** – licence # and surface location of site;
- **Contact information** – of the party that did the Phase II ESA investigation and prepared the report (It is ER's experience that the best results occur when the same consultant completes all work required to obtain an AOR, from PHI to DSA, however this is not a requirement);
- **Site Diagram** outlining the site and identifying the sample locations in association with the historical site infrastructure (well head, storage tanks, production pad, sumps, pits, etc.) along with the direction of surface/groundwater flow and surface water bodies. The site diagram must also show all sample locations and highlight all locations where concentrations exceed criteria;
- **Sampling/Analytical Data Summary Table** that clearly identifies the following:
  - **Sample location identifier** – borehole number and associated investigation area (well centre, AST, spill, control, etc.);
  - **Sample type** – control, topsoil, subsoil, groundwater, surface water, etc.;
  - **Sample depth** – provided in metric units;
  - **Analytical data results** – concentrations (exceeding criteria highlighted) and units; and
  - **Evaluation criteria** and source used.

Note: composite samples are not acceptable except when sampling stockpiles and laboratory data sheets must be included at the end of the report. Discrete samples are defined in section 14.1 of *Directive PNG045: Acknowledgement of Reclamation for Sodium Chloride Impacted Sites* (Directive PNG045), available on saskatchewan.ca.

- **Photos** documenting the current condition of the site, including any environmental or contamination issue(s) associated with the site or adjacent land;
- **EM Survey** (with the site boundary and historical infrastructure identified) is a highly recommended tool. Note: ER may require an EM survey to be conducted, if not done prior to AOR submission, to provide further assurance that salt contamination is not present at a site;
- **Interpretation/Discussion** provided by the third-party consultant regarding the following:
  - Discussion of the soil at the site and location of any surface water bodies, depth of the water table and potential direction of surface/ground water flow (based on regional map information);
  - Interpretation derived from the EM survey, if one was conducted; and
  - Interpretation of the sampling/analytical data based on the criteria used to assess the extent of the contamination present on and off-site.
- **Conclusions/Recommendations** provided by the third-party consultant regarding the extent of the contamination present on and off site and suggested follow up work required to remedy any issue(s) at the site.

The qualified third-party consultant must digitally sign and date as well as stamp (where applicable) the Phase II ESA to validate the document.

4.5 Remediation Report Requirements

If issues are identified in the Phase I and/or Phase II ESAs that indicated further work is required to remediate the site, the AOR submission must include a remediation report that summarizes the following information:

- **Well or facility site information** – licence # and surface location of the site;
- **Contact information** – of the party that did the remediation work and prepared the remediation report summary (include third-party consultant company name along with the name, phone number and email address of the consultant who prepared the summary
- **Summary** – details of the remediation activities (including the dates conducted);
- **Site diagram** indicating the remediated area in relation to the site's historical infrastructure and previous ESA work. The site diagram must include the dimensions of the excavation (length of the sides and depth), location of excavation within the site, and location of samples collected from the excavation;
- **Confirmatory sample** results to confirm the soil and/or water remediation has been achieved. Samples from the excavated area are to include: wall and floor samples along with a background sample where justification is required for comparison. GPS coordinates of confirmatory sample locations should be recorded. Laboratory data sheets must be attached at the end of the report. The samples/analytical data collected must be summarized in a table which clearly identifies:

  - **Sample location identifier** – background controls, backfill, excavation walls and floor, etc.;
  - **Sample depth** – provided in metric units, where applicable;
  - **Analytical data results** – concentrations (exceeding criteria highlighted) and units; and
  - **Evaluation criteria** and source used.
- **Backfill samples** of the subsoil and topsoil being used to backfill the excavation. Location of the backfill source must be included. Laboratory data sheets must be attached at the end of the report;
- **Photos** of the site before, during and after remediation;
- **Waste Information** including the volume of excavated material, the disposal location and associated waste manifests; and
- **Interpretation/Discussion** provided by the third-party consultant regarding the sampling/analytical data based on the criteria used to assess the results of the remediation activities. The report must address any residual impacts that are to be left in situ and why they can remain.

Where historical information does not meet current standards, or where required information is missing, rationale must be provided explaining why the information provided is acceptable and how the site has been properly remediated.

4.6 Reclamation Information Requirements

Once any/all issues identified in the Phase I and/or Phase II ESAs have been addressed and the site has been remediated and reclaimed, the AOR submission shall include documentation that summarizes the following reclamation information:

- **Well or facility site information** – licence # and surface location of the site;
- **Contact information** – of the party that did the reclamation work and prepared the reclamation report summary (include company name along with the name, phone number and email address of the employee who prepared the summary);
- **Summary** – details of the reclamation activities (including the dates conducted);
- **Site diagram** – indicating the reclaimed area in relation to the site's historical infrastructure and activities;
- **Information** – regarding seeding details and the use of fertilizers, herbicides, sterilant, or soil amendments such as manure, gypsum, straw, and peat must also be included where used to reclaim the site; and
- **Photos** of the site before, during and after reclamation. Please include UAV photographs of the site where available to provide a better perspective to those reviewing the AOR application.

As part of the reclamation information, it is required to submit any vegetation monitoring activities/reports that were completed at the Site. These include but are not limited to site visits to check on site development, UAV photos that were taken and on-site photos taken prior to a passing DSA.

The reclamation information does not need to be a finalized, professionally stamped report, but is instead meant to show the work completed at the site over time (i.e. daily reports, etc.). This

allows ER to review the progression of the vegetation on site and answer landowner concerns. The information can include licensee/consultant third party monitoring forms, or DSA forms.

Where this information is not available or cannot be obtained, it must be spoken to in the SSCR.

4.7 Detailed Site Assessments Requirements

The DSA includes the assessment of the landscape, soil and vegetation parameters of the entire site; including the access road. The DSA must be completed for all sites after final reclamation activities have been completed, unless otherwise noted, to ensure the site is comparable to the surrounding area and meets the reclamation requirements as defined in section 1-2 of the FSSCR.

As part of the AOR application the third-party consultant is required to complete the DSA Form (available on saskatchewan.ca) to provide evidence that the site meets the criteria requirements prescribed in *Directive PNG018: Detailed Site Assessment Requirements* (Directive PNG018), available on saskatchewan.ca). All sections within the DSA Form and required attachments are mandatory, unless otherwise indicated and the qualified third-party consultant must complete the declaration portion of the DSA Form to validate the document. A passing DSA is required with the AOR application. An unsigned, incomplete or inaccurate DSA Form will result in the AOR application being denied.

DSA assessments should be completed on healthy, undamaged vegetation. Therefore, DSAs cannot be completed on cultivated lands during years experiencing severe weather events (such as drought, flooding, etc.) that significantly deviate from historical averages, where sufficient vegetation is not available to make a realistic comparison. In regions of Saskatchewan where drought conditions are common, ER will consider alternate assessment methods such as multiple years of vegetation data to demonstrate consistent crop growth and overall vegetation health.

Please note that all previous failed/completed DSA and vegetation assessments should be included within the AOR package to enable ER to evaluate the vegetation progression between assessments. These do not need to be finalized reports. Rather, they serve to demonstrate the work completed at the site over time.

A signed RFF does not override the DSA results or the licensee's responsibility to remedy any issue(s) at the site. The primary purpose of the RFF is to provide further evidence that the site has been successfully reclaimed. Therefore, if the DSA indicates that issues exist, ER will require the licensee to remedy those issues regardless of whether a completed RFF was obtained.

4.8 Third-Party Consultant Qualifications

Third-party (arm's length) consultants must be objective, free from influence, certified in their respective profession and familiar with applicable federal, provincial and municipal legislation and published guidelines and directives used to evaluate the presence of contamination on a property and successful site reclamation. The third-party consultant contracted to perform work

under the AOR Program must be employed independent of the licensee to ensure there is no conflict of interest and to maintain the integrity of the AOR Program.

For the purposes of certifying the work and analysis carried out in the preparation of an AOR application, as well as the conclusions/recommendations based therein, ER defines third-party qualified consultants as any of the following:

- Licensed to engage in the practice of professional engineering/geoscience in Saskatchewan pursuant to *The Engineering and Geoscience Professions Act*;
- Licensed to practice agrology in Saskatchewan pursuant to *The Agrologists Act*;
- Licensed to practice as a biologist or chemist by professions legislation of a Canadian province or territory;
- Licensed to practice as a forester or forest technologist in Saskatchewan pursuant to *The Forestry Professions Act;* or
- Certified as an applied science technologist in Saskatchewan, with 5 years of direct experience in site assessments pursuant to *The Saskatchewan Applied Science Technologist and Technicians Act.*

The AOR components, with the exception of the cover letter, RFF sections and reclamation reports, must be signed and dated by a qualified third-party consultant to validate each document. In addition, the third-party consultant must clearly indicate (beside their signature) which above qualification allows them to sign the given document (use a stamp/seal if you have one).

4.9 Acknowledgement of Reclamation Application Types

AOR applications will be screened and classified according to their application type. The two main AOR application types are Routine and Non-Routine. Risk-Based Site Closure and Administrative Controls are subtypes of non-routine applications. The disclosure questions within IRIS are used to differentiate between Routine and Non-Routine AOR applications. Disclosure questions that are answered incorrectly based on the information provided will result in the AOR application being denied.

4.9.1 Routine Acknowledgement of Reclamation Application

Routine AOR applications are for sites that have a low probability of contamination or site reclamation issues. As a result, Routine applications require less scrutiny than Non-Routine applications. Routine applications are automatically approved within IRIS and all Routine applications can be audited for completeness, including formatting, page orientation, order, declaration signatures and a completed RFF. Select applications will be audited with a full technical review including follow-up with the landowner(s).

An AOR application will be considered Routine if:

- There are no known spills associated with the site or documentation exists indicating that sufficient spill remediation has occurred;
- There are **NO** contaminants of concern on- or off-lease that are above Tier 1 or Tier 2 Acceptable guidelines referenced in Directive PNG033. Any monitoring requirements related to sodium chloride impacts must be fulfilled and included in the AOR;

- No vegetation, soil, landscape or weed concerns are identified during the DSA;
- No improvements exist on site that change the end land use. These improvements do not include fences, gates, road approaches, etc. but refer to larger features such as lease roads, lease pads, etc.;
- The RFF has been completed, and no concerns were declared OR the landowner(s) did not complete the RFF but supplied communication indicating that they have no concerns with the site.

4.9.2 Non-Routine Acknowledgement of Reclamation Application

Non-Routine AOR applications are designated for sites that have a higher probability of contamination and/or site reclamation issues than Routine sites. As a result, Non-Routine applications are subject to greater scrutiny than Routine applications. Due to the need for additional review, all Non-Routine AOR applications will receive a comprehensive technical review.

An AOR application will be considered Non-Routine if:

- Any of the Routine criteria is not met;
- Any site where an AOR approval was revoked. This means that an application was received, approved and had the liability removed from the site, and then significant enough issues were found that ER revoked the approval, returned liability to the site, and a new AOR application will be required once the issue has been corrected;
- Any site where an AOR application was denied;
- The site uses Risk Based Site Closure;
- The site has Administrative Controls in place;
- Any contaminant remaining In Situ that exceeds Tier 1 or Tier 2 Acceptable guidelines referenced in Directive PNG033.

4.9.2.1 Risk Based Site Closures

Risk Based Site Closure as described in Directive PNG045 is designated for sites that have sodium chloride impacts above regulatory criteria but within site specific guidelines. Only sites in which it can be demonstrated that sodium chloride impacts remaining in situ do not present future risk to environmental receptors are eligible for Risk Based Site Closure.

As a result, Risk Based Site Closures are subject to a high level of scrutiny. Additional site assessment is needed and risks to all environmental receptors must be extensively investigated. A site must be pre-approved by ER prior to pursuing Risk Based Site Closure. Risk Based Site Closures will be determined and approved on a site-by-site basis.

Given the level of ER involvement, all Risk-Based Site Closure AOR applications must be sent to ER.servicedesk@gov.sk.ca for prior ER review and approval. Based on review of all submitted information a plan will be developed between industry and ER for a Risk Based Site Closure AOR. An authorized plan may then be submitted as a Non-Routine AOR application pursuant to section 4.9.2. Additionally, if a company would like to use Risk Based Site Closures for sites with contaminants other than NaCl, proposals can be sent to ER.servicedesk@gov.sk.ca.

4.9.2.2 Administrative Controls

Administrative Controls as described in Directive PNG045 may be designated for sites that have sodium chloride impacts above regulatory limits and site-specific guidelines where additional remediation has been determined to not be warranted. Only sites in which it can be demonstrated that sodium chloride impacts remaining in situ do not present future risk to environmental receptors outside of the existing footprint are eligible for Administrative Controls.

As a result, Administrative Controls are subject to a high level of scrutiny. Additional site assessment is needed and risks to all environmental receptors must be extensively investigated. A site must be pre-approved by ER prior to submitting an AOR application for Administrative Controls and ER must be involved in all steps leading up to an Administrative Controls AOR. Due to the increased involvement of ER in Administrative Controls, an agreement with industry and ER will be developed on a site-by-site basis regarding how Administrative Controls will be applied.

ER may request to be involved/request details in stakeholder communications in the Administrative Controls process. If sites are presented to ER where negotiations for compensation have already been completed without ER involvement the site may be deemed ineligible for an Administrative Controls AOR.

If in the opinion of the Minister the oil and gas licensee has not negotiated in good faith regarding the terms of compensation to the landowner(s), the Minister may order the licensee to complete full reclamation as deemed by *The Oil and Gas Conservation Act section 17.01(1b)*.

Administrative Controls will be determined and approved on a site-by-site basis. As such, the investigations, registered interests and site restrictions will be unique for each individual site. Given the level of ER involvement, an application for Administrative Controls must be sent to ER.ServiceDesk@gov.sk.ca for prior ER review and approval. An authorized plan may then be submitted as a Non-Routine AOR application pursuant to section 4.9.2. Additionally, if a company would like to use Administrative Controls for sites with contaminants other than NaCl, proposals can be sent to ER.ServiceDesk@gov.sk.ca.

5. Modified AOR Application Submission Requirements

ER recognizes that reclamation is unique to each site and the standard AOR application components, as described in section 4, may not be practical for all sites. The following sections provide some of the sites where modified AOR application submission requirements are appropriate. Licensees seeking approval to submit a modified AOR application beyond those listed are advised to contact the ER Service Desk at ER.servicedesk@gov.sk.ca to discuss and obtain approval before submitting an AOR application.

5.1 Sites Located on Indian Oil and Gas Canada/First Nation Reserve Land

Indian Oil and Gas Canada (IOGC) is the regulatory agency that oversees the remediation, reclamation, and surrender of surface and subsurface agreements on First Nation Reserve Land (Reserve Land) in Saskatchewan. When abandoning facilities and wells on Reserve Land,

authorization from ER is required. Authorization from IOGC is not required, however the Licensee must provide copies of the ER authorization for down hole and surface abandonment records to IOGC and the First Nation Council. When abandoning pipelines on Reserve Lands, authorization from both the ER and IOGC is required.

Oil and gas sites located on Reserve Land must be remediated and reclaimed according to the standards established by IOGC. Once the remediation and reclamation work is complete, the licensee submits a "Surface Contract Notice of Surrender" to IOGC that includes a Reclamation Application. A field inspection of the site involving representatives of the First Nation, IOGC, and the licensee is then carried out. If the site passes the inspection, IOGC will issue a Letter of Reclamation to the licensee. The licensee can submit this letter to the ER as proof that all their environmental responsibilities for the site have been fulfilled. For more information on IOGC's remediation, reclamation, and surrender requirements, visit the IOGC website or call (403) 292-5625 to speak with an Environmental Analyst.

5.2 Sites Located on Federal Lands Administered by Environment and Climate Change Canada

Environment and Climate Change Canada (ECCC) manages many sensitive locations that are located on Federal Lands within Saskatchewan. This information should be included within your surface lease or licence agreement, however if you are unsure if your sites fall within ECCC administered lands, please reach out to the ECCC at cwsnwapermitprairie@ec.gc.ca.

In general, ECCC sites follow the same path to closure as other sites throughout Saskatchewan, however there are some key differences, specifically:

- All Reclamation Plans must be approved in advance by ECCC. Please contact ECCC prior to implementing any potential reclamation activities via email at: cwsnwapermitprairie@ec.gc.ca
- The timing of reclamation activities may be restricted in consideration of migratory birds, species at risk and impacts to pasture operations.
- ECCC Surface Lease Inspections are required prior to AOR submissions. As all inspections must occur between May and September, it is up to the lessee/licensee and their representative to ensure appropriate timing for ECCC staff to visit the site. AOR applications cannot be submitted without a passing inspection from ECCC staff.
- After the AOR is approved, the lessee must submit a request for termination to ECCC to formally terminate their legal lease agreement.
- Any questions about activities on ECCC lands or National Wildlife (NWAs) can be directed to: cwsnwapermitprairie@ec.gc.ca, or Canadian Wildlife Service, 115 Perimeter Road, Saskatoon, SK, S7N 0X4

5.3 Sites Located on Crown Land

All lands designated as Crown Land are required to have the RFF signed off by the administering Ministry. Additionally, all sites administered by the Ministry of Agriculture (AG) must follow the Restoration of Saskatchewan's Agricultural Crown Rangelands: Guidelines and Procedures for Developers. Please ensure that you include the Crown Land Disposition Number that

corresponds to the site within the Cover Letter of the AOR. Once an AOR is approved on Crown Land, the appropriate Ministry must be notified prior to closing the site out.

5.4 Licensed Built not Drilled Well Site with Surface Disturbance

In situations where a licensee may have obtained a well licence and proceeded to prepare or construct the site and subsequently chose not to drill the well and cancel the licence, ER requires an AOR application submission to ensure the site was reclaimed to the surrounding conditions and there is no compaction, weed control, topsoil and/or other possible issues with the site. ER realizes the contamination issues with the site are likely non-existent. Therefore, the Phase I ESA component (section 4.4.1) may be excluded from the AOR application submission requirements (section 4).

Note: if the licensee plans on obtaining a new licence to drill a well on the prepared site the AOR application requirement of the cancelled well is not required. Instead, once the licensee has licensed and drilled a new well on the site they should apply to have the cancelled well exempted from reclamation because of the overlap activity (refer to section 3.3 for more information).

5.5 Unlicensed Well or Facility Site with Surface Disturbance

There are infrequent instances where prior to receiving a well or facility licence a company may have obtained a surface lease, surveyed and even prepared or constructed a site and subsequently chose not to drill a well or build a facility. In these instances, reclamation liability has not been assessed to the site under the LLR Program. However, there has been ground disturbance and subsequently ER requires an AOR application submission to ensure the site is reclaimed back to surrounding conditions and there is no compaction, weed control, topsoil and/or other possible issues with the site. ER realizes the contamination issues with the site are likely non-existent. Therefore, the Phase I ESA component (section 4.4.1) may be excluded from the AOR application submission requirements (section 4).

The ER Service Desk should be contacted at 1-855-219-9373 or ER.servicedesk@gov.sk.ca to obtain a licence for these locations so that an AOR application can be submitted through IRIS.

5.6 Deemed Orphan Well and Facility Sites

When a well or facility site has been deemed an orphan under the Saskatchewan Oil and Gas Orphan Fund Procurement Program there is no longer a viable licensee to carry out the reclamation obligation and AOR application submission requirement. Therefore, ER will contract a third-party consultant to prepare and submit an AOR application submission following the requirements of this Directive. Note: for deemed orphan well or facility sites the ER's Orphan Fund Procurement Manager is considered the licensee representative and their signature is required on the cover letter and other applicable AOR application components.

5.7 Partial Exemption from Reclamation Approved Well or Facility Sites

When a Partial Exemption from Reclamation is approved by ER the reclamation liability associated with the licence remains unchanged at that time even though the responsibility of the exempted area has been transferred to another licence.

To remove the reclamation liability associated with the partially exempted site the licensee must reclaim the non-exempted area associated with their licence that received partial exemption. After which the licensee must submit an AOR application, in accordance with the requirements (section 4), to ER which excludes the partially exempted area. If all requirements of the AOR application have been met, ER will grant AOR approval and remove the reclamation liability associated with the licence at that time.

6. Application for Reduction of Reclamation Liability on Designated Problem Sites

ER identifies licensed sites that require long term remediation, due to the presence of contamination, as designated problem sites in the applicable LLR Well List and LLR Facility List (available on saskatchewan.ca).

In the case of a long-term site remediation project, prior to completing the entire site remediation, the licensee may submit a request to ER to reduce the deemed reclamation liability based on remediation work that has already been completed at the site.

The request letter must include the following information:

- **Site information details**, such as:
  - Type of site (well, facility, pipeline, etc.);
  - Licence #; and
  - Surface location of site.
- **Contact information** – licensee name and mailing address along with the licensee representatives name, phone number and email address (as ER may need to contact them to discuss the submission).
- **Intent of the application** – to request a reduction in reclamation liability along with the reduction amount being proposed.
- **Supporting documentation to justify the request**, at a minimum must include:
  - A summary, including a diagram, showing the extent of contamination both on and off-site (refer to section 6 of Directive PNG033, available on saskatchewan.ca for further details on risk assessment).
  - A progress update of the site clean-up to date;
  - An action plan, with proposed timeline, to address the remaining remediation issue(s) at the site;
  - An assessed cost estimate of the long-term cost to fully remediate and reclaim the remaining issue(s) identified at the site to account for the uncertainty associated with future reclamation costs of the site should the property ever be sold; and
  - Details of any communication that occurred with the landowner during the remediation process.
- **Signature** – the licensee representative must sign and date the letter to validate the declaration statement.

Email the request letter as a single PDF attachment to ER via ER.ServiceDesk@gov.sk.ca with the subject line "Reduction in reclamation liability on a deemed problem site". If all requirements of the submission have been met, ER will review the request and issue a response to the licensee with the details on the reclamation liability adjustment and reason for the decision.

7. Application Submissions

7.1 Timing Requirements of AOR Submissions

Pursuant to subsections 6-1(1) of the FSSCR, upon abandonment of a well or decommissioning of a facility, the respective site is required to be assessed, decommissioned and reclaimed and the licensee is required to submit a report (AOR application) which substantiates the satisfactory reclamation of the site.

7.2 How to Submit an Application

Once the application package has been compiled, in accordance with the requirements described in this Directive, the application must be submitted through IRIS. A valid BA ID with the appropriate permissions is required to submit applications through IRIS.

Application forms and processes can change without notification, and it is the applicant's responsibility to ensure submissions follow the current standards available on saskatchewan.ca. ER realizes AOR applications take several years to complete and will therefore accept submissions as long as each component represents the standard available at the time of their completion.

8. Application Review and Notification Process

Application submissions are reviewed by ER for administrative and regulatory requirements. ER's decision will be communicated as a notification in IRIS to the Business Associate/applicant. If the application is incomplete, non-compliant with reclamation criteria, and/or contains inconsistent information the application will be denied, and details of the issues will be provided to allow for corrections before a resubmission is made.

If the application meets ER's requirements and is approved, the applicant will receive an approval notification in IRIS. Alternatively, the approval notification will also be associated with the applicable well licence in IRIS to allow all users with a BA ID access to the information.

When an application is authorized, the reclamation liability associated with the abandoned/cancelled well or decommissioned facility site under the LLR Program is zeroed; except for a partial exemption from reclamation approval which will remain unchanged at that time. Licensees that sign into the LLR (available on saskatchewan.ca) to review their inventory and liability reports will see the change reflected the next day.

The approval will be indicated in the applicable *LLR Well List* or *LLR Facility List* (available on saskatchewan.ca) after the 1st of the month:

- Grandfathered Reclamation Release column contains a 'Y' (Yes, Grandfathered approval);

- Acknowledgement of Reclamation column contains a 'Y' (Yes, AOR approval);
- Exemption from Reclamation column contains a 'F' (Full Exemption from Reclamation);
- Exemption from Reclamation column contains a 'P' (Partial Exemption from Reclamation).

8.1 Disclaimer

Pursuant to subsection 6-3(1) of the FSSCR, the issuance of a Grandfathered or AOR Approval does not relieve a licensee, operator or working interest participant of past, present or future liability associated with a well or facility site.

If ER is notified of an issue at a site that received Grandfathered or AOR Approval, it will be investigated. If it is determined that the issue resulted from a former well or facility operation, ER will contact the licensee or working interest participant to address the issue in accordance with the FSSCR. Depending on the severity of the issue, ER, in accordance with subsection 6-2(3) of the FSSCR, reserves the right to cancel the approval and/or reinstate the reclamation liability if deemed necessary.

ER will require documentation to confirm the issue has been addressed, and confirmation that the landowner is satisfied with the actions taken by the licensee or working interest participant.

Pursuant to section 59 of the OGCR, ER may require the licensee or operator to remedy the issue within a specified period. If a licensee or operator does not comply, ER may carry out the necessary work, after which all costs and expenses incurred by ER are a debt due to the Crown in Right of Saskatchewan by the licensee or operator and may be recovered in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

As per section 55(2) of the amended Surface Rights Acquisition and Compensation Act, 2023, Surface lease agreements between landowners and licensees terminate on the issuance of an AOR pursuant to the FSSCR. The Surface Rights Board of Arbitration continues to deal with crop loss or damages prior to AOR approval as outlined in the FSSCR but once an AOR has been approved there is no longer a 5-year period to submit a grievance to the Surface Rights of Arbitration Board. A landowner grievance following an AOR approval can be sent to the ER Service Desk at 1-855-219-9373 or er.servicedesk@gov.sk.ca.

9. Audits

Each year, ER selects Saskatchewan well and facility sites where the reclamation has been previously approved under the AOR Program for audits to determine if the abandonment and reclamation standards continue to be met.

ER will notify the landowner(s) that the site has been selected for surface or subsurface audit and reiterate that this is not an indication that the site has any issues. Rather, it is simply one of a number of random audits, which are regularly carried out as part of ER's due diligence to ensure the AOR program is successful.

If issues are found during an audit, ER may notify the licensee of their responsibility to undertake further abandonment or reclamation work at the site. ER may advise that remediation is to be completed by a specified date.

It is the licensee's responsibility to obtain temporary access to the lease to remediate the issue(s) and ER will not force the licensee on the site if the landowner does not want the remediation unless the contamination is deemed to pose a threat or risk to human health, public safety, property or the environment.

9.1 Surface Audits

To ensure compliance with ER's legislation, ER will conduct surface audits of randomly selected Grandfathered Reclamation Released sites provided access to the site for the audit can be obtained from the landowner(s). Surface audits will be conducted by ER staff and include a file review, landowner interview and site visit. The licensee will be notified if any issues are found.

9.2 Subsurface Contamination Audits

To ensure compliance with ER's legislation, this Directive and Directive PNG018, ER will conduct yearly subsurface contamination audits of randomly selected AOR approved sites provided access to the site for the audit can be obtained from the landowner(s). The subsurface audits, advertised on SaskTenders, will be conducted by third-party consultants and include a full file review, site visit, electromagnetic survey and intrusive sampling (soil and possibly groundwater) and analysis.