

# FORAGE VIEWS

SUMMER 2021



## IN THIS ISSUE

.....

**Ag Policy Framework  
Engagement.....1**

**AB Certified Weed Free  
Forage Program.....2**

**Meet Our New Team  
Members.....4**

**Changes to Canadian  
Agricultural Partnership  
Programs.....6**

**From the Field: What's  
Going On?.....9**

**Featured Project: Hemp  
Variety Trial.....12**

**A&W Canada, Cargill Build  
Nature-Based Solutions  
with ALUS.....14**

**Why Refusing Land Access  
to the Orphan Well  
Association Might be a Bad  
Idea.....15**

## IMPORTANT DATES

**August 5, 2021: Field  
Tour, Supper & AGM**

## Agricultural Policy Framework Engagement (2021-23)

*Information from: [www.alberta.ca/agricultural-policy-framework-engagement-2021-23.aspx](http://www.alberta.ca/agricultural-policy-framework-engagement-2021-23.aspx)*

Alberta Agriculture and Forestry is gathering feedback to help inform the development of the next Agricultural Policy Framework, set to replace the Canadian Agricultural Partnership in April 2023.

Feedback will be gathered in 3 phases. Phase 1 will help inform government priorities to be considered when negotiating the next policy statement at the 2021 Federal, Provincial and Territorial Ministers of Agriculture conference in September 2021. Input during this phase will also be used to inform the direction of Phases 2 and 3.

The Canadian Agricultural Partnership is a \$3 billion 5-year investment by federal, provincial and territorial governments to strengthen and grow Canada's agriculture and agri-food sector.

During Phase 1, they are seeking input on:

- current and emerging industry challenges
- objectives, principles, priorities and outcomes for the framework
- ways to accomplish priorities and outcomes in Alberta
- gaps in the current Canadian Agricultural Partnership priorities and outcomes
- how to address the weight and impact of identified priority areas
- Business Risk Management long-term reform policy direction

You can provide your feedback on Phase 1 of the next Agricultural Policy Framework through an [online survey](#) until **July 2, 2021**. In addition to the online survey, stakeholders will be invited to submit written feedback and/or participate in virtual sessions/meetings.

The survey can be found at: [https://your.alberta.ca/canadian-agricultural-partnerships-in-alberta/survey\\_tools/next-policy-framework-survey](https://your.alberta.ca/canadian-agricultural-partnerships-in-alberta/survey_tools/next-policy-framework-survey)



## Alberta Certified Weed Free Forage Program Revitalized

*Information provided by the Alberta Invasive Species Council*

Contaminated hay is one way invasive plants are spread across the province, between provinces and around the world. To address this, the North American Invasive Species Management Association, has set industry guidelines and maintains minimum standards for certified weed free products, which are recognized across North America.

The Alberta Invasive Species Council is thrilled to have received funding from the Canadian Agriculture Partnership to help promote and revitalize the Alberta Certified Weed Free Forage program.

*"It is our intention to work with producers, municipalities, and the province to facilitate, promote and revitalize the Alberta Certified Weed Free Forage program resulting in more weed free forage on the market in Alberta."*

General Information for forage producers that are interested in having fields inspected to certify them as weed free:

- Inspections must be conducted by a Certified Weed Free Forage Inspector within 10 days of harvest. If the crop is not cut within 10 days, a new inspection must be conducted.
- Inspectors may certify all or a portion of a field as 'weed free'
- Invasive species may be present in a field certified as weed free if there are no propagative plant parts (e.g., flowers, seed heads, root fragments) present.

*Continued on next page*

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- Participation by municipalities in this program is voluntary. If you produce forage in a municipality that is not participating in the program, but you are interested in having an inspection conducted, please contact the AISC and we will work to find a solution.
- The AISC intends to maintain a publicly available list of producer contact information for producers with inventory of Certified Weed Free Forage. We will update this list frequently and add it to our website. Please let AISC know if you would like to be added to that list.

Weed Free Forage inspections can only be conducted by those with authority under the Weed Control Act (e.g., Weed Inspectors). As such, the actual inspections and certification issuance can only be conducted by Weed Inspectors who have taken recent Certified Weed Free Forage Inspector Training. Municipal participation is voluntary but encouraged. For information on how to get your field inspected, contact your local Agriculture Fieldmen or the Alberta Invasive Species Council.

Please help us protect Alberta from the harmful impacts of invasive species by spreading the word (not the plant!) about Alberta's Weed Free Forage program!

For more information visit the AISC's website:

abinvasives.ca, phone: 587 999 0954 or email: info@abinvasives.ca.

## Municipal Partners



*This Publication is made possible by our major funder: Results Driven Agricultural Research (RDAR).*



**Western Canada Conference  
on Soil Health & Grazing**

**SAVE THE DATE**

December 13, 14 & 15, 2022  
Double Tree by Hilton West Edmonton



# MEET OUR NEW TEAM MEMBERS

We recently welcomed three new faces to our team! Here's a little about them.



**Becky Doherty**

General Manager

Becky is co-owner/operator of Stonepost Farms, a small mixed farm focusing in direct marketing located near Wildwood, with her husband John and two young kids.

Becky has a Bachelor of Science in Geography from the University of Lethbridge. She has extensive experience in data analysis and project management in a diverse range of industries including municipal government, agriculture, oil & gas as well as forestry.

She loves to be outdoors, whether it is hiking, golfing or going horseback riding. She has a passion for continual learning and research. Becky is looking forward to joining the West-Central Forage team to support the region's producers.



**April Kudera**

Summer Field Technician

April recently completed her prerequisites for veterinary school. Her career goal is to work at and possibly own her own clinic in the future! In the meantime, she will be completing her Bachelor of Agriculture degree with a major in Animal Science at the University of Alberta.

In her spare time she can be found riding her horses, playing with the kitties, or getting her registered Hereford cattle ready for a show! April is excited to join the West-Central Forage team to gain even more experience in the agricultural industry.



**Savannah McLean**

Summer Field Technician

Savannah recently completed her second year of an Environmental Studies degree with a concentration in Politics, Society and Global Environment at the University of Alberta.

When she is not studying she can be found dancing for Volya Ukrainian Dance Ensemble or participating in school events with Ceres Alberta Fraternity!

Savannah has always loved hiking, skating, or anything that can bring her outdoors! She is super excited to be a summer field technician for West-Central Forage Association and can't wait to learn more in her field.





# SAVE THE DATE!

## FIELD TOUR & AGM



**AUGUST 5, 2021**  
**MAYERTHORPE, AB**

**Field Tour @ 3:00 PM**  
**Supper @ 5:00 PM, AGM to follow**

*Registration information and further details will be announced soon!*

## WCFA TO PRESENT AT AGSMART EVENT

Jessica will be participating in AgSmart, an event produced by Olds College & Agri-Trade.

Jessica will be hosting a session focused on the "Evaluating Sire-Progeny Links, Breeding Plans and Information Management in Multi-Sire Breeding Scenarios on Commercial Herds" project currently underway.

WCFA, Lakeland College and Olds College have been collaborating on a multi-year project evaluating the use of DNA testing to link sires with their offspring in commercial beef herds utilizing multi-sire breeding groups. This session will discuss some of the early results, and the potential benefits of using herd performance information, including sire-progeny links, to inform breeding decisions to generate measurable productivity & profitability improvements.

AgSmart is a two-day event focused on data and technology across the agriculture sector that will feature the following:

- Education-intensive workshops & demonstrations
- Technical hands on components
- Field scale demonstrations
- Demo Plots
- Exhibit Space
- Showcasing the Olds College Smart Farm and Technology Access Centre for Livestock Production



AgSmart is happening August 10 and 11, 2021 at Olds College. For more information on the event, registration information and more visit: [agsmartolds.ca](https://agsmartolds.ca)

## CHANGES TO THE CANADIAN AGRICULTURAL PARTNERSHIP (CAP) GRANT PROGRAM

*Jessica Watson, Conservation Ag & Extension Coordinator*

The Government of Alberta (GOA) recently made some changes to the Canadian Agricultural Partnership (CAP) program. These changes will be in effect until the current CAP agreement expires on March 31, 2023.

The GOA says the changes will "streamline the grant process to make it easier for producers and food manufacturers to access funds." Changes include a simplified grant application process that will allow producers to receive their money faster, according to a June 11th media release from the GOA.

Alberta will now have 9 programs, organized under three themes:

- Growth & Value-Added
- Farm Efficiency
- Public Trust

The nine programs are:

- Agriculture and Food Sustainability Assurance Initiatives
- Emerging Opportunities
- Farm Technology
- On-Farm Value-added
- Value-added
- Youth Agriculture Education
- Efficient Grain Handling
- Market Assurance
- Water

Of the 9 programs, primary producers are eligible to apply to five. These include the Farm Technology program, On-Farm Value-added, Efficient Grain Handling, Water and Market Assurance.

### Overview of Programs Available to Primary Producers

#### *Farm Technology*

The Farm Technology Program supports producers in protecting their business by encouraging the adoption of best management practices in farm technology and security.

Applications under this program will be divided into two streams, the Farm Technology stream and the Farm Security stream. Eligible expenses will be cost shared at 50% grant, 50% applicant. A current EFP is required to apply to this program.

Examples of items that are eligible for funding under the Farm Technology Stream include:

- Electronic Soil Sensors
- Farm equipment mounted sensors & cables (yield & optical sensors)
- Electronic livestock ID readers
- Other sensors, such as leaf wetness sensors
- Internet boosters

Examples of items eligible for funding under the Farm Security Stream include:

- GPS Equipment tracker
- Remote fuel tank monitors
- Remote monitoring cameras
- Motion detectors/driveway alert systems
- Door sensors

This program is currently open and accepting applications.

*Continued on next page*



## ***On-Farm Value-added***

The On-Farm Value-added Program supports economic recovery through investment in projects, company sales growth, market expansion and the creation of jobs in Alberta. This program is designed exclusively for primary producers who are adding value past primary production.

Eligible activities include:

- Processing Capacity Expansion
- Food Safety Improvement
- New Product and Process Development
- Market Development and Access

Eligible capital expenses will be cost-shared at 25% grant, 75% applicant. Non-capital expenses will be cost-shared at 50% grant, 50% applicant.

This program is currently open and accepting applications.

## ***Efficient Grain Handling***

The Efficient Grain Handling Program is an energy efficiency program intended to assist producers with reducing the overall energy use on their operations. The program will fund equipment that shows a significant energy efficiency improvement over standard practice. A current EFP is required to apply to this program.

Eligible expenses will be cost-shared at 50% grant and 50% applicant.

Examples of eligible items include:

- High Efficiency Burners
- Heat Exchangers
- Electric or gas submeters on Dryers
- Automated bin fan control systems
- Exhaust air recirculation systems

## ***Water***

The Water Program assists primary producers in enhancing agricultural water management for continued growth and long-term success of the agriculture industry.

There are two streams under the Water Program: on-farm irrigation projects, and on-farm water supply projects.

Eligible expenses will be cost-shared at 25% grant and 75% applicant, except for special incentives which will be cost-shared 50% grant and 50% applicant.

Examples of Eligible items under On-Farm Water Supply

- New well construction & well reconstructions
- Exclusion fencing for new or reconstructed wells in pasture with a new off-source watering system.
- Off-source watering on new or reconstructed wells
- New dugout construction, or expansion of existing dugouts
- Exclusion fencing for new or expanded dugouts
- Off-source watering on new or expanded dugouts
- Unshared water pipelines
- Well decommissioning
- Well pit conversions

\*Note: off-source watering on existing wells & dugouts are ineligible under this program. There is no longer funding for off-source watering on natural water bodies.

The Water Program is set to begin accepting applications July 5, 2021.

The lists above are not comprehensive lists of all eligible items. More details on all the items eligible for funding under each of the CAP programs can be found at [www.cap.alberta.ca](http://www.cap.alberta.ca). You can also subscribe to receive program updates and announcements on the CAP website to receive alerts about any changes to programs, when applications are open/closed, etc.

You may also contact Jessica for more information, or for assistance with your CAP application at (780) 621-8670 or [conservationag@westcentralforage.com](mailto:conservationag@westcentralforage.com)



**Renew at: [www.westcentralforage.com](http://www.westcentralforage.com)**

## **WHY GET A WCFA MEMBERSHIP?**

### **BENEFITS OF A WCFA MEMBERSHIP**

- Discounted registration for workshops, seminars, field tours, and more!
- A subscription to *Forage Views* (this newsletter)
- Access to our equipment rental line-up
- Forage & Soil tests at significantly discounted rates (and we'll ship them for you!)
- Joining a network of innovative local producers

### ***Rental Equipment? What am I able to rent with my membership?***

#### **RENTAL EQUIPMENT LINE-UP**

- Forage & Soil probes
- Alleyway platform scale
- Pneumatic Stapler (never pound fence staples again!)
- Spinning Jenny Wire Roller (spools of high tensile wire)
- Tru-Test XRS2 RFID Reader
- Tru-Test XR5000 Weigh Scale Indicator

In order to vote at our upcoming AGM on August 5th, or run for a position on our Board of Directors you will need to have an active WCFA membership, so make sure you get your membership before then!

Membership is \$30/year per farm unit. You can purchase your membership online at [www.westcentralforage.com/about/membership/](http://www.westcentralforage.com/about/membership/)

If you have questions regarding membership or have difficulty purchasing it online, please contact us at [info@westcentralforage.com](mailto:info@westcentralforage.com) or (780) 785-3411 (ask for West-Central Forage).



# From the Field: What's Going On?

*April Kudera & Savannah McLean, Summer Field Technicians*

## A LITTLE ABOUT US

It has been extremely busy the last couple of months for us, the WCFA summer students!

My name is April Kudera, and I am one of the summer students. I have grown up on a registered polled Hereford cattle ranch outside of Wildwood, AB. For the last two years, I attended Lakeland College to complete prerequisites for Veterinary Medicine. For my further education this fall, I am still deciding between the University of Alberta and the University of Saskatchewan for my Bachelor's Degree, and the pursuit of which Vet school!

And I am the second summer student, Savannah McLean. I was born and raised in Edmonton, Alberta, and have moved to my grandparent's farm near Evansburg, AB to work with WCFA this summer. In the fall, I will be going into my third year of an Environmental Studies Degree at the University of Alberta. I study quite a bit during the school year, but if I am not at school, I am either volunteering with the Ceres Alberta Women's Fraternity on campus, teaching Ukrainian dance in Bonnyville, or dancing with the Volya Ukrainian Dance Ensemble!

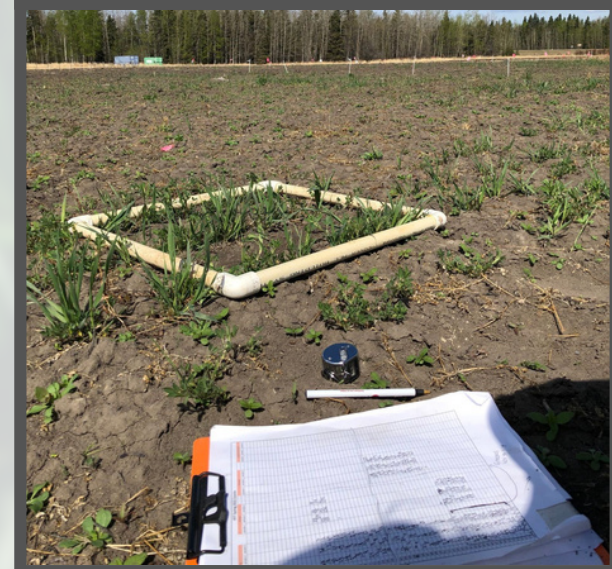
Now that you know a bit about ourselves, we would like to catch you up on what WCFA has been getting up to since we started on May 3, 2021...

## SOIL SAMPLING

After a few days of training and orientation, we got right into soil sampling for the Soil Revitalization project, using the sampling protocol from our Soil Health Benchmark project. As we take samples from a 30x30 metre block we are looking to improve soil health in the areas tested. We completed 6 sites near Mayerthorpe. We sampled for soil biology in Wildwood, and Brazeau as well. Mayerthorpe was the most eventful site for us! There, we were lucky enough to work in fields full of Hereford cows, Angus cows, and a few kittens as well. It was right up April's alley... She was even lucky enough to spot some of the cows she sold years back!

## PLANT COUNTS

The plant counts took place at the Perennial Forage Trial that was seeded last year at the Yellowhead County site near Wildwood, Alberta. We spent a couple of days using handheld counters and a square foot quadrant to determine the amount of spring re-growth at 3 areas randomly throughout the trial rows. The number of alfalfa sprouting, sainfoin plants, and grass blades counted, was quite high within many rows! This was completed in early May, and by now most of the varieties have grown over a foot tall!!







## **SEEDING - WEIGHING SEED- TILLING- LAYING PLOTS**

Seeding for the Regional Silage Variety Trial happened right across the river from the Quonset on June 2nd, 2021. This is WCFA's first year planting this area, so there was much to do before seeding could begin, but once we got the ball rolling, we started and finished seeding the entire project in one day! We have 5 blocks seeded on that field: 21 varieties of Winter and Spring Cereal Mixes, 10 varieties of Alternatives, 12 varieties of Oats, 18 varieties of Barley and 11 varieties of Triticale. (Editor's note: the Regional Silage Trial gets the honour of being the very first trial seeded at our newest site in Lac Ste. Anne County).

The Hemp Variety Trial was seeded on June 22, at the Brazeau County site.

## **WEEDING**

Although weeding is not our most eventful task, it gives us an opportunity to add tallies to our ladybug count each time we are weeding the Perennial Forage Trial rows in Wildwood, Alberta. We have been weeding within the rows and mowing or weed whacking the walkways between the reps and trials to ensure that the perennials planted last year will be ready for harvest in the near future.

For now, those are our updates! If you ever pass by one of the research sites that we are working on, we would love to meet and chat with any of the WCFA members!

## **Other Field Updates**

### **SOIL MOISTURE PROBES & WEATHER STATIONS INSTALLED**

Four soil moisture probes and weather stations were installed this spring by Martin Deerline at different cooperator sites as part of the Soil Moisture in Forage Systems project. We have probes near Blue Ridge, Buck Lake, Leduc, and Mayerthorpe in a variety of field types. The staff and cooperators have been enjoying looking at all the information collected by these devices!





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## Did You Know?

Hemp is still not approved for use as a forage crop or in livestock feed? (Though this should be changing shortly)

This data will help industrial hemp growers choose cultivars that can both meet the demands of their market and thrive in their particular growing conditions.

Each year WCFA produces an Annual Report for each of the trials we conduct. The results for the 2020 Industrial Hemp Variety Trial are included in the 2020 Annual Report, which will be made available to the public shortly. (Editor's note: you can find results from all previous years of the trials on our website and in past editions of the Annual Report). We've decided we would give you a little teaser of last year's results here, however.

While many research organizations and industrial hemp growers have the ability to install large plots for the research of cultivars, at WCFA we are limited to small plot research for most of our projects. Our contribution to the National Industrial Hemp Variety Trial is seeded in Brazeau County with a small plot research seeder. The plots are weeded by hand as there is no approved in-crop pesticide for hemp. Maintenance is routinely done around the plots throughout the season with mowers and mechanical aides. Harvest and threshing are completed over long hours by hand in the fall.

## Featured Project

### *National Industrial Hemp Variety Evaluation Trials*

*Melissa Howard, Forage Research Coordinator*

WCFA has cooperated with the Canadian Hemp Trade Alliance (CHTA) on the National Industrial Hemp Variety Evaluation Trials since 2018. Each year a number of dual-purpose and grain type industrial hemp varieties are evaluated. Information is collected on seedling mortality, plant vigour, height, lodging, disease incidence, male-to-female plant ratio, non-narcotic cannabinoids (NNC), grain yield and fibre yield (dual-purpose varieties only).

Scheduled to have ended with the close of 2020, the CHTA National Industrial Hemp Variety Trials were extended for the 2021 growing season in order to test a few new cultivars. It looks like this will be the final year for this particular trial. This may seem like a sad time, as a beloved research trial is ending. Of course, what this really means is that soon all of the research conducted over the past four years will be collated into a final report that includes data from all over Canada.



### Fun Fact (Not-so-fun fact?)

There is a black market for offloading industrial hemp fibre, so understanding to whom hemp fibre can and should be sold is important before you grow it. Hemp is highly regulated to control illegal fibre from entering the market.





For the 2020 field season we seeded 24 plots of six cultivars (five test varieties and one check) of grain-type hemp and 28 plots of seven cultivars of dual-purpose type hemp. The results from our trial showed substantial variation in the amount of plants per acre of each of these hemp types. Some cultivars had greater success establishing and others had difficulty. There was a significant amount of rain early on in the 2020 field season, which may have adversely affected establishment. Other research organizations experienced total crop failure due to the excessive precipitation. Our grain hemp showed an adverse reaction to the moisture but luckily survived to maturity. Dual-purpose hemp appeared to be unaffected by the precipitation.



Overall the grain hemp cultivars could not match the dual purpose cultivars in the production of grain in lbs/acre. This may have been another adverse effect of the early season rain. Dual purpose cultivars varied greatly in both the amount of fibre and grain produced in lbs per acre, but most had double the grain yield as compared to all grain hemp cultivars. There were a few cultivars of dual purpose hemp that outperformed the others in both the production of fibre and grain.



### Fun Fact

Hemp grain is highly nutritious for both animals and people, but is especially sought after as bird seed.

For the final season of the National Industrial Hemp Variety Trials, three cultivars of grain hemp and nine cultivars of dual purpose hemp will be tested. These will be grown in Brazeau County with the help of cooperator Bart Guyon.

With the opening up of the province this summer, we hope that once again we will be able to host tours of our research sites. However, our sites are always open to the public. If you need directions or additional information about the hemp trials please feel free to contact Melissa at: [agronomy@westcentralforage.com](mailto:agronomy@westcentralforage.com)

If you are interested in the growing industrial hemp, the Canadian Hemp Trade Alliance (CHTA) is a valuable resource for providing information on cultivars, marketing, and most importantly the regulations and rules regarding the growth and sale of industrial hemp in Canada. Visit [www.hemptrade.ca](http://www.hemptrade.ca) for more information.



### Did You Know?

Hemp cultivars, if left to self seed, tend to increase in THC content throughout the years. Which is why industrial hemp is so highly regulated.

In Canada industrial hemp varieties must contain 0.3% tetrahydrocannabinol (THC) or less in the leaves and flowering heads.

## A&W CANADA, CARGILL BUILD NATURE-BASED SOLUTIONS WITH ALUS

*ALUS Rancher-led Efforts to Address Climate Change Scaled Through Collaboration with A&W Canada, Cargill.*

*ALUS Press Release, May 25, 2021 [https://alus.ca/alus\\_news\\_and\\_events/aw-canada-cargill-address-climate-with-alus/](https://alus.ca/alus_news_and_events/aw-canada-cargill-address-climate-with-alus/)*

Climate change is often considered the greatest collective challenge we face. While at times overlooked, agriculture offers one solution to address this challenge—the way we produce food can be a powerful lever against the impacts of climate change. For almost two decades, **ALUS has seen the crucial role beef ranchers and their cattle play to not only address climate change, but also improve Canadian ecosystems and communities.**

Recognizing this potential, **A&W Canada and Cargill have collaborated to create Grazing Forward**, to support ALUS and expand its **New Acre™ Project**, which helps farmers and ranchers accelerate agricultural practices to promote healthy grasslands, improve wetlands, create wildlife habitat and protect species.

Through Grazing Forward, ALUS will take a hands-on, local approach, working with interested Canadian beef ranchers to plan and implement practices that contribute to environmental outcomes, including improved soil health and water quality, increased biodiversity and plant growth. **Grazing Forward will impact more than 6,000 acres and engage ranchers in 20 communities, extending the New Acre Project's current reach by 233%.**

“The ALUS program helps us implement our vision for the future of beef. With new approaches to ranching, we can run an eco-conscious, quality-driven operation using an Angus-based cow herd, advanced grazing management techniques, a superior herd health program and a kinship with the land we operate on,” says Sean McGrath, fifth-generation family farmer with Round Rock Ranching.

Highlights of the collaboration include:

- A&W Canada and Cargill will together provide \$1.8M CAD (\$1.5M USD) to support ranchers in Alberta, Saskatchewan and Manitoba as they continue to scale regenerative agriculture practices that capture carbon dioxide, in addition to supporting the long-term sustainability of ecosystems communities.
- Through ALUS's program, “regenerative agriculture” describes farming and grazing practices that, among other benefits, can help mitigate climate change by rebuilding soil organic matter and restoring soil biodiversity – resulting in both carbon drawdown and improved water cycles.
- The project is expected to sequester up to 12,578 MT greenhouse gas emissions per year, equivalent to more than 51 million kilometres (31 million miles) driven by the average passenger vehicle, according to the EPA.
- Supporting the long-term success of the land, participants and local communities is critical for the program. Ranchers who participate will receive extension services and technical guidance for project implementation and maintenance. Additionally, participants are eligible to receive cost-sharing and annual per-acre payments, helping to ensure there is an economic path forward and support systems are in place to set each participant up for success.
- Through Grazing Forward, local engagement guides local impact. Implementation is supported at the local level by Partnership Advisory Committees consisting of farmers, municipal leaders and key stakeholders. These committees guide program activities to ensure they address local priorities, such as watershed management and protection of wildlife species.



# WHY REFUSING LAND ACCESS TO THE ORPHAN WELL ASSOCIATION MIGHT BE A BAD IDEA

The Orphan Well Association (OWA) has fostered great relationships with landowners on sites where they execute work. However, occasionally, a few landowners feel that by restricting access to the OWA, they may create leverage to obtain overdue surface lease payments from defunct companies or the Land and Property Rights Tribunal (formerly, the Surface Rights Board). In fact, by refusing access to the OWA, landowners may be harming their ability to obtain payments and/or reduce the amount of payment they may ultimately receive. Let's look into this issue a little further.

## ***What Happens When A Company Fails To Make Surface Rental Payments?***

When a company fails to make annual lease payments, landowners may apply to the Tribunal to recover the missed payments by submitting a Recovery of Compensation Application under section 36 of the Surface Rights Act (SRA). After a complete application is received and the Tribunal is satisfied with the non-payment, the Tribunal will demand payment from the operator and any working interest participants (WIPs) identified and provide a deadline to comply. Following that, one of two scenarios play out.

1. If the operator or WIP responds within the deadline and provides proof of payment to the Tribunal, no further review of the application is necessary.
2. If the operator or WIP does not make payment within the deadline, a panel of the Tribunal will consider the application and any evidence provided by the parties in a hearing by written submissions. Following that, the Tribunal will issue a Decision and/or a Direction to Pay Order where it may direct the Minister to pay to the landowner the full amount claimed or a reduced amount. The Tribunal may also suspend and terminate the operator's rights to enter the site, other than for required maintenance or reclamation purposes.

***Please Note:*** Payments directed by the Tribunal and paid by the Minister come from provincial tax dollars and become a debt owing to the Crown from the operator and any identified WIPs.

It's important to note that this does not terminate the lease or the operator's associated responsibilities for decommissioning (also known as abandonment) and reclamation. Landowners may claim missed lease payments for subsequent years by submitting a Returning Recovery of Compensation Application with the Tribunal until a reclamation certification has been formally issued.

## ***How Do Sites End Up In The Orphan Well Program?***

Once companies stop making annual surface lease payments, as outlined above, there is a good chance that they are struggling to survive. Unfortunately, in Alberta, over the past several years many oil and gas producers have failed. When this happens, their wells, pipelines, and facilities often end up in the Orphan Well program. For a site to be designated an Orphan, the Alberta Energy Regulator (AER) must first conduct a thorough review to determine that no responsible party remains. After this review the AER provides the OWA regulatory authority to deal with the site.

## ***Insolvency, Bankruptcy, Receivership, and Inactive***

These terms are thrown around a lot, and many landowners find themselves wondering what exactly these terms mean. If the operator on your land is struggling financially, you may have received a letter regarding your surface lease. Let us break it down so you know what's going on:

It is possible that the well on your land has simply been shut-in and is no longer producing (called inactive). In these cases, the company is still viable, and you should continue to receive your rental payment.

A struggling company may enter into what is known as Companies' Creditors Arrangement Act or CCAA. At this stage, the company still exists and are attempting to restructure and survive. If CCAA is unsuccessful, companies may become insolvent and fall into bankruptcy.

Bankruptcy is a federally regulated process that may result in a court-appointed receiver taking over the company and selling off assets to pay back creditors. At this stage rental payments will likely cease and as a landowner you would need to file for rental payments from the Land and Property Rights Tribunal.

In some cases, the lease and infrastructure may be sold. This typically happens when the well is still producing or considered to be an asset. In these situations, landowners should receive notice of the sale (but may not). The new owner would have an obligation to pay rentals. As a landowner, it is important to contact the new company and ensure the information on their file is correct, so you continue to receive rental payments going forward.

Wells and facilities that are no longer viable will not sell through the receivership and may ultimately come into the orphan well program or become the responsibility of a WIP that may hold an interest in the well. This process can take several years and can leave landowners frustrated as surface lease payments are not typically paid while sites are in receiverships and must be applied for from the Tribunal. If the wells or facilities on your land have become orphan, you will receive a letter from the OWA. You may also go onto the OWA website to see if any of the wells on your land are listed within the inventory. (Further info and website links can be found at the end of this article.)

### ***Can Landowners Deny Access To A Wellsite?***

When an operator has missed or reduced an annual lease payment or where the well has become orphaned, landowners often seek clarification on whether they can refuse access to their land. Unfortunately, denying access will not help your situation or speed up the payment process. The best thing to do in this situation is to apply to the Tribunal for payment as soon as possible

When it comes to the abandonment or reclamation of a wellsite, facility or pipeline on your land associated with a defunct operator, several other parties may legally enter the site. They include the Alberta Energy Regulator, the Orphan Well Association and any WIPs.

Denying access to the AER, OWA, or WIPs may result in the Tribunal stopping all future payments in accordance with Section 36 (8) of the SRA. This section states "The Board may direct the Minister not to make any further payments due to the person if it considers that the person entitled to receive them is refusing access for operations, abandonment or reclamation allowed by law".

### ***The Orphan Well Association***

The Orphan Well Association is a not-for-profit organization created from a joint industry and government initiative to manage the abandonment and reclamation of upstream oil and gas "orphans" in Alberta. Orphans are oil or gas wells, pipelines, facilities or associated sites left behind by a defunct company and have been legally deemed as orphans by the AER. The OWA operates under the delegated legal authority of the AER, with funding from the oil and gas industry. This includes the repayable loans provided by the Provincial and Federal Government you may have heard about.

The OWA has the legal authority to access all private and public lands in Alberta to suspend or decommission orphaned oil and gas assets, including wells, pipelines, facilities and associated infrastructure. This authority is based on statutes contained within the Oil and Gas Conservation Act. The Association is further authorized to access any Specified Lands for reclamation and remediation under the authority of the Environmental Protection and Enhancement Act.

The OWA has a well-earned reputation of working cooperatively with landowners; however, they have been denied access in rare cases.



In these cases, the OWA informs the Tribunal and/or the Farmers Advocate, and any potential for surface lease payments from the Tribunal may be suspended or denied until access is granted. The OWA can also seek law enforcement support for access if they feel public safety is at risk or in other cases they simply bypass the site and move on to other areas. This may mean that bypassed sites remain on the land for prolonged periods.

It's also important to know that the OWA does not take the place of the former operator and does not hold any surface lease or license for the well or infrastructure. Therefore, the OWA is unable to compensate landowners for unpaid surface lease payments from defunct companies. So, what can landowners do?

While it may seem in your best interest to refuse access to your land, doing so will only impact future work and will not get you the compensation you're looking for.

### ***Working Together***

It's important to note that the OWA will work alongside landowners and communicate openly about the process and timelines in place. Stakeholders will also be engaged during the decommissioning and reclamation process.

Keep in mind that the OWA only receives sites that were owned completely (i.e., 100%) by the defunct company. The OWA will then contact landowners and let them know the well site has been designated an orphan. The OWA is not responsible for rental payments, only the care, management, decommissioning and reclamation of the site.

### ***Taking Care of Landowners***

Although the OWA requires access to sites year-round, it's important to know that they will do their best to communicate openly with landowners before accessing their land. They will also consider landowners' perspectives and concerns but may not be able to delay work and therefore some landowners may be impacted minimally.

Again, these impacts should be documented and provided to the Tribunal as part of the application.

Interested in learning more?

- For additional information about applying to the Tribunal for missed payments under a Surface Lease or Compensation Order, please visit [www.alberta.ca/surface-rights-board.aspx](http://www.alberta.ca/surface-rights-board.aspx).
- For additional information on the Farmers Advocate, please visit <https://www.alberta.ca/farmers-advocate-office.aspx>
- For additional information on the Alberta Energy Regulator, please contact [inquiries@aer.ca](mailto:inquiries@aer.ca)
- For additional information on the Orphan Well Association, please visit <https://www.orphanwell.ca/>

*This article was written as a collaboration between the Orphan Well Association and Farmer's Advocate Office with input from the Land and Property Rights Tribunal. We thank all participating parties involved.*



*This is the 3rd article in a three-part series. All three articles can be found at: [www.westcentralforage.com/publications/additional-resources/](http://www.westcentralforage.com/publications/additional-resources/)*



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