

INFORMATIONAL NOTICE 09- 03

**ANNUAL REPORT
ABANDONMENT FUND RESERVE ACCOUNT**

Fiscal year ending March 31, 2009

Abandonment Fund Reserve Account:

The Abandonment Fund Reserve Account (“the Abandonment Fund”) is established under Section 172 of The Oil and Gas Act (“the Act”). The Abandonment Fund may be used as a source of funds to operate or abandon a well or facility that is non compliant with the Act where the licensee or permittee of the well or facility fails to comply. The Abandonment Fund may also be used to rehabilitate the site of an abandoned well or facility or to address any adverse effect on property caused by a well or facility. Expenditure from the Abandonment Fund on behalf of a licensee or permittee automatically creates a debt of the licensee or permittee to the Crown.

Annual Review of Abandonment Fund:

Section 54.1 of the Drilling and Production Regulation (“the Regulation”) under the Act provides as follows:

Account reviewed annually:

54.1

The Director shall conduct an annual review of the Abandonment Fund Reserve Account and shall make a recommendation as to whether the amount of the non-refundable levy should be changed having regard to the account balance and the anticipated deposits to and expenditures from the account.

This is the Director’s report, as required by the Regulation, for the fiscal year ending March 31, 2009.

Opening Balance:

The opening balance of the Abandonment Fund on April 1, 2008 was **\$686,433.51**.

Deposits (April 1, 2008 to March 31, 2009):

Deposits into the Abandonment Fund are comprised of levies charged on issuance or transfer of certain licences and permits issued under the Act as well as annual levies for inactive wells and batteries. Accrued interest earned by the Abandonment Fund is also deposited. Deposits to the Abandonment Fund may also include recoveries of previous expenditures made from the Abandonment Fund.

Deposits into the Abandonment Fund during the 2008/09 fiscal year totaled **\$217,642.95**.

Levies on Licences and Permits:

Levies for deposit in the Abandonment Fund are established by regulation.

The Drilling and Production Regulation provides for levies on well licences issued or transferred, battery operating permits issued and wells and batteries designated by the Director as inactive. The Geophysical Regulation provides for a levy on geophysical licences issued. Table 1 shows the levies charged under these regulations.

Table 1 – Regulatory Levies

Licence/Permit	Levy
Well Licence	\$ 250
Transfer of Well Licence	50 *
Battery Operating Permit	250
Geophysical Licence	50

* Subject to a maximum of \$1,000.00 for any single well licence transfer application

In fiscal year 2008/09, the following levies were deposited into the Abandonment Fund:

Well Licences	\$73,000
Well Licence Transfers	1,800
Battery Operating Permits	1,750
Geophysical Licences	<u>700</u>
Total	<u>\$77,250</u>

Inactive Well and Battery Levies and Penalties:

The Regulation provides for an annual levy on each well and battery that is designated by the Director as inactive. The following levies apply:

Class 1	a well that has not been operated for 5 years or less	\$150
Class 2	a well that has not been operated for more than 5 consecutive years but fewer than 10 consecutive years	500
Class 3	a well that has not been operated for 10 consecutive years or more	1,000
Class 4	an inactive battery	500

Prior to April 30 of each year, the Director advises operators of wells and batteries that have been designated as inactive for the previous calendar year including the inactive levy due for each well or battery. The operator is required to pay the inactive levy prior to July 31 of the same year unless the well or battery has been abandoned prior to that date. If the operator fails to pay the inactive levy prior to July 31, a penalty equal to 25% of the outstanding levy is assessed. Failure to pay the inactive levy and penalty, prior to October 31 of the same year, results in an additional penalty equal to 50% of the outstanding levy.

The following inactive well and battery levies and associated penalties were deposited into the Abandonment Fund during the 2005/06 fiscal year:

Inactive Levies	\$133,212.50
Late payment penalties	<u>3,150.00</u>
Total	<u>\$136,362.50</u>

Accrued Interest

Interest earned on the balance in the Abandonment Fund, at a rate prescribed by the Department of Finance, is deposited into the Abandonment Fund as provided for in the Act.

Accrued Interest 2008/09	\$4,030.45
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Recovery of Expenditures:

Under the Act, where an expenditure is made from the Abandonment Fund on behalf of a licensee or permittee, that expenditure creates a debt of the licensee or permittee to the Crown. The Petroleum Branch has been successful in partial recovery of expenditures from the Abandonment Fund through marketing of oil recovered and salvage of equipment under Ministerial Seizure Orders and other collection initiatives. Any monies realized through these activities are deposited into the Abandonment Fund.

During 2008/09, \$0.00 was recovered for deposit into the Abandonment Fund.

Expenditures and Refunds (April 1, 2008 to March 31, 2009):

Expenditures and refunds from the Abandonment Fund in fiscal year 2008/09 totaled **\$290,920.86**.

Norcoul:

Pursuant to a Ministerial Seizure Order dated June 18, 2007, the Director executed seizure of the Norcoul Virden 10-15-10-26 WP1 battery on August 15, 2007. In 2008 the branch commenced rehabilitation procedures at the abandoned battery site at 10-15-10-26 which included an electromagnet survey and soil sampling. Rehabilitation procedures in 2008 amounted to \$62,836.05. Expenditures for 2009 are expected as the rehabilitation of the site will be continued. To date, gross expenditures from the Abandonment Fund under seizure of the Norcoul properties equal \$84,802.25 (net expenditures after marketing of oil recovered totals \$65,179.05).

Oilex Exploration Ltd.:

Pursuant to a Ministerial Seizure Order dated September 28, 2001, the Director executed seizure of 11 wells and 2 batteries licensed or permitted to Oilex Exploration Ltd. on November 19, 2001. Currently there are 8 active Oilex sites in the rehabilitation program. To date, no COA's have been issued however, the Branch is seeking landowner releases on 2 sites for possible COA issuance. An electromagnet survey was done early in 2008 and soil sampling is to be performed this fiscal year. Expenditure from the Abandonment Fund for these sites is expected to be \$40,000.00 for this fiscal year.

To date, gross expenditures from the Abandonment Fund under seizure of the Oilex properties equal \$492,557.51 (net expenditures after salvage of equipment and marketing of oil recovered totals \$433,324.57).

Fawn Petroleums Ltd.:

Pursuant to a Ministerial Seizure Order dated December 19, 2001, the Director executed seizure of three wells and one battery licensed or permitted to Fawn Petroleums Ltd. on March 4, 2002. As of March 2007, the Branch has issued one COA to Fawn Lulu Lake Prov. 2-23-1-21 leaving two active Fawn rehab sites remaining. These sites include the abandoned well and battery at 16-14-1-21 and the abandoned well site at 15-14-1-21. Rehabilitation procedures took place on these active sites in 2006 amounting to \$2,112.50. No expenditures are expected in 2009 as these sites will be monitored.

To date, gross expenditures from the Abandonment Fund under seizure of the Fawn properties are \$94,427.65 (net expenditures after salvage of equipment and marketing of oil recovered totals \$51,231.43).

SE 1/4 of Section 10-10-28 WPM:

Under the authority of the Minister, the Branch excavated and disposed of oil and salt water contaminated soil from an earthen pit on an old abandoned battery site in the SE 1/4 of Section 10-10-28 WPM. To date, total expenditures from the Abandonment Fund for site clean up are \$17,565.75. This location remains in active rehab but will not require expenditures in 2008.

Tancam Consulting Ltd.:

Pursuant to a Ministerial Seizure Order dated January 31, 2005, the Director executed seizure of three wells and one battery licensed or permitted to Tancam Consulting Ltd. on June 1, 2005. In the fall of 2006, the three Tancam wells and one battery site were abandoned by the Petroleum Branch at a cost of \$133,116.99. Of this amount, \$53,530.46 was recovered in performance deposit and equipment sales. These sites are currently waiting on approval to commence removal of contaminated soil and final restoration.

Closing Balance:

The closing balance of the Abandonment Fund as at March 31, 2008 was **\$613,155.60**.

Forecast of Revenues and Expenditures :

The following revenues are forecast for the Abandonment Fund during fiscal year 2009/10:

Well Licences	\$25,000
Transfer of Well Licences	1,500
Battery Operating Permits	750
Geophysical Licences	500
Inactive Well Levies	129,000
Interest	<u>2,000</u>
Total	<u>\$158,750</u>

In 2009/10, expenditures will be required to complete the restoration of the Tancam Consulting Ltd. well and battery sites. Pursuant to a Ministerial Seizure Order dated January 31, 2005, the Director executed seizure of three wells and one battery that were licensed or permitted to Tancam Consulting Ltd. There is a remaining rehabilitation cost of approximately \$30,000.

In 2009/10, expenditures will be required to complete the restoration of the Norcoul Resources Ltd. battery site. Pursuant to a Ministerial Seizure Order dated June 18, 2007, the Director executed seizure of the Norcoul

Viriden 10-15-10-26 WP1 battery on August 15, 2007. There is a rehabilitation cost for 2009/10 of approximately \$30,000.

In 2009/10, expenditures will be required to complete the restoration of the Norcoul Resources Ltd. battery site. Pursuant to a Ministerial Seizure Order dated September 28, 2001, the Director executed seizure of 11 wells and 2 batteries licensed or permitted to Oilex Exploration Ltd. on November 19, 2001. There is a rehabilitation cost for 2009/10 of approximately \$40,000.

Total expenditures from the Abandonment Fund in fiscal year 2009/10 are estimated at **\$100,000**.

Recommendation:

A number of factors have combined to reduce funding pressure on the Abandonment Fund:

- (a) increased oil and gas activity has increased levies deposited into the Abandonment Fund;
- (b) increased levies for inactive wells and batteries have been proposed in the new Drilling and Production regulation; and
- (c) increased oil prices have resulted in the assets of some insolvent operators being sold and the wells reactivated; and

The current Abandonment Fund balance is adequate for the Department to take escalating enforcement action against delinquent operators in a timely manner. There are proposed levy increases for wells and batteries designated inactive for the calendar year in the new Drilling and Production regulation and are currently being reviewed.



Keith Lowdon

**Table 2
Abandonment and Rehabilitation Costs**

	Performance Deposit	Fund Expenditures									Total Expenditures	Status
	Expenditure	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009				
A. Oilex Exploration Corporation												
Oilex Daly 5-26-9-29WPM (battery & general)	\$979.00	\$33,705.84	\$25,239.97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$59,924.81	Abd Bat
Oilex CNWE et al Daly 15-19-9-29 WPM	\$ -	\$17,323.78	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$17,323.78	Abd P
Oilex Daly 2-26-9-29 WPM	\$ -	\$23,485.47	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$23,485.47	Abd P
Oilex Ebor Unit No. 1 3-26-9-29 WPM	\$6,935.23	\$19,723.54	\$92,675.88	\$71,906.34	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$191,240.99	Abd P
Oilex Ebor Unit No. 1 4-26-9-29 WPM	\$12,483.74	\$4,982.72	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$17,466.46	Abd P
Oilex Ebor Unit No. 1 6-26-9-29 WPM	\$162.13	\$20,489.95	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$20,652.08	Abd P
Oilex Daly SWD 05-26-09-29 WPM	\$ -	\$ -	\$ -	\$ -	\$5,185.00	\$ -	\$ -	\$ -	\$1,439.42	\$ -	\$6,624.42	Abd P
Oilex Daly Prov. 9-26-9-29 WPM	\$162.13	\$70,685.76	\$429.38	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$71,277.27	Abd P
Oilex Daly Prov. 10-26-9-29 WPM	\$162.14	\$14,125.99	\$429.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$14,717.50	Abd P
Oilex Ebor Unit No. 1 11-26-9-29 WPM	\$162.13	\$17,264.55	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$17,426.68	Abd P
Oilex Ebor Unit No. 1 12-26-9-29 WPM	\$8,629.23	\$762.23	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$9,391.46	Abd P
Oilex Daly 13-26-9-29 WPM	\$162.13	\$20,098.09	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$20,260.22	Abd P
Oilex Daly 14A-26-9-29 WPM	\$162.14	\$22,604.23	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$22,766.37	Abd P
Oilex Totals	\$30,000.00	\$265,252.15	\$118,774.60	\$71,906.34	\$5,185.00	\$0.00	\$0.00	\$1,439.42	\$492,557.51			
B. Fawn Petroleums Ltd.												
Fawn Lulu Lake Prov. 16-14-1-21 (battery)	\$325.00	\$8,578.17	\$ 0,867.55	\$ -	\$ -	\$1,279.50	\$ -	\$ -	\$ -	\$ -	\$31,050.22	Abd Bat

Fawn Lulu Lake Prov. 15-14-1-21 WPM	\$13,998.92	\$1,204.84	\$ -	\$ -	\$ -	\$1,279.50	\$ -	\$ -	\$16,483.26	Abd. P
Fawn Lulu Lake Prov. 16-14MZ-1-21 WPM	\$ -	\$30,369.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$30,369.44	Abd. P
Fawn Lulu Lake Prov. 2-23-1-21 WPM	\$5,276.08	\$11,696.15	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$16,972.23	Abd. P
Fawn Totals	\$19,600.00	\$51,848.60	\$20,867.55	\$0.00	\$0.00	\$2,559.00	\$0.00	\$0.00	\$94,875.15	
C. SE/4-10-10-28 WPM										
SE/4-10-10-28 WPM	\$ -	\$1,429.90	\$15,025.85	\$1,110.00	\$ -	\$ -	\$ -	\$ -	\$17,565.75	Restored
Totals	\$0.00	\$1,429.90	\$15,025.85	\$1,110.00	\$0.00	\$0.00	\$0.00	\$0.00	\$17,565.75	
D. Tancam Consulting Ltd.										
Tancam Waskada SWD 01-28-01-24 WPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$24,397.05	\$2,550.02	\$ -	\$26,947.07	Abd. P
Tancam Waskada 02-28-01-24 WPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$135.00	\$ -	\$ -	\$135.00	Abd. P
Tancam Waskada 02-33-01-24 WPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$63,990.13	\$3,000.00	\$ -	\$66,990.15	Abd. P
Tancam Waskada 08-33-01-24 WPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$29,467.85	\$2,550.02	\$ -	\$32,017.87	Abd. P
Tancam Waskada 02-33-01-24 WPM (battery)						\$ -	\$ -	\$225,120.19	\$225,120.19	Abd Bat
Tancam Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$117,990.03	\$8,100.04	\$225,120.19	\$351,210.26	
E. 3 & 4-15-10-26 WPM										
3 & 4-15-10-26 WPM	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,714.55	\$ -	\$1,525.00	\$1,714.55	Abd
Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,714.55	\$0.00	\$1,525.00	\$3,239.55	
F. Norcoul Resources Ltd.										
Nourcoul Virden 10-15-10-26 WPM (battery)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$2,343.00	\$62,836.05	\$0.00	Abd

