

Resuming Issuing Crown Subsurface Agreements in Caribou Ranges

Interim policy until sub-regional plans are in place

About Crown Subsurface Agreements in Caribou Ranges

In 2016, Alberta's government stopped issuing new Crown mineral agreements in all 15 of the province's caribou ranges to support caribou recovery planning. This restriction did not impact development of existing agreements.

Caribou ranges cover 23 per cent of Alberta, including areas that are resource rich. After a ten-year pause, Alberta's government is making certain undisposed Crown subsurface rights available for acquisition, subject to an interim "no new disturbance" condition. Coal, rock-hosted minerals and undisposed oil sands rights within the surface mineable area will remain reserved.

This change in policy will provide industry with more options to grow oil and gas production and will help maintain caribou habitat as Alberta's government determines what surface policies to apply to caribou ranges through sub-regional planning.

What is the change?

The Department of Energy and Minerals (the department) is resuming the issuance of tenure agreements for well-based resources in Alberta's caribou ranges, effective September 2, 2026. New tenure granting rights to Crown energy (petroleum and natural gas, oil sands located outside the surface mineable area, geothermal), mineral (brine-hosted minerals) or subsurface reservoir resources issued within identified caribou ranges will be subject to the "no new disturbance" condition described in Ministerial Order 031/2026, issued under Section 67 of the *Responsible Energy Development Act*.

Ministerial Order 031/2026 does not apply to existing subsurface agreements and caribou ranges subject to a sub-regional plan, and will last as long as required. The policy will expire under its own terms as sub-regional plans are put in place under the *Alberta Land Stewardship Act*.

Land-use plans under the *Alberta Land Stewardship Act* are the final authority for land-use management guidance in Alberta. To date, the Upper Smoky Sub-regional Plan is in place, and work is underway to

develop sub-regional plans covering the rest of Alberta caribou ranges. For more information on sub-regional planning, please visit alberta.ca/sub-regional-planning.

Key Details

How is this policy being implemented?

The department will issue well-based subsurface tenure in caribou ranges starting September 2, 2026, following all standard processes. Implementation details are described in Information Letter 2026-30.

- Crown coal rights, oil sands rights within the surface mineable area as defined by the Alberta Energy Regulator and rock-hosted mineral rights in caribou ranges will remain reserved from disposition.

Posting requests for public offerings for Crown petroleum and natural gas, oil sands and brine-hosted minerals tenure will be accepted starting September 2, 2026. All other agreement types continue to be available upon request (geothermal, pore space etc.).

New subsurface tenure issued in caribou ranges will include a Notice to Lessee (addendum) indicating that the agreement, or a portion thereof, is subject to Ministerial Order 031/2026 and the "no new disturbance" condition.

The department's mineral restrictions database and the Crown Land Reservation system have been updated to note there are surface conditions for new Crown subsurface agreements issued subject to Ministerial Order 031/2026.

What is the "no new disturbance" condition and does it apply to your activity?

Ministerial Order 031/2026 directs the AER not to issue or amend dispositions to access or carry out activities associated with new subsurface agreements issued on or after September 2, 2026 which enable the creation of disturbance in caribou range.

The condition only applies to new agreements until a sub-regional plan for the area has been completed.

- Proponents may apply for a new disposition to support activities associated with both an Agreement issued before September 2, 2026, and an Agreement issued on or after September 2, 2026 (see Scenario 1 image).
- Proponents may apply to amend an existing disposition to support activities associated with an Agreement issued on or after September 2, 2026, if the amendment does not increase disturbance (see Scenario 2 image).

To determine whether the condition applies to your activity, consider the following:

- Does your proposed activity require a new disposition or an amendment to an existing disposition in a caribou range?
- Is the activity associated with a subsurface agreement issued on or after September 2, 2026?

If the answer to these questions is yes, the “no new disturbance” condition **applies**.

If your proposed surface activity is located outside of caribou range, the Crown Land Reservation communicating the condition **does not apply** and you will not be prompted to complete the statutory declaration and notification requirements outlined below.

What do existing agreement holders need to do?

If your disposition application is within caribou range and is being submitted to obtain approvals to access or carry out activities only pertaining to subsurface tenure issued before September 2, 2026, Ministerial Order 31/2026 does not apply. Disposition applicants in this situation must upload documentation to their regulatory submission confirming this fact to satisfy the Crown Land Reservation notification requirement.

For example:

The proposed activity in this application is associated exclusively with Crown subsurface agreement(s) issued prior to September 2, 2026. As a result, the “no new disturbance” condition under Ministerial Order 031/2026 does not apply to this application.

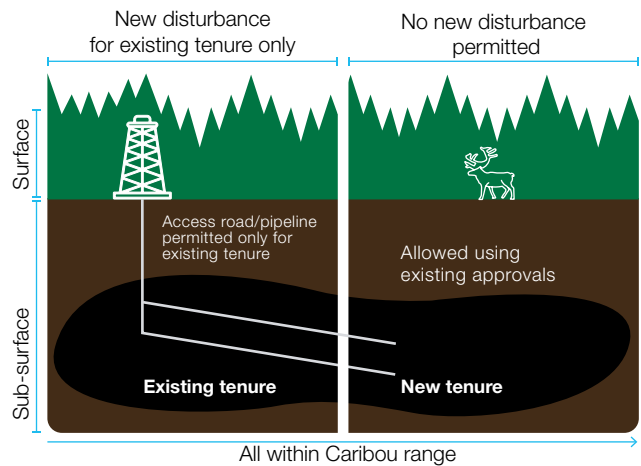
What do proponents subject to the “no new disturbance” condition need to do?

Proponents must design their projects to comply with the condition and submit a statutory declaration.

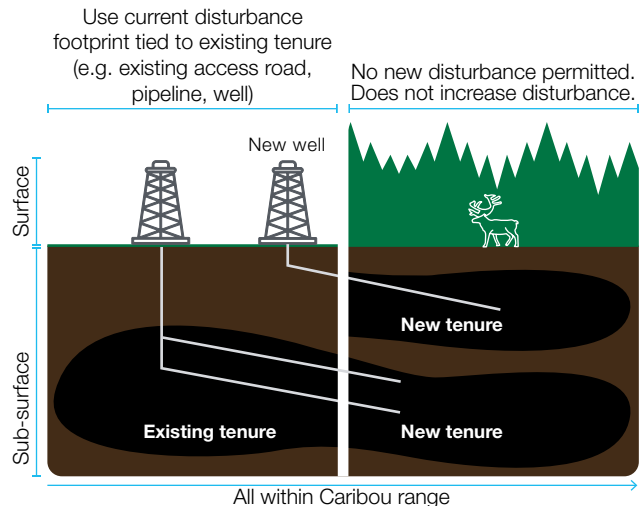
The Statutory Declaration supports efficient regulatory review and supports the implementation of the condition by confirming that the proponent:

- has reviewed and understands the requirements of the Ministerial Order;
- acknowledges that the project is subject to the Ministerial Order, and;
- has designed the project so that it can be conducted within the limits established by the Ministerial Order.

SCENARIO 1: Greenfield (new disturbance)



SCENARIO 2: Brownfield (existing disturbance)



For additional information, please visit

alberta.ca/regional-plans-and-agreement-compensation