

EMPIRICAL LOSS OF USE AND ADVERSE EFFECT UPDATE

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PROFESSIONALS

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04

EMPIRICAL LOSS OF USE AND ADVERSE EFFECT UPDATE

08

PIPELINES AND PROLONGED YIELD DISTURBANCE // CONGRATULATIONS CALEP SCHOLARSHIP RECIPIENTS

09

CHAIR'S NOTE

11

SURFACE RIGHTS & REGULATORY REVIEW

15

SPOTLIGHT SERIES

18

PROJECT MANAGEMENT

20

MESSAGES FROM THE BOARD

23

CALEP PHOTO CONTEST

24

ON THE HORIZON

25

GET SMART

26

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EMPIRICAL LOSS OF USE AND ADVERSE EFFECT UPDATE



Trevor Sheehan and Darren Clarke of TELFORD LAND & VALUATION INC., Calgary.

Empirical Loss of Use

Anyone who was negotiating agricultural loss of use (LOU) rates in 2021 / 2022 knows, \$20 per bushel canola and \$12 per bushel wheat seemed to be commonplace, and with that came many uncomfortable conversations surrounding per acre LOU rates. These record setting commodity prices resulted in landowners across the province requesting higher LOU rates, in some cases upwards of \$1,000 per acre which has landmen asking the question – is this the new normal? Although we don't have a crystal ball, the short answer appears to be no, at least in the near term.

As anticipated in the article we published in the June Negotiator issue, commodity prices have continued to decline from these record setting prices. Through 2023 we saw a softening of crop prices and the trend appears to be continuing through 2024 and into 2025. From the forecasts coming out of Farm Credit Canada (FCC), Agriculture Canada, and our own research, it appears that commodity prices will continue to decline into 2025 back to prices we haven't seen since 2020. For example, many agricultural economists are predicting the following prices for most of Alberta through 2025:

Canola	±\$13.50 / bu
Spring wheat	±\$7.00 / bu
Barley	±\$6.00 / bu
Peas	±\$9.75 / bu

So, does this mean cultivated LOU rates will be sub-\$600 per acre again? The answer to this question depends on (1) crop yields, (2) the accuracy of these price forecasts, and (3) how long commodity prices remain at these lower levels. For example, assuming a canola – wheat rotation in an area with average to above average productivity (ie. Central Alberta) could result in a single year LOU figure of \$500 – \$600 per acre.

45 bu / acre Canola @ \$13.50 / bu = \$607.50 per acre
70 bu / acre Wheat @ \$7.00 / bu = \$490.00 per acre

Notwithstanding the above, when negotiating, for example, a rent review for a surface disposition on cultivated land, it's common practice to look backward to go forward. Typical practice with negotiators, experts, and tribunals is to look at the prior 5-year average returns to predict what gross crop returns may be in the next 5-year period. Given this, the record setting prices and returns of 2021 / 2022 will likely continue to influence LOU rates for at least a couple more years.

Empirical Adverse Effect

Section 25(1)(d) of the Alberta Surface Rights Act addresses the adverse effect of the area granted to the remaining land along with the nuisance, inconvenience and noise that may arise from the operations of the operator. When evaluating adverse effect from an empirical perspective, there are two categories that are examined:

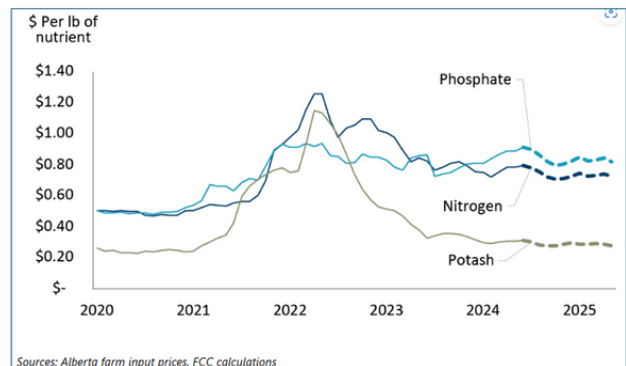
- Tangible adverse effect – These are the things that can be readily calculated (ie. additional time spent working the land with various implements, overseeding, overspraying, unseeded areas, and loss of production due to overlap and compaction).
- Intangible adverse effect – Things that can't be readily calculated (ie. Noise, visual concerns and loss of quiet enjoyment).

Over the past 5 years we have seen variable input costs (seed, fertilizer, herbicide, insecticide and fungicide) and implement costs increase, which has a direct impact on the tangible adverse effect for wellsite and facilities within cultivated lands. Below

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are fertilizer costs from FCC showing the rise in costs in mid 2021-2022 followed by more stable prices in 2023-2024, although still 15-30% higher than 2019-2021:



The following table shows the increase in custom rate costs for typical farming implements utilized in Western Canada:

Implement	2020-2021 Custom Rate	2024-2025 Custom Rate	Percent Increase
Combine	\$333.61 - \$575.89	\$387.96 - \$746.89	16-30%
Swather	\$181.50 - \$236.91	\$190.51 - \$254.14	5-7%
Seeder	\$438.29 - \$522.50	\$522.50 - \$952.92	19-82%
Harrow	\$253.16 - \$290.69	\$361.67 - \$455.27	43-57%
Sprayer	\$515.93 - \$651.15	\$622.01 - \$913.85	21-40%

New equipment costs have risen drastically for certain implements over the last 5 years, especially during the Covid years when there was limited inventory and low interest rates. FCC's outlook for 2024 has new equipment sales softening in 2024 based on higher interest rates, elevated prices and a decline in commodity prices.

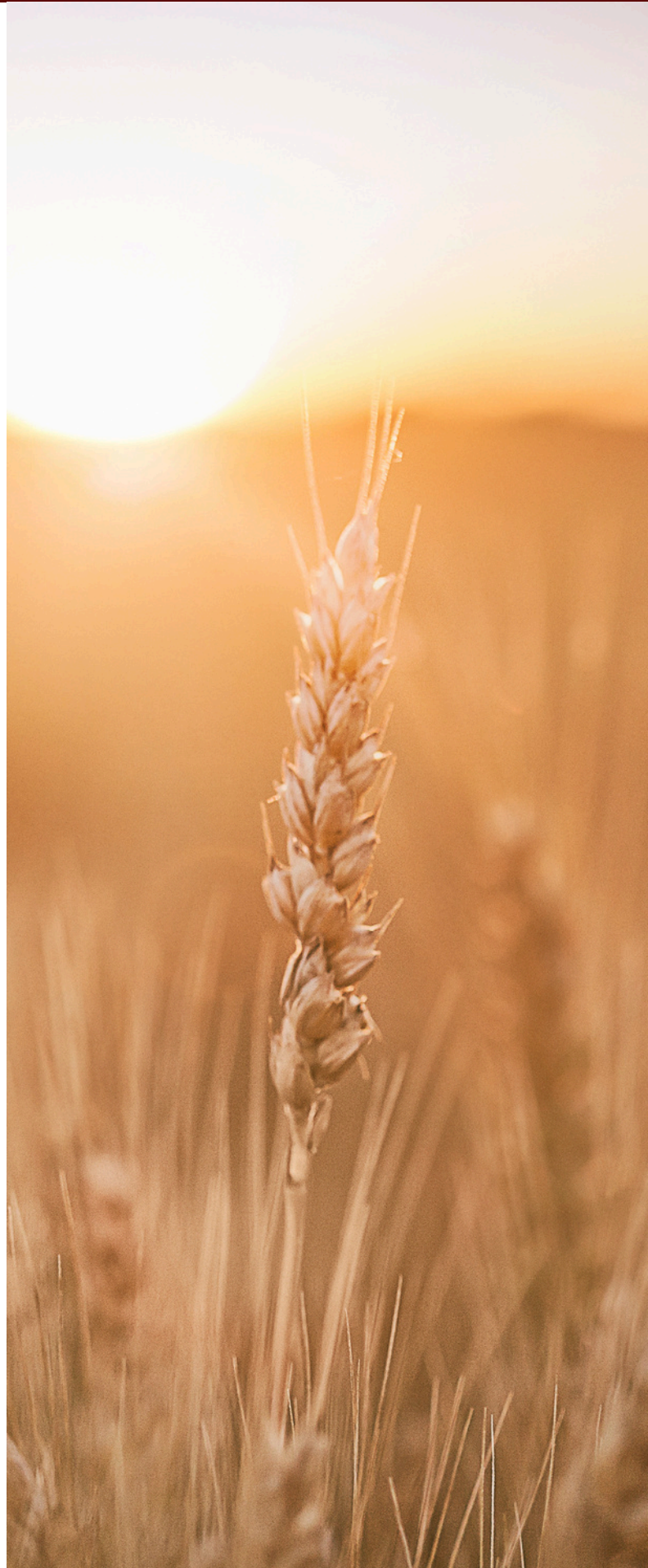
The configuration (boundary or interior site) and the make-up (built-up or minimal disturbance site) of an individual site can have a dramatic effect on the tangible costs of farming around a disposition. Typically, we find the largest disruption to farming operations caused by surface dispositions to be access roads. Minimal disturbance access roads that can be farmed through tend to have little to no impact, as the landowner does not need to alter their farming operations which results in minimal extra field working time. On the other hand, built-up access roads may restrict farm implements from crossing, causing field segregation, resulting in an increase in implement time along with overseeding / overspraying due to extra turns, resulting in higher tangible costs.

Dispositions need to be reviewed on an individual basis to determine their tangible adverse effect along with an inventory of the landowners equipment and number of annual operations to accurately estimate the tangible adverse effect of a disposition. We have seen the empirical adverse effects rise over the last 5 years due to higher farming costs, resulting in empirical adverse effect rates closer to the typical pattern of dealing rates (\$2,000 - \$2,500) utilized throughout Western Canada in certain cases. ♦

Trevor Sheehan, P.Ag., AACI, P.App., RWA

Darren Clarke, PSL, DAR, DAC

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PIPELINES AND PROLONGED YIELD DISTURBANCE

Geralyn Wichers, Reporter, Manitoba Co-operator

B.C. farmers with pipelines running under their land have complained that compensation after the construction runs out long before yields return to normal.

New findings from a University of Manitoba researcher suggest they may be right.

Read this article on the [Manitoba Co-operator](#).



CONGRATULATIONS CALEP SCHOLARSHIP RECIPIENTS!

Congratulations to our outstanding scholarship recipients:

Ana Liza C. Flores

Diana Carvajal Gonzalez

Peter Kayode

Raymund Del Rosario

Your dedication and hard work have truly paid off. As you embark on the next chapter of your academic journey, may your passion continue to drive you towards even greater heights.

... Here's to a future filled with limitless possibilities and meaningful contributions to our world!





CHAIR'S NOTE

2024 CALEP Conference

Marah Graham, 2024 CALEP Conference Chair

As some of you know, I have been involved in a multitude of CALEP roles since joining the association in 2006. Which also means I should have gone through many hairstyles in the CALEP roster. However, like all of you, I too, have my original photo from my 19th birthday in there. I photoshopped out the background myself (*curtseys*).

I have worked on past conferences and had roles in Regina (2018) and Edmonton (2020, 2021, just kidding, 2022). I was also one of the six people to attend the conference in Newfoundland (2016).

So, with this breadth of expertise and background, one would think I would be well-positioned to Chair a conference myself. However, I wake up at night in a cold sweat thinking about chair covers, whether there will be snow for the ski activity (party at the lodge), worrying about how many people will attend, and contemplating whether I should rescue a Mexican chihuahua called Pedro and rename him Steve Brisebois (obviously to honour Steve's hard work and dedication as Finance Chair and not because of his fame as a result of starring in Property Brothers).

Why did I want to Chair a conference? Is it because I thrive on anxiety and chaos? Yes. Is it because I have low self esteem and want attention? *Also, yes.* Don't worry, as your Chair, I do have some good qualities too. *I can eat gluten.*

Seriously though, I wanted to be the Chair to bring the conference to Banff because of how much I love it there. The very first CALEP conference was held in Banff, and, for some reason, we have been reticent to return (only returning once, in 1992). I think we take for granted the beauty that is at Calgary's doorstep. So, I hope we will celebrate it in style. We have a vintage Chairman's Ball for those who want to honour the traditional, and an Après Ski party for those who want to don ski attire and rock to some incredible modern DJ beats. I look forward to both, as this conference is an homage to both the past and the future as we continue to Move Mountains.

The theme Moving Mountains is important to me, as it conveys a nuanced meaning both personally and professionally. We have had so many hurdles in our business, and yet we continue to thrive. I am so proud

of how far we have come, but we still have a long way to go. We must continue to Move Mountains in our profession and within the energy space. We will discuss this theme further throughout the program.

This conference has such an incredible program thanks to Dave Balderston, who is always brilliant and supportive, albeit too tall to have a real conversation with (I'm not even sure I've ever seen his face). And, while I'd love to take full credit for moving the conference to November, we had to move the conference dates because of demand. Banff has become an unparalleled global destination. The Banff Springs Hotel is incredibly busy, because of the elegant venue, incredible service, and awe-inspiring location. As such, we are fortunate that we were able to book it and bring the membership such great value.

I chose the conference team exclusively on looks and charm. So, imagine my surprise when the team brought impressive work ethic and creativity. For example, Colin Page has planned so many great activities that it's difficult to choose which one to register for. I'm confident we will all see his true talents at the welcome party at the Rose & Crown where we will Rock the Rockies.

One thing I worry about when I wake up at night is that the proximity of Banff to Calgary might compel attendees to skedaddle prior to the last night. However, you definitely won't want to miss the finale! We're wrapping up the program with Brews with Bankers, featuring popular local podcaster Trevor Rose in conversation with key investors in the energy sector. We will follow that with our keynote, Jon Montgomery, who I expect may have a brew himself and join us at our Après Ski party. There will be a few surprises on the last night including an impressive DJ and some fun giveaways awarded to those in attendance. We hope you stay for the final night—it's going to be epic!

CALEP is a not-for-profit organization, so think about supporting the conference and the association with your attendance and sponsorship. The talented Ashlee Rowland has fabulous sponsorship opportunities at the elegant Banff Springs; contact her for more information.

Ensure you register early to attend activities. Send your whole team! Bear in mind that CALEP is an extraordinary association run nearly entirely on the blood, sweat, and tears of volunteers. Especially in this year's conference committee. Lots of tears. *Seriously Doug, stop crying - we talked about this.*

Lastly, I want to take the opportunity to thank those who read this all the way to the end. Except for the editors, because that is their job, and they get paid nothing to read to the end to make sure I didn't swear in a Negotiator article. *Again.*

Also, a massive thank you to the Conference Committee; incredible individuals who are deserving of more recognition than this humble article can convey: Dave Balderston – Program, Steve Brisebois – Finance, Colin Page – Activities, Doug Perry – Operations, Ashlee Rowland – Marketing, Spryng Kubicek – Executive Director, CALEP.

Contact me if you have any questions at all. *Please.* I like the attention.

See you in Banff!

For more information, or to register, please visit our website [here](#). ♦



SURFACE RIGHTS & REGULATORY REVIEW

Land and Property Rights Tribunal Decisions & Related Cases

Logan Lazurko, Tim Myers and Daron Naffin, Bennett Jones LLP

Alberta Energy Regulator Denies Developer's Application to Share the Costs of Pipeline Protective Measures

Decision: *Qualico Developments West Ltd. v Pembina Pipeline Corporation at al.*, [2024 ABAER 007](#)

Date: July 4, 2024

The Alberta Energy Regulator (AER) has issued its decision following the reconsideration of its April 20, 2022 decision to deny an application by Qualico Developments West Ltd. (Qualico), filed under section 33 of the *Pipeline Act*. In the reconsideration decision, the AER directed Pembina Pipeline Corporation and Plains Midstream Canada ULC (the Pipeline Companies) to provide protective measures to protect their respective pipelines. The protective measures were required for Qualico to construct an arterial road across the Pipeline Companies' two existing pipelines in connection with a residential development being pursued by Qualico in the Edmonton area. The AER also denied Qualico's application seeking orders requiring the Pipeline Companies to share the costs of the work, instead ordering Qualico pay the Pipeline Companies for the costs of the work.

Subsection 33(1) of the *Pipeline Act* states that the AER may direct a licensee "to install additional or other equipment on the licensee's pipeline" when the AER is of the opinion that it would be in the public interest to do so. Subsection 33(2) of the *Pipeline Act* states that, when the AER directs the installation of

additional or other equipment on a pipeline, it may order by whom and to whom payment of the costs of the work and material, or either, shall be made.

The AER concluded that ordering the Pipeline Companies to provide the protective measures for their respective pipelines was in the public interest.² However, based on the evidence presented by the parties, including expert appraisal, land use planning, economics, and public interest evidence, the AER determined that Qualico, as the "second in time" party, is responsible for the pipeline crossing costs necessary for it to complete its development, particularly where Qualico had purchased the subject lands and development with full knowledge of the presence of the existing pipelines and the potential costs associated with constructing roads across those existing pipelines. The AER also found that the Pipeline Companies would be responsible for the costs of any additional work undertaken by the Pipeline Companies while the pipelines are exposed, such as maintenance and proactive work to ensure the longevity of the pipelines, as such work would not be required for the pipeline crossing.

The AER's findings are consistent with what the Pipeline Companies described as a long-standing industry practice in Alberta, where the second in time party routinely pays for the cost of crossing existing linear infrastructure, as well as with fundamental principles of property law.

Tribunal Dismisses Costs Claimed as Incidental to Section 27 Proceedings

Decision: *Tarapaski v Shell Canada Limited*, 2024 ABLPRT 396 (CanLII).

Date: July 17, 2024

This decision dealt with a claim for costs under section 39 of the *Surface Rights Act* (Act) which were incidental to an application brought under section 27 of the Act for the review of annual compensation under a surface lease. The section 27 proceeding related to a surface lease dated September 23, 1964, that provided for a lump sum payment at the time of execution and did not provide for annual or periodic payments. The Land and Property Rights Tribunal (Tribunal)[1] dismissed the section 27 application, finding that it did not have the requisite jurisdiction to hear the application as there was no annual or periodic compensation to be reviewed.

The Applicant claimed total costs of \$61,915.39 with \$26,065.39 being for legal costs and \$35,850.00 for landowner personal costs under section 39 of the Act.

Under section 39 of the Act, costs of and incidental to proceedings under the Act may be awarded at the discretion of the Tribunal. Rule 31 of the *Surface Rights Board Rules* (Rules) states that the Tribunal may award costs if the Tribunal finds they are directly and necessarily related to proceedings under the Act.

The Tribunal found that the costs being claimed were not directly incidental to the section 27 proceedings, as those proceedings were dismissed on the basis that the Tribunal lacked the requisite jurisdiction to consider them. As a result, the Tribunal found that the Applicant had no valid claim for costs which were directly and necessarily related to proceedings under the Act and dismissed the claim for costs under section 39 of the Act.

[1] References to the Tribunal include reference to its predecessor, the *Alberta Surface Rights Board*.

Tribunal Refuses to Award Compensation for Injurious Affection and Damages under Right-of-Entry Order

Decision: *ATCO Electric Ltd. v Halina*, 2024 ABLPRT 144

Date: March 20, 2024

This decision was a section 23 determination of the amount of compensation payable under a right of entry (RoE) Order related to a power transmission line with respect to lands located at SW¼ 5-51-12-W4M.

The RoE Order was issued in respect of 2.75 acres of land, which addressed the Operator's requirements for right-of-way for the transmission line, workspace, and vegetation control. The Landowners and Operator agreed on compensation for land value at a rate of \$4,500.00 per acre, for a total value of \$12,375.00. Both the Landowners and Operator also proposed compensation for general disturbance in the amount of \$1,250.00. These values were supported by the pattern of dealings evidence presented by the Operator and were accepted by the Tribunal. Both the Landowners and Operator agreed that no compensation was due for annual structure payments given that the transmission line is contained within a road allowance and not on the Landowners' land subject to the RoE Order. The Tribunal agreed and found that no compensation amount is due for annual structure payments.

However, the Landowners sought compensation for injurious affection or adverse effect, and compensation for damages associated with the removal of trees from the Landowners' property. The Landowners claimed \$68,500.00 for injurious affection and damages in the amount of \$35,450.00.

The Tribunal found that the pattern of dealings evidence provided by the Operator did not provide persuasive evidence that the pattern of dealings included compensation for injurious affection or damages, or that it necessarily applied to a situation in which the structures are located on adjacent land, rather than land subject to a RoE Order.

When assessing the Landowners' claim for injurious affection, the Tribunal accepted the evidence of the Operator's expert who concluded that the current use of the subject lands, which were being used for agricultural purposes, was the highest and best use of

the land. The Tribunal was not persuaded by the Landowners' arguments regarding the structures' impacts on the redevelopment potential and market value of the subject lands, primarily because the Landowners had purchased the property with full knowledge of the existence of an existing transmission line on the property with structures located closer to their residence, and refused the Landowners' claim for injurious affection.

When assessing the Landowners' claim for damages, the Tribunal found that the expert report submitted by the Landowners did not provide site-specific data pertaining to any actual, quantified benefit to the production value of the subject lands in proximity to the right-of-way as a result of trees which the Landowners and their expert claimed acted as a shelterbelt. The Tribunal was also not persuaded, on the balance of probabilities, that the Landowners suffered damages because of the Operator's activities, manifested as crop yield impacts on the field situated to the north of the trees removed by the Operator and refused the Landowners' claim for damages.

Tribunal Awards \$441.50 Increase to Annual Compensation and Costs

Decision: *Horkoff v Canadian Natural Resources Limited*, 2024 ABLPRT 321 (CanLII).

Date: June 14, 2024

This decision dealt with a section 27 review of annual compensation payable under a surface lease agreement with respect to lands located at SW¼ 23-18-23-W4M. The landowner Applicants requested the rate of annual compensation be increased from its current rate of \$3,808.50 to \$4,689.50 per year and the operator requested the rate of annual compensation be reduced to \$2,700.04 per year. The Tribunal awarded annual compensation at \$4,250.00 per year, representing a \$441.50 per year increase in compensation.

The Applicants argued that a pattern of dealings existed for the area and presented a table containing nine surface leases in support of their position. The Operator argued that there was no pattern of dealings in the area for land similar to the subject land.

The Tribunal found that the surface leases provided

by the Applicants did not establish a valid pattern of dealings based on: (i) one of the comparable agreements provided by the Applicants was an agreement with Vulcan County to compensate the Applicants for road construction and was not a surface lease; (ii) the remaining eight surface leases represented a small sample of agreements dating back to as far as 2008, with the most recent dated 2015; (iii) the range of compensation varied among the eight surface leases – between \$400 and \$500 for loss of use and \$2,500 to \$3,500 for adverse effect; (iv) the surface leases did not have a similar land use to the subject land; and (v) seven of the surface leases contained global compensation amounts, set out in rent review letters, and the Applicants testified that they calculated the compensation breakdown for these surface leases based on information they obtained from the owners or on evidence by the Operator at an earlier hearing.

Finding that a valid pattern of dealings was not established, the Tribunal considered the loss of use of the area granted and any adverse effect on the remaining land. The Applicants sought a loss of use rate of \$450/acre for the 4.31 acres (for a total of \$1,939.50/year) and \$2,750 for adverse effect. However, the Applicants also argued that their empirical evidence demonstrated that the loss of use could be as high as \$553.79/acre (rounded to \$554/acre). The Operator argued that the loss of use rate should not exceed \$255.23/acre. It submitted that this rate is supported by the high salinity of the subject land, which makes it unsuitable for any other type of use other than native grazing.

The Tribunal found the existing rate of compensation did not appropriately compensate the owners and accepted the Applicants' evidence that loss of use could be between \$450 and \$550 per acre. The Tribunal awarded annual compensation payable in the global amount of \$4,250.00, increasing the amount of annual compensation by \$441.50, but did not provide a breakdown of that award as between adverse effect and loss of use.

The Tribunal also dealt with the Applicants' costs claim in this decision. The Applicants submitted costs in the amount of \$18,456.25, consisting of:



(i) the Applicants' personal costs in the amount of \$12,765.00; (ii) expenses, including mileage, postage and photocopying in the amount of \$282.55; (iii) site maintenance in the amount of \$2,250.00; and (iv) out of pocket expenses in the amount of \$3,158.70.

The Tribunal found that \$50/hour was an appropriate rate for the Applicants' personal time. However, the Tribunal found that the Applicants' personal costs claim, which totaled 239.25 hours of personal time, was unreasonable when assessed against the requirements of an ordinary annual compensation review. The Tribunal reduced the Applicants' claim for personal time to \$4,662.50.

The Tribunal denied the Applicants' claim for site maintenance, noting that the claim for site maintenance is not appropriate for a cost claim which is to award claims necessary and directly related to the proceeding. The Tribunal also reduced the Applicants' charge for mileage to the current accepted rate of \$0.55 per kilometre, as provided for in the *Government of Alberta's Expense Policy Interpretation* document dated December 1, 2023. ♦

Logan Lazurko has a general regulatory and litigation practice with a focus on the areas of energy regulatory, utilities and rates, environmental, and surface rights law.

Tim Myers is an experienced energy regulatory lawyer specializing in the areas of project development, utilities and rates, and environmental, Indigenous and surface rights law.

Daron Naffin acts for oil and gas companies, municipalities, and utilities with a practice that is directed towards energy, environmental and regulatory law, municipal planning as well as expropriation and surface rights.

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Bennett Jones

SPOTLIGHT SERIES

*Chad Hughes, President & CEO,
LandSolutions*

Tell us about yourself, and what got you into Land.

I came from an agricultural background having been raised on a feedlot in Central Alberta. I made my way to Olds College interested in pursuing something in environment and quickly decided to study Land Acquisition and Management - I received a diploma in Land Acquisition and Management in 1995. From there I entered the industry working across Alberta and Saskatchewan for a consulting firm, and after 3 years on the road joined Northstar Energy as an in-house surface agent.

Looking back, has there been any mentors or role models throughout your career that you still recognize as helping with your journey?

Some of the most influential people in the early years of my career were Aldo Villani, Don Snowden, John Ediger, and Ron Vermeulen. Ron Vermeulen and I became business partners and still are today with Ron sitting on my advisory board and still helping me on this journey.

You started your career in-house and have had a lengthy and successful career on the service side. What do you enjoy the most about working on the service side?

I started on the service side and returned to it after about 3 years in-house. The draw for me to leave the in-house position for the service side was twofold. I had this sense that there was something missing with the existing service providers that I could offer because of my in-house experiences, and I was drawn to the opportunity to have more of a stake in the outcome of my efforts. What I enjoy about the work has changed a lot during my 24 years at LandSolutions.

What energizes me these days is when I see



LandSolutions have a positive impact on our clients objectives and when our clients express that to us. I get energized when I see our people excited about their work and happy about the rapport with our clients. I get energized when we are awarded new projects of all sizes, even the smallest job still gets me excited. I am energized when we welcome new people to the team, and when I see our people elevating in the company.

The service side created an environment that increased my own awareness of an entrepreneurial tendency that I have which has been the greatest gift to me personally.

What do you think are the key skills necessary for success in Land?

Aside from the technical skillset which can be learned, resourcefulness, soft skills (EQ), interpersonal skills, and writing are the areas that I put high weighting on. I think resourcefulness is something you either have or you don't, but can be learned to some degree with the right mentorship and effort. The other three are things that need to be constantly nurtured, and it's something I continue to nurture in myself through various coaches and experiences.

What is the most rewarding aspect of this career?

The people (industry and stakeholders), the infrastructure that we see built as a result of the important work that we do, and the opportunities for personal growth (they are abundant).

What challenges do you foresee for those working in Land in the future?

I see a concerning scarcity of resources in our profession, something that is being experienced across the globe and the challenge will be attracting people to the industry from other professions and helping them transfer their skillset to this one. I am also concerned with the lack of awareness for the career. I think projects will become more complex, but I think we grow in step with that complexity so it's not of particular concern to me.

How do you stay up to date on new developments in Land?

Through review of various industry publications, involvement in industry associations, and through the team of resources we have at LandSolutions.

What advice do you have for working with landowners and stakeholders?

Prepare to understand the project and the reason for it, understand the regulations and how the work you're doing fits in, understand the agreements and what you're asking the landowner to agree to, and understand the parameters you have to work within and the reasons for them. Balance between listening and talking – good communication is doing them both effectively and doing so will help to build rapport and trust with the people you are working with.

What advice would you give to someone who wants to get into land?

Just do it.



New Member Q & A with Nolan Johnson

Tell us about yourself, where are you from and where are you presently going to school? Tell us how the program is going and what you enjoy about it.

I am from Calgary, Alberta and I grew up on a farm just outside the city. I am currently going to school at SAIT in the Energy Asset Management program. I love how the program gives me a look inside the energy industry as a whole, and I feel like the program is giving me valuable insight on how to start/run my own company in the future.

What got you interested in Land?

Growing up on an acreage, we always had land negotiators coming to the door and speaking with my family. From that point on I was always interested in the negotiations aspect of the business.

What areas of Land interest you the most?

My goal is to become a mineral land negotiator, but I am interested in gaining exposure to all of the aspects of the land business.

What types of long-term goals do you have within Land?

My long term goal is to open my own energy company once I have gained enough industry exposure.

You're currently working as a Summer Student in Land at Taqa. Many of us started out as summer students in the industry and met some amazing people. Tell us about your first few days; the excitement of navigating the office, meeting the team and your end of day reflections?

My first few days at TAQA were quite eventful. My very first day I had the opportunity to meet the mineral team, and sit in on the weekly meetings with both the mineral and BD teams which was an awesome first experience. The team at TAQA has made me feel extremely welcome and I'm grateful for all the mentors I get to work with. Navigating the office was quite the challenge, I remember on my first day I walked around the floor below me trying to find my desk only to realize I was on the wrong floor.

What motivated you to join CALEP?

The main motivation behind choosing to join CALEP is the valuable networking opportunities as well as the learning/courses that are offered. I have previously attended CALEP events in the past, and I am excited to get to know everyone in the organization.

What excites you most about being part of CALEP's community?

I am extremely excited to be part of the culture of CALEP. Every event I have been to so far has offered me valuable lessons, and I am excited to share those lessons and stories with other people. I am also thrilled to be joining CALEP at a young age, and to grow my network of like-minded individuals.

Has there been any mentors or role models who inspired your interest in Land?

My manager Jeff Good has inspired me to dive deeper into the land industry, as well as all my mentors at TAQA. It's hard to single out one person that has motivated me the most as I feel that every person I've met in the industry inspires me.



PROJECT MANAGEMENT

For Land and Energy Professionals

Matt Luik, MBA, P.Eng, PMP – Instructor of CALEP's Project Management Foundations course

Are your projects chaotic and stressful?

Do you spend too much time dealing with crises?

Would you like your projects to produce consistent, repeatable and predictable results?

In the complex and highly regulated world of land and energy management, effective project management is crucial. For CALEP members, developing a successful approach to project management isn't just about keeping projects on track—it's about driving organizational success, ensuring regulatory compliance, and achieving strategic goals.

The Core Components of Effective Project Management

Effective project management revolves around several core components, including scope, time, cost, quality, and risk management. Understanding and implementing these elements can enhance organizational efficiency and effectiveness.

1. **Scope Management:** Defining and controlling what is included and excluded in a project is essential. In land and energy projects, this means clearly delineating project boundaries, goals, and deliverables. Accurate scope management helps prevent scope creep—a common issue where unplanned changes lead to delays and cost overruns. By maintaining a well-defined scope, professionals can ensure alignment with stakeholders and manage expectations effectively.
2. **Time Management:** Managing project timelines is critical. Effective time management involves creating detailed project schedules, setting realistic deadlines, and monitoring progress regularly. This helps keep projects on track and ensures timely completion, which is vital for maintaining a

competitive advantage and meeting regulatory deadlines.

3. **Cost Management:** Budget control is a major aspect of project management, especially in industries with high capital investment and fluctuating costs. Effective cost management includes accurate budgeting, financial forecasting, and continuous monitoring of expenditures. By keeping a close eye on costs, organizations can minimize financial waste, optimize resource use, and improve profitability.
4. **Quality Management:** Delivering high-quality outcomes is a non-negotiable in land and energy projects, especially when quality factors influence regulatory compliance and operational efficiency. Quality management entails setting standards, conducting regular reviews, and ensuring that all project deliverables meet or exceed these standards. This focus on quality not only satisfies stakeholders, but also enhances the organization's reputation.
5. **Risk Management:** The land and energy sectors are fraught with risks ranging from regulatory changes to environmental concerns. Effective risk management involves identifying potential risks, assessing their impact, and developing mitigation strategies. By proactively managing risks, organizations can avoid costly disruptions and navigate uncertainties more effectively.

Enhancing Organizational Efficiency

One of the most significant advantages of effective project management is its ability to enhance organizational efficiency. By adopting structured project management methodologies, organizations can streamline processes, reduce redundancies, and make better use of resources.

For example, using project management tools and software can facilitate real-time communication, automate reporting, and improve overall project coordination. This leads to more efficient workflows, faster decision-making, and better alignment across teams. In the land and energy sectors, where projects often involve multiple stakeholders and complex regulatory requirements, these efficiencies are crucial for maintaining smooth operations and meeting deadlines.

Mitigating Risks and Managing Uncertainties

The ability to manage risks effectively is a major benefit of sound project management practices. The land and energy industries face various risks, including regulatory changes, market fluctuations, and environmental impacts. Effective project management provides a framework for identifying and assessing these risks early in the project lifecycle.

By developing a comprehensive risk management plan and contingency strategies, organizations can better prepare for and respond to potential challenges. This proactive approach minimizes the likelihood of adverse events and helps projects maintain resilience, even in the face of uncertainty.

Supporting Strategic Goals

Effective project management also plays a crucial role in aligning project outcomes with broader organizational goals. In the land and energy sectors, projects must support strategic objectives such as resource optimization, market expansion, and regulatory compliance.

For example, a well-managed land acquisition project should align with the organization's strategic goals for resource development and market positioning. This involves not only managing the project's day-to-day activities, but also ensuring that

it contributes to the company's long-term vision and strategic priorities.

Additionally, effective project management enables organizations to adapt to changing market conditions and strategic priorities. By employing flexible project management practices, organizations can quickly adjust project scopes, schedules, and resources in response to new opportunities or challenges.

Project Management Training for CALEP Members

Earlier this year, CALEP offered a one-day Project Management course to arm Project Managers with essential skills and knowledge to improve project outcomes and reduce chaos. The course was well-received, with participants describing providing the following feedback:

“Excellent course, I highly recommend.”

“Very high-quality seminar.”

“The instructor was engaging and kept me interested all day.”

The course will be running again on October 24, in-person at CALEP's office, and anyone involved in working on projects can attend. Register [here](#). ♦

Matt's professional background is as a Civil Engineer where he specialized in the delivery of large infrastructure projects such as bridges, highways, and residential communities.

He holds an Executive MBA from the Smith School of Business at Queen's University and earned his Project Management Professional designation in 2011. He worked as a project management course developer and trainer since 2012 at Mount Royal University, the University of Calgary, and SAIT. Matt has authored several university courses in project management and has helped over 1,000 students earn the PMP designation.

MESSAGES FROM THE BOARD

Robyn Baron, P.Land, PSL, CALEP Vice President 2024-2025

As the students get back to School, summer vacations come to an end, I'd like to take this opportunity to highlight and update some of the many initiatives from your current Board of Directors.

Bylaws – It's that time again. The Board has taken into consideration the concerns raised by the membership in the last Bylaw review. Since then, we have been working tirelessly to finish the changes, so that we can present them to the membership this fall. Please keep an eye out for the email.

Membership – We are not alone with decreasing membership numbers as most industry associations have experienced lower membership renewals. Our challenge is looking for revenue from additional portfolios or the implementation of cost savings. The Board, along with the Membership committee continue to look for ways to expand our decreasing membership base and evaluate the membership pricing to best suit all member types. Who wants a new Name Badge? As part of the upcoming membership renewal, we are requesting you to choose whether you would like the new Name Badge. New Badges will be sent out 1st Quarter of 2025.

Education - Courses are starting back up the week of September 9th. To see what is up and coming, please refer to the CALEP website at www.landman.ca. Should you have any ideas for new courses, please reach out to either the Director or Chair of the Education Committee.

Networking – Who likes to walk/run? CALEP is hosting a Fun 5km or 10km run/walk. Come out and Sweat the Subsurface, then refuel with some food and drinks. Hope to see you there on September 26th. Those of you who are looking for something a little different, the 2024 CALEP Conference "Moving Mountains" is being held November 17-19th in Banff,



and the Early Bird registration is open until September 13th.

CALEP continues to work on strong alignments with other industry associations to promote our profession and help us gauge if we are on track as an association. Our current alignments with CAPP, AAPL, CAPLA, PADA, IRWA, PJVA, AASLA continue, and we are looking forward to sharing knowledge with new partnerships as we move forward in this ever-changing industry.

Additionally, I would like to thank all of our hard-working volunteers for the many hours of hard work and ideas you have contributed. It is your dedication that keeps our Association moving forward. I am looking forward to working with you in my role as Vice President and any other roles I will hold during my term on the Board.



Wade McLeod, CALEP Director, Communications and Public Relations

As the newly appointed Director of Communications and Public Relations for CALEP, I am honored to embark on this journey once again. Having previously served as the Director of the Field Acquisition & Management (FAM) portfolio, I bring a wealth of experience and a renewed commitment to enhancing our association's communication strategies. Despite my self-professed challenges in crafting coherent sentences, I am dedicated to achieving the following goals:

- 1. Enhancing Member Engagement:** I aim to develop and implement strategies that will keep our members informed and actively engaged. This will be achieved through our quarterly publication, *The Negotiator*, as well as through our social media platforms and other communication channels. We plan to introduce Q&A sessions and member surveys to gather feedback and tailor our communications to better meet member needs.
- 2. Promoting the Association:** My objective is to increase the visibility of CALEP and its activities within the industry, highlighting our association's achievements and initiatives.

3. Supporting Educational Initiatives: I will focus on effectively communicating our educational programs and mentorship opportunities to ensure our members have access to the resources they need for professional development.

4. Informing About Networking Opportunities: Keeping our members updated on various events and platforms where they can connect and collaborate is crucial. I will ensure timely and comprehensive communication about these opportunities.

To further enhance our communication efforts, we are introducing new recurring content to *The Negotiator*. This includes:

- **Spotlight Series:** A Q&A session featuring new CALEP members and longstanding members who have significantly contributed to our industry. This series will provide insights into their careers, achievements, and perspectives on the future of the industry.
- **Surface Rights & Regulatory Review:** An overview of recent Surface Rights Board Decisions prepared by Bennett Jones LLP. This section will keep members informed about critical legal and regulatory developments affecting land and property rights. We will also provide analysis and commentary on how these developments impact our industry.
- **Loss of Use/Adverse Effects Updates:** Prepared by Telford Appraisals.

Additionally, we are exploring various initiatives such as updating the website, exploring other social media sources, and evaluating the value of an app.

Our industry continues to evolve, and maintaining timely access to land is critical. Ensuring our members stay up-to-date with changes and have the tools needed to navigate our business is key. Therefore, we aim to feature more content about various tools and information that can assist our members. This includes reviews of new software, tutorials on best practices, and case studies on successful projects. We will also collaborate with industry experts to provide in-depth articles and whitepapers on emerging trends and technologies.

We are always looking for new content and

If you have any suggestions or contributions, please do not hesitate to reach out to me. Together, we can ensure that CALEP remains a leading voice in the land and energy sectors, providing valuable resources and support to our members.



Donald MacLeod, CALEP Director Professionalism/New Education

I'm Donald MacLeod - Director of the Professionalism/New Education portfolio for CALEP. A little bit about me, I have an extensive oil and gas background, starting in the seismic business at 18 years old. I fell in love with the energy industry, and in my career, I've moved to Slickline, then Wireline, all the way to Surface Land (Taking a few breaks in between to live in Europe for a couple years, and attend post-secondary at Olds College and University of Lethbridge). I've been lucky enough to work in the Northwest Territories and Yukon down to the Southern British Columbia and Alberta Borders. I am really looking forward to seeing what I can do to help the current state of the Surface Land Agent Post-Secondary Education Program, as well as working

alongside other board members to try and revamp the Land Agent Licensing Act, getting the regulations up to speed with renewable, emerging and conventional energy.

My portfolio is undergoing a significant change with the help of the President of CALEP, Sandra Dixon. Currently, I have been tasked with External Education and working with Post-Secondary Institutions on their Surface Land Programs, or lack thereof.

I'm very excited to be a member of the current board. When I first joined, I was taken aback at the experience, dedication and professionalism I encountered. Then, as I became more involved with CALEP, I couldn't help but be impressed with the volunteers and members who have taken time away from their careers and family to help out. Thinking about that gives me quite a bit of motivation to do the best I can, and I hope to live up to expectations. Lastly, I'd like to thank my employer, Scott Land & Lease for their support in my role as a director on the CALEP Board. I look forward to seeing you around at the various CALEP events.



CALEP PHOTO CONTEST

Calling All Seasoned Professionals & Enthusiastic Amateurs!

Unleash your creativity and share your unique perspective by entering our photo contest! Whether you're a seasoned professional or an enthusiastic amateur, we invite you to showcase your best shots. This is your chance to have your work featured in our magazine and win fantastic prizes. Don't miss out on this exciting opportunity to connect with fellow photography enthusiasts and get your talent recognized. Submit your photos today and let your artistry shine! Remember to promote the contest within the CALEP community, encourage participation, and celebrate the creativity of your members!

The Details

1. Eligibility:

- Participants must be current members of CALEP.
- Non-members are not eligible to enter the contest.

2. Theme and Categories:

- Photos should fall into one of the following categories:
 - **Projects in the Field:** Capture moments from your work on projects from the field. Showcase the impact you're making!
 - **Views from or in Your Office:** Share scenic views from your workspace. Whether it's a city skyline or a serene natural landscape, or you working hard or having fun with your team, we want to see it.
 - **CALEP Events:** Document CALEP events, workshops, conferences, or team gatherings. Highlight the camaraderie and energy of these occasions.



3. Submission Guidelines:

- Each participant can submit up to three photos.
- Photos should be high-resolution (at least 300 dpi) and in landscape or portrait orientation.
- Accepted formats: JPEG, PNG, or TIFF.
- Include a brief description or caption for each photo.

4. Judging Criteria:

- The communications team will evaluate entries based on:
 - **Creativity:** How well the photo captures the theme.
 - **Composition:** Attention to framing, balance, and visual appeal.
 - **Emotional Impact:** Does the photo evoke feelings or tell a story?
 - **Technical Quality:** Clarity, focus, and overall quality.

5. Prizes:

- Winners will receive CALEP swag.
- Winning photos will be featured in issues of the Negotiator and included in the official CALEP calendar.

6. Submission Deadline:

- The contest closes on November 1, 2024.
- To submit your entries, send your photos to reception@calep.ca with a title and some information about each photo.

ON THE HORIZON

Upcoming Events with CALEP



Sweat the Subsurface Road Race and Fun Run

Join us for a 5km or 10km race or fun run/walk! All registrations include a t-shirt, chance to win great prizes (80% of registrants win), and a ticket to the race after party including food and two drinks.

SEPTEMBER 26, 2024

6:00pm - 9:00pm

Register [here](#).

2024 CALEP Conference

NOVEMBER 17 -19, 2024

Fairmont Banff Springs

Banff, Alberta

Register [here](#).

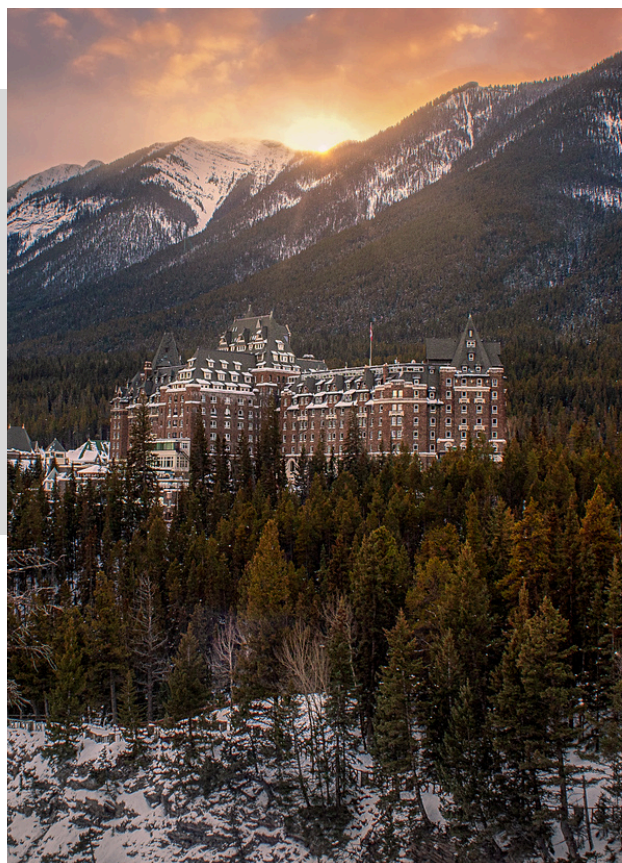
**Early Bird Pricing Ends:
September 20, 2024**

General Breakfast Meeting

OCTOBER 16, 2024

8:00am - 9:30am

Calgary Petroleum Club





GET SMART

COURSE	DATE	TIME	LOCATION
Overcoming The Five Dysfunctions of a Team	SEP 19, 2024	9:00am - 4:00pm	CALEP Office
Professional Ethics: Theory and Application	SEP 24, 2024	9:00am - 4:00pm	CALEP Office
Royalty Agreements	OCT 3, 2024	9:00am - 12:00pm	Virtual
The Surveyor's Toolkit: Methods, Technology & Regulatory Insights	OCT 8, 2024	9:00am - 4:00pm	DeWinton Community Hall
Pad Site Sharing Agreement Seminar	OCT 17, 2024	9:00am - 4:00pm	CALEP Office
Evaluation of Canadian Oil and Gas Properties for Landmen (2-Day)	OCT 21 & 22, 2024	9:00am - 4:00pm	CALEP Office
Project Management Foundations	OCT 24, 2024	9:00am - 4:30pm	CALEP Office
Negotiation Excellence	JAN 13, 2025	9:00am - 1:30pm	CALEP Office

Save \$50 when you register at least 3 weeks in advance! Prices will increase 3 weeks prior to the course.

For more information, or to register, please see the CALEP course schedule in its entirety [here](#).

ROSTER UPDATES

These updates result from changes made to your membership portfolio. If you identify any errors, please reach out to the office, and we will promptly address them.

ON THE MOVE

Mike Anderson	Rocky Mountain Land & Energy Consulting Inc. to Tamarack Valley Energy Ltd.	Susan McNutt	Independent to HWN Energy Ltd.
Keven Blencowe	Cenovus Energy Inc. to Petrus Resources Ltd.	Neil McPherson	Persistence Energy Ltd. to Covenant Resources Ltd.
Debby Brotzell	Crew Energy Inc. to Veren	David Morrison	Cenovus Energy Inc. to PETRONAS Energy Canada Ltd.
Kathy Buckman	CNOOC Petroleum North America ULC to Independent	Edward Nunes-Vaz	Independent to CNOOC Petroleum North America ULC
Patrick Burgess	Blue Sky Resources to Burgess Energy Advisor	Mike Ponto	Arrow Exploration Corp. to 2239393 Alberta Ltd.
Glenda Dacosta-Jones	Buffalo Mission Energy Corp. to Perpetual Energy Inc.	Sue Predika	Baytex Energy Ltd. to Saturn Oil & Gas Inc.
Ryan Ferguson Young	Sayer Energy Advisors to Earth Horse Energy Advisors	Andy Prefontaine	1591195 Alberta Ltd. to Northwest Bay Resources Ltd.
Jessie Fletcher	Canadian Natural Resources Limited to Independent	Craig Ruddy	Freehold Royalties Ltd. to Horizon View Royalty Corp
Taylor Jensen	Canadian Natural Resources Limited to Whitecap Resources Inc.	Steve Sawa	Certus Oil and Gas Inc to Advantage Energy Ltd.
Brennan Kasper	Buffalo Mission Energy Corp. to Mahikan Oil Corporation	Danielle Schapansky	Baytex Energy Ltd. to Perpetual Energy Inc.
Christopher Lizotte	Vantage Point Resources Inc. to Independent	Jeff Standen	Kinghorn Resources Ltd. to Home Run Oil & Gas Inc.
Jill MacCalder	Saturn Oil & Gas Inc. to Topaz Energy Corp.	Shannon Toms	Cenovus Energy Inc. to Lycos Energy Inc.
Curtis McLauchlin	TransCanada to TC Energy	Kristen Welland	Secure Energy Services Inc. to R360 Environmental Solutions Canada Inc.

NEW MEMBERS

ACTIVE NEW MEMBERS

Sue Predika, Baytex Energy Ltd.

Sponsors:

Tania Dunlop
Amy Kalmbach
Susan Levy

Jon Ahteson, Evolve Surface Strategies Inc.

Sponsors:

Tom Templeton
Thomas Deck
Curtis McLaughlin

Shawn Deschamps, Lynx Energy ULC

Sponsors:

Rob Mardjetko
Daron Naffin
Lindy Couillard

Claire Woloshyn, Strathcona Resources Ltd.

David Balderston
Marah Graham
Cindi McKenna

ASSOCIATE MEMBERS

Cullen Greer, Epsilon Energy

Sponsors:

Arnold Brownlees

Darren Kelly, Blue Sky Resources Ltd.

Sponsors:

Chris Moody
Michael Bouvier
Patrick Burgess

Greg Maher, Southern Exploration Inc.

Sponsors:

Adam Stewart
Heather Stables Fofonoff

Matthew Schneider, Borden Ladner Gervais

Sponsors:

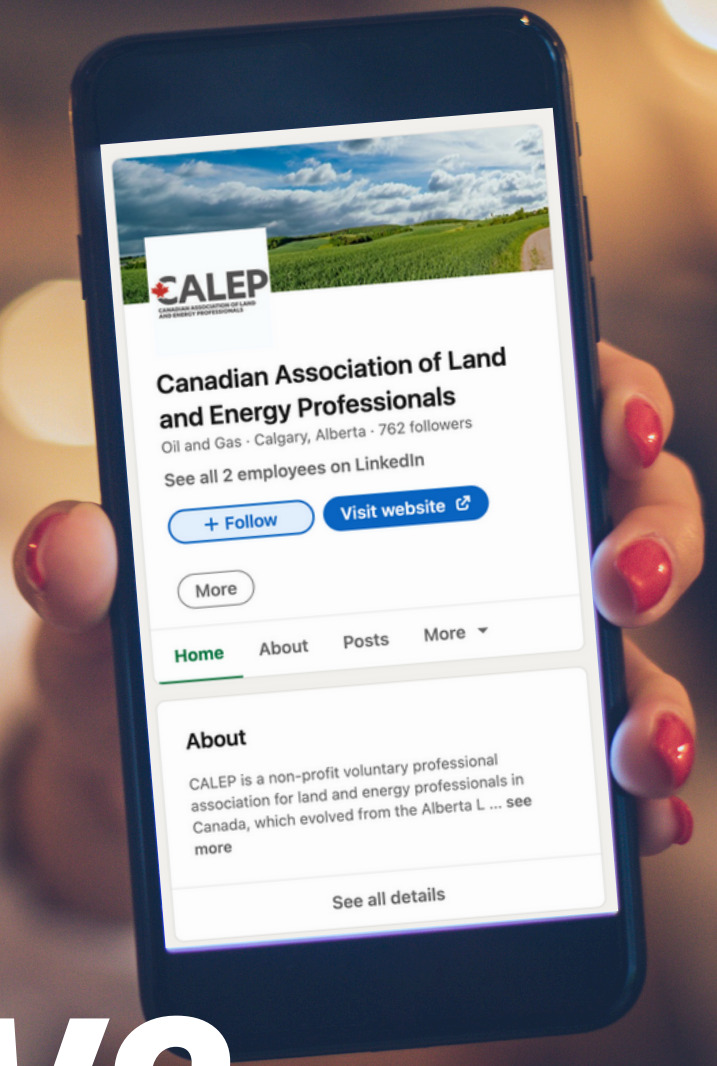
Peter Bryon
Darren Clarke
Robert Telford

INTERIM MEMBERS

Adriana Miller, Millennium Geomatics



DID YOU KNOW?



We have a **new** LinkedIn page!

Follow us for the latest updates, current and upcoming events, course opportunities, and more!



FOLLOW US!