

ACCRETION APPLICATION PROCEDURES

General Description – Policy

If a parcel of land, adjoining land owned by the Crown, has a natural boundary such as a lake or slough, natural processes may cause the boundary to change over time. If the boundary changes, the Registrar of Land Titles, on application by either the registered owner of the parcel or the Crown, may amend the description of the parcel to reflect the current location of the natural boundary. Generally, the Department does not initiate such title amendments. Surface owners cannot impede an amendment of a mineral title.

Before the title can be amended by Alberta Land Titles, the applicant must get the consent of the Minister charged with the administration of the adjoining land (“land” includes minerals under the *Land Titles Act*) where the applicant is not the Crown. The title may also be amended when court action results in a court order.

Procedures

To request the consent of the Minister under Section 89(3)(c) of the *Land Titles Act*, the applicant shall provide to the Department:

1. A copy of the application under Section 89 of the Land Titles Act accompanied by;
2. A clear statement as to the exact amount of hectareage of accreted minerals proposed for addition to the freehold title;
3. An affidavit by a qualified surveyor in which the surveyor swears that, and a qualified land surveyor’s survey plan showing that, the body of water in question has receded on a more or less permanent basis in the area claimed as accreted minerals;
4. A statement or other evidence that provides assurance that the lessee(s) of the fractional Crown parcel(s) and the fractional freehold parcel(s) are aware of and have no concerns with the addition of the accreted area formerly covered by water to the freehold title and will execute an amendment agreement with the Crown once the title has been changed;
5. An undertaking satisfactory to the Department and to the lessee(s) that, upon amendment of the freehold title, the accreted minerals will be included in the freehold lease on the same terms as to rental and royalty as the P&NG rights presently granted under the freehold lease.
6. When two or more mineral owners are affected by the application, the consent of all registered owners is required. (Section 89(3) of the *Land Titles Act*)

The Department will:

1. Identify those requests that deal only with surface titles and forward to:

Riparian Land Management & Water Boundaries Unit
Sustainable Resource Development
3rd Floor, South Tower, Petroleum Plaza Building
9915-108 Street
Edmonton, Alberta T5K 2G8

Or email: water.boundaries@gov.ab.ca

2. Create a mineral report file to cross reference with township records and the digital file.
3. Obtain a search of the minerals in the freehold title from Alberta Land Titles Office (SPIN2) to verify ownership.
4. Freeze the Crown minerals in question from further disposition.
5. Request a report in writing from Sustainable Resource Development (SRD) verifying that there has been a change in the natural boundary, that the change corresponds with the area applied for as accreted minerals and that it has not occurred through drainage or other artificial means that had the intention of producing an accretion.
6. Prepare a sketch showing existing boundary, the proposed change, the area (in hectares) of accreted minerals and any agreements that are affected.
7. Upon verification of the matters relating to the boundary change by Sustainable Resource Development (SRD), Legal Services will prepare and obtain the consent of the Deputy Minister of Energy to the accretion. Once obtained, Legal Services will forward the executed consent to Resource Land Access, GIS Mapping & Data Services.
8. The Department must return the application package accompanied by the executed Ministerial consent to the applicant who will in turn forward it to Land Titles. Land Titles will amend the freehold title to reflect the addition of the area of accreted minerals.
9. Once the title change is reflected on SPIN2, Township records and the Crown Mineral Ownership layer must be adjusted. Enter changes in Township records cross-referencing it with the newly created mineral report file.
10. If any portion of the location of the affected Crown agreement(s) remains after the amendment to the freehold title, prepare a new legal description with area (in hectares) for the reduced location(s) and forward to **Crown Equity (Offsets & Misdcriptions)**.
11. Crown Equity (Offsets & Misdcriptions) will prepare the new appendix in an amendment agreement prepared by Legal Services and send the executed amendment agreement to the lessee(s) for execution.

12. Forward resolved accretions to **Well Administration, Crown Equity** to ensure correct information is available for royalty calculation.

Please direct applications for Ministerial consent for a change in title as a result of accretion to:

Robert Tonkovic
Mineral Rights & Ownership
Environment and Resource Services
Department of Energy
12th Floor, 9945-108 Street
Edmonton, Alberta
T5K 2G6