

# NEXUS

**CAPLA** 

Canadian Association of Petroleum Land Administration

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SUMMIT PANEL DISCUSSIONS  
NEGOTIATION BASICS

December 2017

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THE GUTS TO  
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Effective December 2017, CAPLA's membership is 1,700.

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Carla Kruschel  
President



Mike Flynn  
Executive Director

# PRESIDENT & EXECUTIVE DIRECTOR'S MESSAGE: LOOKING FORWARD TO 2018 & BEYOND

There is a lot going on at CAPLA as we move towards a new year. Our General Manager Matt Worthy is transitioning out of his current role but remains with us until the end of 2017. The Board of Directors is grateful for all he has done for CAPLA over the past five years and especially as he led the organization over the past year and a half. Thank you very much, Matt, for your hard work and dedication. Speaking personally and on a larger scale, you will certainly be missed.

At the same time, we welcome Michael Flynn as our new Executive Director. Mike brings valuable experience and enthusiasm to his new role at CAPLA. The Board looks forward to working with Mike in tailoring CAPLA to meet the needs of you, the membership.

Factoring in the results of the July 2017 membership survey, the Board would like to take this opportunity to roll out CAPLA's new Vision Statement:

**"A LAND ASSET MANAGEMENT COMMUNITY  
UNITED IN FELLOWSHIP, SKILL DEVELOPMENT,  
EDUCATION, AND INNOVATION."**

This new Vision Statement sets the stage for CAPLA's future. The Board has heard what is important to you in order for CAPLA to successfully serve its membership over the coming years. All of us are part of a land asset management community that together can accomplish great things through support of each other, our association, and our profession.

There is optimism that can come with a new year, and as the end of 2017 draws near, we can look forward to what 2018 has in store. Mike, I am excited to now turn the rest of this message over to you.

It is with great pleasure that I am co-authoring this President's Message with Carla Kruschel, President of CAPLA, in my new role as Executive Director. I have served as the executive director for other non-profit organizations in the past and have learned something valuable about myself: I enjoy the positive energy of working in member-driven associations where volunteers contribute their experience and vitality towards achieving common goals for the betterment of the group. Unfortunately, this noble pursuit does not always come to pass in many professional associations. Before applying for this position, I thought it wise to see how CAPLA measured up with similar

associations. What a delightful surprise (and relief!) to learn that CAPLA, as a group of dedicated professionals, is punching well above its weight.

In speaking to CAPLA members about why they belong, and for those that do, what motivates them to volunteer, I discovered that CAPLA does in fact live up to its new Vision Statement, which bears repeating below:

**A land asset management community united in fellowship, skill development, education, and innovation.**

As your new Executive Director, I would like to make it clear that I consider it my primary responsibility to take the words in the Vision Statement above and transform them into action. I am confident this can be achieved with the guidance of the Board of Directors and the dedicated assistance of CAPLA's amazing staff and volunteers.

During the interview process, the Board of Directors asked me to outline what I consider to be the drivers of success to ensure CAPLA is not just sustainable, but thrives into the future.

I offered up that there are six areas which require constant attention and care and, if necessary, re-imagination:

1. Understanding the memberships' needs.
2. Enhancing the association's value proposition wherever possible.
3. Ensuring the right business model is in place.
4. Maximizing communications.
5. Relevant and timely education and networking.
6. Leveraging strategic partnerships.

I hope you will agree that these drivers of success are appropriate and achievable. If you feel I am missing anything, then I would encourage you to let me know by whatever means of communication you wish.

Let me conclude by saying how excited I am to be a part of the CAPLA community. I look forward to getting to know all of you better as we tackle new challenges and opportunities and, perhaps most importantly, celebrate our successes. As 2017 draws to a close and we look forward to 2018, the CAPLA office and the Board wish you a wonderful, safe holiday season surrounded by family and friends. Merry Christmas and Happy New Year to you and yours! 🍁

# THE RESULTS: CAPLA'S 2017 MEMBER SURVEY

By the CAPLA Board of Directors

As promised in the September 2017 President's Message, here are some more details about the results of the CAPLA membership survey conducted this summer.

The Board decided to conduct this survey for a number of reasons. It had been six years since the last member survey. The Board wanted to hear from the membership about what our organization could be doing better to serve its members as the industry continued its downturn.

In addition, with our General Manager leaving, it was a good time to collect member feedback on the state of the organization so that an incoming replacement would have this information.

You may have noticed that some of the questions took the form of those that would be asked during a SWOT analysis. This was deliberate. A SWOT (strengths, weaknesses, opportunities, threats) analysis can be a powerful framework when determining strategy and direction. Your input and feedback served as a solid foundation for Board meetings and decisions over the summer about what needs to change, what needs to start and what should continue in order for CAPLA to successfully serve its membership over the coming years.

In general, strengths and weaknesses are internal to an organization, while opportunities and threats are typically external to the organization. With that in mind, the following is an overview of the feedback from members when it comes to those items:

STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Education (courses, Lunch 'n Learns, resources, website materials)</li> <li>• Networking (events, roster)</li> <li>• Volunteers</li> <li>• Membership (diversity, experience, knowledge sharing, sense of community/team)</li> </ul>	<ul style="list-style-type: none"> <li>• Courses (lack variety, need to target various levels, materials need refreshing, need new ones)</li> <li>• Relevance in a downturned industry</li> </ul>	<ul style="list-style-type: none"> <li>• Member diversification: other energy and telecom</li> <li>• Senior membership utilization (more mentoring, teaching, knowledge bank)</li> <li>• Partnerships with other associations on education, facilities, initiatives</li> </ul>	<ul style="list-style-type: none"> <li>• Companies and people not as willing to pay for education and membership (=declining revenues)</li> <li>• Economic/industry downturn in general</li> <li>• Lack of interest/awareness (by companies and non-members) and complacency of members re: benefits of membership</li> </ul>

Keep in mind when considering the survey results that the survey wasn't meant to be scientific. The sample size is small and self-selecting. It may not reflect input from members who are okay with how things are going. Still, the results do provide insight about how members are feeling about CAPLA.

What we saw in the results and comments is that there is a desire for membership to understand what CAPLA has been doing to support members during this downturn. A synopsis is provided below. Of course, none of these things would happen without the continued support of volunteers and the commitment of the office staff!

## WHAT CAPLA HAS DONE DURING THE DOWNTURN:

- Lending a Hand in Land
- Negotiated temporary rent remission
- Held a resume-writing session
- No charge to post jobs on website
- Moved NEXUS online
- Confirmed the Calgary Petroleum Club as most cost-effective facility for Lunch 'n Learns
- Offered more frequent Lunch 'n Learns

- Reduced office staff and salaries
- Cut operational costs
- Held steady on membership fees
- Updated Master Road Use Agreement and held two information sessions
- Published average road use rates
- Endorsed best practices for Abandoned Well Obligations
- Released Surface A&D course
- Stampede Roundup networking event coordinated with CAPL and IRWA
- Merged Christmas and Volunteer Appreciation events into one and found a sponsored venue
- Involved in roundtable discussions with Alberta Energy Minister and Deputy Minister to provide input on ways that the Department of Energy can improve efficiencies and reduce unnecessary barriers or process

#### WHAT CAPLA HAS UNDERWAY

- Onboarding a new Executive Director (Mike Flynn, Matt's replacement)
- Examining CAPLA's services for opportunities to align better with member needs
- Mineral and Surface summits

- Course revisions and new courses such as Surface A&D and introductory and advanced Petroleum Land Contracts and Business Law
- New agreement templates (e.g. Assignment Agreement, Assignment and Novation and Amending Agreement)
- Pursuing donations in kind (for example, space from sponsors)
- Working with Alberta Land Titles on its ALTO initiative (the Director of Alberta Land Titles was a speaker at both the Surface Summit and Mineral Summit)
- Energy Minister is coming to speak to membership on December 6, 2017
- Leadership of industry dialogue on electronic records and signatures

#### WHAT IS BEING CONSIDERED

- Courses with remote attendance/accessibility
- More connectivity for members via technology
- New course offerings on digital records
- Potential synergies in course pricing or offerings with other associations (e.g. CAPL)

In direct response to your feedback, the plan is to continue the CAPL/IRWA/CAPLA joint pre-Stampede event, the joint golf tournament, and communication across industry associations.

You may also notice that the discipline choice for member information (and future surveys) has been updated to include data/records, multidisciplinary and leadership positions.

There were so many positive, encouraging messages in the general comments and suggestions section at the end of the survey; it's terrific to see our community banding together.

Thank you again to everyone who was able to respond, and to all of you for your continued support of your CAPLA. 🍁

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# SURFACE & MINERAL SUMMITS: NOTES FROM THE PANEL DISCUSSIONS

By Janice MacRae, Principal, Equinox Resource Group

**A**ttendees at this year's Surface and Mineral Summits were given a chance to hear opinions and viewpoints on forward-thinking topics that impact professionals in surface and mineral land asset management . . . from learned and inspiring industry colleagues who are also CAPLA members!

Both panel sessions were facilitated by Janice MacRae. The contributing panel members were:

Surface: Norine Miller, Dana Baisch, Leslee Laverdure, Nikki Stasiuk

Mineral: Deb Watson, Lynn Gregory, Jim MacLean, Margaret Dabreo-Dunn

The forward-thinking topics were approached through a series of questions that were posed to the panel on big data and technology, regulatory impacts, land skills development, and education and training.

**Both surface and mineral land asset management have undergone many changes in the way that technology is being used to manage information: internally within organizations and externally with stakeholders such as governing/regulatory bodies.**

**As land professionals, how do we keep pace with the new technologies in this explosion of information in the bigger world of digital data?**

Members from both panels spoke to the ongoing importance of keeping pace with digital data technologies and the related data analysis requirements that are central to land roles. Access to digital data is viewed as an essential competitive requirement within many oil and gas companies. However, the digitization of surface and mineral land data is not widely adopted across industry, with many still relying on paper files.

The discussion also included the notable differences in provincial jurisdictions and the complexity of managing the volume of data that is now required for regulatory purposes. There was also an acknowledgement that some jurisdictions have not kept pace with some technological advances and that there are still many manual processes in regulatory jurisdictions that remain labour intensive. In this market of continued constraints on staffing, this creates an impact on those involved in front-line surface and land asset management.

Additionally, it was noted that the broader adoption in industry of available tools – specifically, the transition to updated industry procedures – is one of the most effective steps land professionals can take to keep pace with the technological and operational changes that are now standards in our evolving industry, such as horizontal wells, shale gas and pad sites, to name a few.

The amount of available digital data in oil and gas has exploded in the past five years and it has also impacted the land business and land profession . . . from relatively broad technologies such as those used to digitized land files, to very specific applications where the land data is integrated to more agile corporate systems; for example, where data is extracted directly from land systems for asset evaluations; for corporate metrics, in quantifying ownership data in day-to-day operational activities; data analysis for competitor surveillance; and finally, the triangulation of land data with production and financial data to improve commercial efficiencies in contract compliance and administration, and fee and royalty recoveries. There was consensus among members in both panels that while the amount of data that land professionals are managing has grown exponentially, the accuracy, timeliness and efficient management and reporting of both surface and mineral land data remains paramount.

**Regulatory policy in oil and gas has been evolving with industry technological advances. Increasingly, regulatory policy is highly influenced by “social license to operate” attitudes and trends in our broader communities and society.**

**What area of regulatory policy change do you anticipate having the greatest impact on how we work in surface and mineral land asset management in the future?**

The panel members noted specific areas of pending regulatory process change in the respective areas of surface and mineral. The Alberta Energy Regulator's One-Stop Process and its continuing evolution was one of the regulatory process changes in Alberta identified by the surface panel as having great impact on surface asset management professionals. The processes of interacting with AER have been transforming since its inception in 2013 as the single, full life-cycle regulator for Alberta. Specific areas of both the tool and the data to be submitted were discussed by the panel including the changes to the Pipeline Application Approval process. This panel discussion elaborated on the impact of regulatory policy process change – both the “what” and “how” of our interactions as land professionals with

the AER regarding how applications are submitted, processed, and the AER's commitments in the processes to arrive at their decisions regarding application approval. The continued evolution of these processes was noted to have future impacts on surface land asset management.

From the mineral perspective, the Aboriginal Consultation Process in Alberta was noted as an area of ongoing impact in the future. Both the surface and mineral panels agreed that liability management program (well and pipeline abandonment) requirements and processes will continue to have multiple impacts on land professionals and on industry overall. The recent Redwater Decision and subsequent Alberta Bulletin 2017-13, issued on July 24, 2017, was also identified by both panels as making the process of well licence transfers more difficult. Pursuant to this industry bulletin, applications to transfer AER approvals from one approval holder to another will now be bundled for review, and there will be a standardized review period of 30 days before a decision is issued. Both panel groups also emphasized the importance of industry participation and continued collaboration with governing bodies in policy and process change and overall transformation efforts.

**The two remaining questions in the panel related to the future of skills development for land asset management professionals and related education and training. Panelists were asked:**

**In your opinion, what are the skills outside of managing data and technology that will be imperative for surface and mineral land asset management professionals in the future? AND**

**What can we do in the education and training landscape to ensure a pipeline of appropriate skills for new land professionals entering a career path in surface and mineral land asset management?**

Both panels acknowledged that the evaporation of training budgets in the past couple of years has had a big impact on continuing skills development. It was also noted that this contraction on training and education dollars has also negatively impacted the revenue stream of organizations delivering education resources, including CAPLA. Additionally, both panels noted that education and training cannot stop, even in this current environment as changes in legal decisions, government process and organizational change are always prompting land staff to be current and to step out of their roles to take on greater accountabilities requiring new skills and knowledge.

While technical skills remain central to land roles, panelists also stressed that "people skills" such as effective communication, collaborative team work and emotional intelligence are also critical development skills for staff in land asset management. There was also a strong emphasis from the mineral and surface panels towards volunteerism and its positive impact on skills development and knowledge building, and for growing capacity to expand your professional network and create new learning opportunities through volunteer participation.

The panel members suggested low cost but effective initiatives such as knowledge sharing, mentorship and self-initiated spontaneous learning from being curious, asking questions and being proactive in building your value and brand as a land professional. Panelists encouraged continued self-development and also emphasized the importance of taking the initiative to invest in one's own career by considering self-funding training and learning as part of taking control of your career development.

Both panels agreed that input from industry was essential to ensure that courses and land-specific programs are regularly updated to reflect current regulatory information and processes, and that course delivery includes access to the current and most commonly-used technological applications in industry.

In summary, both panel sessions presented varied and future-oriented perspectives to encourage CAPLA members to continue the conversation with peers, reports and their cross-functional team members within their organizations, and with others vitally connected to our industry. 🌟

*The CAPLA Surface and Mineral Summits were held October 24 and November 1 in Calgary. Thank you to everyone who helped plan and facilitate these successful professional development events, and to everyone who attended.*

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# LEADERSHIP: A LESSON FROM SANTA

By Lisa Holden Rovers, Founder, Workplace Matters

I wrote a letter to Santa Claus and asked him for one simple thing this year.

*Dear Santa,*

*My readers are busy leaders who spend their time tirelessly working to build effective teams, hoping that in the end they will deliver on the results of a common goal. Since you spend your time throughout the year leading all the elves and reindeer with the singular purpose of delivering presents to good boys and girls all over the world, I was hoping that you would be willing to share a few words of wisdom with my readers.*

*Thank you Santa,*

*Lisa*

Well, Santa truly delivered . . . here is his reply:

*Dear Lisa,*

*It is my privilege to write to you and share a few words on leadership.*

*Leadership is a noble role and one not to be taken lightly. In many ways, like me, leaders hold the potential of their team members' performance in their hands. Leaders are responsible for creating work environments where people are able to do their best and contribute to a meaningful goal.*

*I am sure you have heard the story of Rudolph the Red Nosed Reindeer and how all the elves teased him about his very shiny nose. Well, let me use that as an example to explain a simple lesson that leaders can apply immediately.*

*When I came across Rudolph, I recognized that he asked three simple questions of me:*

- *Do you care about me?*
- *Can you help me?*
- *Can I trust you?*

*Rudolph had a lot of doubts about being different. He really just wanted to belong and be useful. Rudolph simply needed me to care about him and recognize him for who he was – a reindeer with a unique gift. He needed me to help him utilize his strengths by creating an opportunity for him to contribute in a meaningful way.*

*You see, I saw the potential in Rudolph's red nose. Oh, how it shone so brightly. I thought, "This would be an advantage for me and the team as we met with foggy weather on Christmas Eve. Rudolph would light up the night and make it much easier for all of the other reindeer to do their jobs!" The reindeer agreed and they*



*welcomed Rudolph as a key member of the team. They even stopped calling him names, something I was not going to tolerate!*

*Now – without fail – each year I call upon Rudolph to lead the sleigh. He knows he can count on me and the team to support him with this important task.*

*You see, what I learned from these three questions may seem simple in theory – and I will be the first to admit that it is – but very few leaders actually do this. Answering these questions for each team member is a very rare gift that leaders can give throughout the year. If you like lists as much as I do, here is a short one for you to keep handy.*

- *Find out what your team cares about. Care about them.*
- *Find out what they need your help with. Help them.*
- *Ask them for your trust. Then prove your trust to them.*

*I learned these three questions from someone who is a renowned expert in leadership, John C. Maxwell, who learned it from one of his university professors. All I ask in return is that you continue to re-gift their wisdom to others who can benefit from them.*

*Respectfully yours,*

*Santa Claus ❄️*

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*Lisa Holden Rovers has coached and trained hundreds of emerging and veteran leaders to discover their strengths, develop an influential leadership style, and take action to achieve their goals. Lisa has been personally mentored and trained by some of the masters in the personal development industry, most notably John C. Maxwell. Maxwell's core philosophy, "Everything rises and falls on leadership," is a key message Lisa shares with clients through her coaching, training, facilitation and speaking engagements.*



# HOW TO BUILD ON NEGOTIATION SKILLS YOU ALREADY HAVE

By Gary McDougall, Facilitator, Conflict Solutions

**D**o you consider yourself an effective negotiator? Have you already negotiated something today? Chances are, if you spoke with your children this morning or engaged in a conversation with a colleague or co-worker, you have already negotiated something.

Negotiation is defined as a discussion between at least two people, during which at least one of the people has a desired outcome or agenda. Likely, if you had any interaction with your children this morning, it involved negotiation. “Get up and get dressed because it is time for school.” The conversation you had with your co-worker may also have been a negotiation. “Where do you want to go for coffee?”

Likely, you are already an effective negotiator – most people learn negotiation skills at a very young age and have been practicing them since childhood. Some of those strategies are effective and some not as effective.

The purpose of this article is to build on the negotiation strategies you already employ and offer suggestions on how to be more effective during those negotiations. Whether you are negotiating the sale price of a new car or a multimillion dollar contract on behalf of your organization, these skills help to create value.

## THE NEGOTIATOR'S DILEMMA

In negotiation, one of the common challenges we face is the struggle between achieving our substantive outcome while

maintaining or improving the relationship we have with our counterpart. In negotiation circles, this struggle is referred to as the Negotiator's Dilemma.

If the relationship you share with the person with whom you are negotiating is not an issue (for example you will never see the person again), then this is not a significant consideration. Typically, when you purchase a home, the relationship you share with the vendor will not be an ongoing relationship. When you engage in a negotiation with a person at a flea market, the chance that you will share an ongoing relationship is remote and, therefore, you can focus more on the substantive outcome than on the relationship. Being a hard bargainer with someone you will never see again is less costly than being hard-nosed with someone you frequently interact with.

In the context of business negotiations for example, there is a stronger likelihood that you will engage in a long-term relationship with the person with whom you are negotiating. In many business negotiations, relationships last for many years and, in some cases, decades. Relationship in the context of these negotiations is therefore more significant.

## THE NEGOTIATOR'S MINDSET

Hand-in-hand with the Negotiator's Dilemma is a concept called the Negotiator's Mindset, which refers to the assumptions we make when we perceive we are engaged in the process of negotiation. When we refer to this process as negotiation, many of us make a number of assumptions including the assumption that the other side is going to try to take advantage of us, they are not to be trusted and we had better be careful.

The mere mention of negotiation often conjures up images of mistrust, slippery tactics and sub-optimal outcomes. Instead,

there may be value in referring to this process as problem solving, brainstorming or just discussion. Imagine calling a business associate and telling them you would like to schedule a meeting to “negotiate” a deal. What assumptions do you think they are likely to make?

### TRADITIONAL POSITIONAL BARGAINING

A position is defined as: “The stance that both parties take respecting a particular issue or point of discussion.” Negotiating based on positions creates sub-optimal outcomes; this is a concept that is worth exploring in some detail.

One of the deeply-embedded patterns we often fall prey to during our negotiations is the practice known as Traditional Positional Bargaining. This negotiation style subscribes to the practice of entering the negotiation by opening with an extreme position and operating under the assumption that our counterpart will do the same.

For example, we enter the negotiation knowing that we would be willing to pay \$10 for a particular item. Assuming \$10 is the price we are willing to pay, we often build in a small cushion and our opening offer is \$5. We take a position that is not reflective of how much we value the item, but we know we must start low as we expect the other side to start at \$20. We have the expectation that they will also build in some negotiating room and, accordingly, they artificially inflate their price to allow for this carefully choreographed dance.

**"INSTEAD OF FOCUSING ON THE POSITIONS OF BOTH PARTIES, THERE MAY BE VALUE IN LOOKING AT THE INTERESTS OF BOTH SIDES."**

One side knows the other side is going to start high, so they start low and the games begin. One side expresses their extreme position and the other side expresses a contrary extreme position. One side makes a small concession and the other side reciprocates. One side makes an additional concession and the other side reciprocates. This process goes back and forth until both sides arrive at a price they are satisfied with. This is referred to as Positional Bargaining or in some circles as Distributive Bargaining. Sound familiar?

There are many shortcomings associated with engagement of this kind of positional bargaining process, yet we seem inclined to continue with this kind of strategy. Clearly, it sets up an oppositional relationship between the negotiating parties. Engagement of positional bargaining also incents people to artificially inflate their positions in order to accommodate the negotiation.

Basically, this process is based on lies, as neither party actually believes their opening position is fair. The additional downfall of this process is that it takes far more time to reach an outcome. Try this the next time you go to purchase groceries at your local supermarket; you will be there a lot longer than normal.

It is interesting to note that these kinds of negotiations do not just take place at flea markets; rather they take place during many negotiations here in our culture. If you have ever purchased a house or a car, there is a strong likelihood that you engaged in this process.

### INTEREST-BASED NEGOTIATION

If Traditional Positional Bargaining is a sub-optimal way in which we negotiate outcomes, could there be a better way of getting to a solution that meets both party’s needs? Absolutely. Instead of focusing on the positions of both parties, there may instead be value in looking at the interests of both sides.

An interest is defined as: “The reason or motivation a person has or holds that supports their position or drives their behaviors.” In essence, interests are defined as “What is truly important to both sides,” and include concerns, hopes, expectations, assumptions, perceptions, beliefs, fears, values and needs.

Consider the example of a prospective tenant looking to move into an apartment and engaged in a negotiation with the potential landlord. The tenant insists on moving into a ground-level apartment and the landlord advises there are no ground-level apartments available. The tenant suggests the landlord evict one of the existing tenants from the ground floor to create a vacancy. The landlord flatly refuses, advising it would compromise their integrity to evict a tenant. The tenant escalates and departs. This is an example of a positional negotiation, with both sides focusing on the “what.”

Shift now to an interest-based negotiation between the same two participants. The tenant insists on moving to a ground-level apartment and the landlord advises there are none available. The landlord then asks “why” that is an important consideration,

thereby shifting from a positional negotiation toward an interest-based discussion.

The prospective tenant advises that they are deathly afraid of fire and don’t want to live any higher than the ground floor for ease of escape in the event of a fire. The fact remains there are no ground-level apartments available, however knowing the underlying interest of the tenant and the motivation for insisting on a ground-level apartment allows the landlord to come up with other options that meet both party’s interests. One such option might be to rent an apartment on another floor to the tenant, with close proximity to the fire escape.

The point to be made is this: When we remain positional, our potential outcomes become limited. When we focus on the “what,” we miss the “why.” Interests (the “why”) are powerful motivators behind our behaviors and seeking to understand the interest behind the position is an outstanding way to create value.

### OPTIONS

To be an effective negotiator, it is important that one understands the difference between options and alternatives.

An option is something that both parties can do together; if the negotiation is successful, what options are available to both parties? What are the things both parties can agree upon that meet their collective interests? If this negotiation is successful, what are the potential solutions or outcomes that are available? A simple way to remember this difference is this: "Options are the things that are on the table."

One efficient way of generating and identifying the various options is to engage in a brainstorming session with the other party and identify as many options as possible. Once the long list is complete, it is prudent to evaluate the list of options against the interests of both parties and determine which option meets those identified interests.

### ALTERNATIVES

In simple terms, alternatives are those outcomes that are available to both parties in the event the negotiation fails. If a suitable solution is not reached and the parties decide to abandon the negotiation, the alternatives are those outcomes that the parties will walk away to. Alternatives are characterized as "away from the table." (Options are "on the table" whereas alternatives are "away from the table.")

When evaluating alternatives, it is important to recognize and understand the value of each alternative and to have a good sense of which alternative is your best alternative. This process of evaluation is referred to as identifying your BATNA (Best Alternative to a Negotiated Agreement).

Identification of your BATNA becomes important because, in many cases, your BATNA represents your negotiation leverage. If the negotiation is not successful, you will defer to your best alternative. If a BATNA represents a better alternative than what you might hope to achieve during the negotiation, it may be a good idea to exercise the BATNA and walk away from the negotiation.

For some, understanding the concept of the BATNA is difficult and perhaps an example may be helpful. You are in negotiation with a car dealership in pursuit of purchasing a new car and

during your negotiations you discover a similar car for sale at a different dealership for slightly less money. Given the new information and the opportunity to purchase the car for a more attractive price, your bargaining position became stronger.

While it is a good idea to present your BATNA during the negotiation, it may be wise to avoid presenting it as a threat. "I just want you to know that I have discovered a similar car at another location and the price is slightly lower than you are asking. It is my preference to do business with you, so to that end is there anything we might do to reach an agreement?"

It is also important to understand the differences between a bottom line and a BATNA. A person's bottom line represents the maximum amount they would be willing to pay or the minimum amount they would be willing to accept. When we are discussing a bottom line, we are still in negotiation and at the table and, therefore, still exploring options.

The BATNA, however, represents the walk-away option that both parties will defer to if the negotiation is not successful.

While many books advocate our ability to "Negotiate Anything" and "Get to Yes," there are times at which a negotiator must evaluate their BATNA and if that represents a better option, walk away.

### BENCHMARKS

The final consideration in the negotiation process is the concept of the benchmark. In short, the benchmark is an independent assessment of a fair outcome or solution. Benchmarking is another way in which one party in the negotiation can validate the position they are holding. A person negotiating the sale of their car holds a strong position if they bring to the table other examples of similar cars for sale and at the same price point. In order for the benchmark to be credible, it must come from an independent and disinterested source. "My friend told me this is what my car is worth" does not qualify as a strong and credible benchmark.

### CONCLUSION

As noted in the opening paragraphs, we spend much of our personal and professional time engaged in negotiation. Sometimes we don't realize we are in this process, yet so many of our interactions are really negotiations. If we can effectively find the balance that exists between getting our substantive needs met during this process, while maintaining or improving the working relationship, we have truly created value. 🌟

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*Gary McDougall is a retired police officer who is currently on the speaking circuit, delivering training in effective negotiation skills, conflict management, dealing with difficult clients, ethics in the workplace and workplace violence issues.*

The advertisement features a blue background with white snowflakes and a white snow-covered ground at the bottom. In the top left corner is the Hurland Services logo, which consists of a green leaf-like shape above the word "HURLAND" in a bold, sans-serif font, with "SERVICES" in a smaller font below it. To the right of the logo, the text "Merry Christmas" is written in a large, elegant, white cursive font, followed by "From our family to yours" in a smaller, similar cursive font. Below this, the text "THE NAME IN SURFACE LAND ACQUISITIONS" is written in a bold, white, sans-serif font. Underneath that, the text "Helping our Clients stay on the AER's nice list this Christmas" is written in a smaller, white, sans-serif font. At the bottom of the advertisement, there are four white gift boxes with red ribbons, arranged in a row. Below the gift boxes, the text "SHERWOOD PARK 1.888.321.2222 Info@hurland.ca www.hurland.com" is written in a white, sans-serif font.

# CAPLA CERTIFICATION:

## HOW TO USE THIS TOOL FOR YOUR CAREER DEVELOPMENT

By the CAPLA Certification Committee

**T**he CAPLA Certification exams have been around for over a decade. Have you considered writing?

Our industry has seen a great deal of change and turmoil in the last few years. We have lost colleagues and perhaps changed jobs ourselves. We have seen commodity prices fluctuate wildly and assets change hands many times in a short period of time. Has Certification crossed your mind as an opportunity to sharpen skills, update knowledge and give yourself this distinction of achievement in the midst of these storms?

Certification is a unique tool in our world. Land administration has many aspects, so it can be difficult to demonstrate one's exposure and experience in a measurable way. Writing and achieving Certification quantifies your work experience and understanding of the business.

### WHAT IS CERTIFICATION?

Quite simply it is a process whereby a successful writer is granted a designation for a specified discipline:

- CPSA (Certified Petroleum Surface Administrator)
- CPMA (Certified Petroleum Mineral Administrator)
- CPLCA (Certified Petroleum Land Contracts Administrator)

There are four separate exams for each discipline. When application is made, the writer is granted four writes of the exams within a two-year time frame. Writings are held four times a year, each exam has four sections and the writer must achieve an 80% overall to pass. More information can be found on the CAPLA website under the Certification page.

Perhaps you've only been in industry five-plus years but have had a robust exposure and want to be able to demonstrate your capacity and understanding of the business. Or maybe you've been in industry longer and want to be able to distinguish yourself from others as the strongest candidate when job seeking, showcasing what sets you apart from your competition.

For leaders in our business, have you utilized the roadmap and writing process with your staff in your coordinated development planning efforts for the upcoming year? More junior members of industry may not know where to start when seeking a growth target for career development. Using the roadmaps to give a clear and systematic path to future growth can put them on the right track with their career development.

If you have not considered writing and have wondered what the benefits would be in going through the process, consider some comments from successful writers:

"I've been tossing around the idea of writing the exam at least since 2010 and had always decided not to bother. I'm glad I finally decided to commit to it. What I enjoyed about the process is that the studying forced me to examine scenarios and concepts that I hadn't previously encountered in my day-to-day job. I found that the real value was not in the final product of becoming certified, but in the studying, investigation and research that led up to it. My study partner and I started with the four-page roadmap and by the time we had summarized and added notes on what we felt was the most important information, I have at least 30 pages of notes and a huge binder of articles, regulations and other reference material that I can refer to in the future!"

– Cassandra Ervick, CPMA

"I underestimated the exam and didn't study the first time that I wrote. I had to study more for this exam than I have for any other but I'm an older student and I had to learn how to study again. I'm really glad that I took the test and challenged myself to another level. I know that I am now a more effective administrator for having taken the exam. Although it

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was stressful, I have learned a lot about the industry that I took for granted because we use brokers. Overall I think it was a good experience for me.”

– Leanne Warnock, CPSA

The Certification exams have been built on an enormous amount of experience, dedication and effort by many talented and knowledgeable members of the writing committees over a lengthy development period. The exams are consistently being reviewed for integrity, accuracy, relevance and timeliness.

For those who have written the exam and have not yet been successful, what resources are available to support you in becoming a successful writer?

- **Reach out to certified members to find out what strategies they used to prepare to write.** Many certified members are happy to share their experience and what worked best for them. While study methods vary from writer to writer, you may find an approach that you had not considered.
- **Reach out to your contacts in industry who are area specialists.** Their knowledge can help you flesh out the data you’ve collected in your research. As these are comprehensive exams, having experience in each area will best prepare you for a successful writing. However, not all writers will have exposure to all items on the roadmaps in their past work experience or current role. Many of our highly-knowledgeable members

in industry are nearing the end of their careers, so take advantage of your relationships and initiate the transfer of knowledge.

For leaders who are looking to use this tool to develop staff, how can you work with a writer to prepare them for successfully completing an exam?

- **Utilize the roadmap with an end target of writing for Certification.** With an expectation that the writer would potentially be taking on new areas to develop their skills, use the roadmap to set up the path to reaching this goal. The roadmaps are a comprehensive guide to the many different elements of each of the three disciplines. They can be used to determine growth opportunities, regardless of the experience level of your team. These can be found on the CAPLA website under the Certification resources page.

For leaders looking to hire new team members, how does Certification play into your consideration process? Are you familiar with the roadmaps and Certification exams to use them when deciding on a candidate? Are you using Certification with your current staff to support their performance advancement? For those members who are currently job seeking, investigate if Certification is a resource you could leverage to assist you in landing your next job. For more information, please see the CAPLA website or feel free to contact any of the Certification Committee members. 🍁



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# Non-Government Web-based Programs, Information and Available Data

## By the Systems & Data Education Development Committee

The following is a list of non-government related web sites that every land person, both surface and mineral, may want to familiarize themselves with. This list will be posted on the CAPLA website under Resources/Resource Materials/Systems and Data and will be updated periodically. If you have favorite sites that are not listed and would like to share with CAPLA members, please contact any of the committee members posted on the CAPLA website.

### ASSET MANAGEMENT SOFTWARE VENDORS

#### CGI Group Inc.:

Landman <https://www.cgi.com/en/solutions/landman>

**geoAMPS:** <http://www.geoamps.com>

#### P2 Energy Solutions:

Qbyte CS Land <http://www.p2energysolutions.com/qbyte-cs-land>

P2 Land <http://www.p2energysolutions.com/p2-land>

Tobin <http://www.p2energysolutions.com/tobin-data>

#### Pandell:

Geo <http://www.pandellgeo.com/>

Landrite <http://www.pandellandrite.com/>

Crossings <http://www.pandellcrossings.com/>

Roads <http://www.pandellroads.com/>

Projects <http://www.pandellprojects.com/>

Divestments <http://www.pandelldivestments.com/>

#### Peloton:

LandView <https://www.peloton.com/>

#### Quorum:

Land Management <https://www.quorumsoftware.com/solutions/canada>

#### Red Dog Systems:

EnergyLink <https://www.energylink.com>

### PRIVATE DATA AND MAPPING SOFTWARE VENDORS

#### Abacus Datagraphics:

Abadata <http://www.abacusdatagraphics.com/>

#### geoLOGIC:

geoSCOUT <http://www.geologic.com/products-services/geoscout>

#### Geo Webworks:

Geo Webworks <http://www.geowebworks.com/>

#### IHS Energy:

Accumap <https://www.ihs.com/products/oil-gas-tools-accumap.html>

**Petro Ninja:** <https://www.petroninja.com/>

## PRIVATE WELL LIFE CYCLE SOFTWARE VENDORS

### EnergyIQ:

IQLifecycle <http://www.energyiq.info/products/iqlifecycle/>

### Micotan:

Generwell <http://micotan.com/generwell/>

### P2 Energy:

Wellcore <http://www.p2energysolutions.com/wellcore>

### Peloton:

Wellview <https://www.peloton.com/>

## PRIVATE DATA REPORTING/AGGREGATION SOFTWARE VENDORS

### EnergyIQ:

Trusted Data Manager: <http://www.energyiq.info/products/trusted-data-manager-tdm/>

### GuildOne:

GuildOne: <http://guild1.co/>

### Microsoft:

Power BI: <https://powerbi.microsoft.com/en-us/>

Sql Server Reporting Services (SSRS): <https://www.microsoft.com/en-us/sql-server/sql-server-2017>

### P2 Energy:

Optix: <http://www.p2energysolutions.com/qbyte-optix>

### SAP:

Crystal Reports: <http://www.crystalreports.com/canada/>

Web Intelligence: <http://www.sap.com/product/analytics/bi-platform/web-intelligence.html>

### Tableau:

Tableau: <https://www.tableau.com/>

### Tibco:

Spotfire: <http://spotfire.tibco.com/>

## USEFUL TOOLS (REQUIRE USER ACCOUNTS OR SOFTWARE)

Beyond Compare: <http://www.scootersoftware.com>

Enerlink: <http://www.enerlink.ca>

Microsoft Office Tools – spreadsheet compare

Oil & Gas INDEX: <https://www.oilandgasindex.com/>

(Links to websites effective as at  
October 25, 2017)

## USEFUL TOOLS (PUBLICLY AVAILABLE)

Alberta Geological Survey: <http://ags.aer.ca/>

BOE Report: <http://boereport.com>

Formation Finder: <http://www.formationfinder.com/>

Lsd Finder: <https://www.lsdfinder.com>

Oil Well Finder: <http://www.oilwellfinder.com>

PPDM Glossary: <https://wiki.ppdm.org/index.php?title=Category:Glossary>

Schlumberger Oilfield Glossary: <http://www.glossary.oilfield.slb.com/>

# IS IT BETWEEN OR AMONG (OR AMONGST)?

By Tracey Stock P.Eng., Past President, CAPLA

**T**he beginning of most land agreements begins with identification of the parties. Often, in big bold capital letters on the left side of the page is BETWEEN. However, when describing agreements there seems to be some variation in the usage of *between* vs. *among*. There is a persistent but unfounded notion that *between* is used when there are only two parties and that *among* is used when there are more than two parties. Read on and discover that in describing parties to a contract or lease, it's always correct to use *between*.

It is true that *between* is the only choice when exactly two entities are specified: *the choice between good and evil*. However, when more than two entities are involved, or when the number of entities is unspecified, *between* is used when they are considered as a mass or collectivity. Thus in the sentence, *The bomb landed between the houses*, the houses are seen as points

that define the boundaries of the area of impact. In, *The bomb landed among the houses*, the area of impact is considered to be the general location of the houses, taken together. *Among* is the most appropriate to indicate inclusion in a group: *She is among the best of our young sculptors*. *Between* is preferred when the entities are seen as determining the limits or endpoints of a range: *The plane went down somewhere between Quito, Lima, and La Paz*.

*Between* has been used of more than two since the ancient days of Old English. It's especially appropriate to denote a one-to-one relationship, regardless of the number of items. It can be used when the number is unspecified, *economic cooperation between nations*, when more than two are enumerated, *between you and me and the lamppost*, or *partitioned between Canada, the United States, and Mexico*, and even when only one item is mentioned (but repetition is implied) such as, *pausing between every sentence to rap the floor*.

*Among* is more appropriate where the emphasis is on distribution rather than individual relationships such as, *discontent among the peasants*. When *among* is automatically chosen for more than two, English idiom may be strained as in, *a worthy book that nevertheless falls among many chairs* or, *the author alternates among mod slang, clichés, and quotes from literary giants*.

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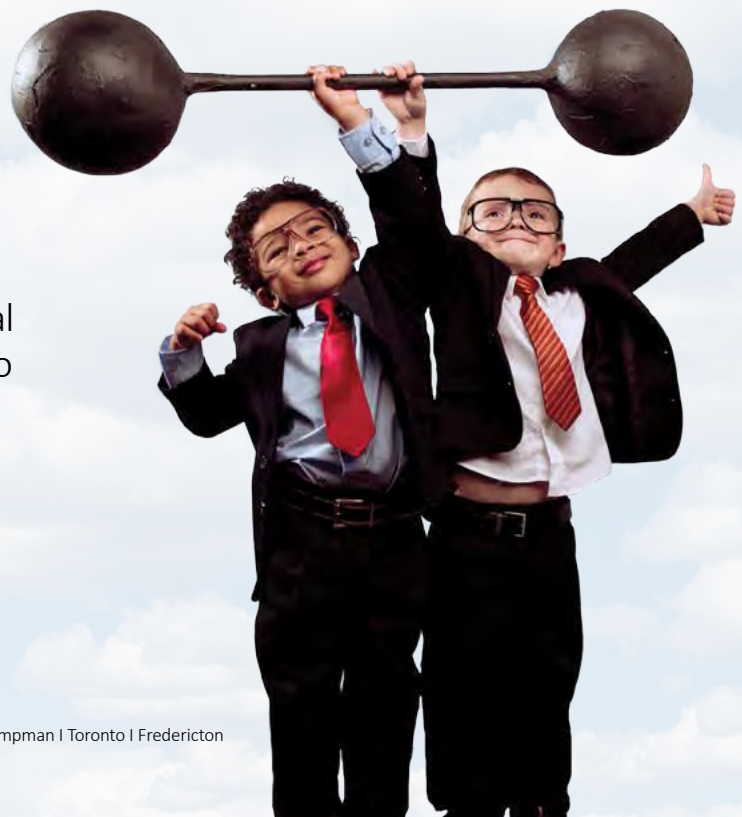


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As a rule, *between* is used when naming distinct, individual items and can be applied to any number of items. *Among* is used when the items are part of a group or are not specifically named. I'm trying to decide *between* the green shirt, the blue shirt, and the black shirt. I'm trying to decide *among* these shirts.

In land contracts, each party to a contract or lease is a distinct individual entity. Therefore, *between* is always correct no matter how many parties or entities are involved.

Oh, *amongst* is a cute British variation of *among* that is uncommon outside that damp and foggy island in the North Atlantic where our Queen spends her time. Curiously, *among* is Old English and *amongst* is Middle English. They both mean exactly the same thing and are used in exactly the same way. That said, on this side of the Atlantic, *amongst* is generally considered old-fashioned and rather pretentious. 🍁

*Tracey Stock is a lawyer, engineer, and landman with extensive experience in corporate and commercial, energy, mining, survey, construction, health, and intellectual property law. His practice focuses on mergers and acquisitions, transactions, negotiations, joint ventures, land administration, and land systems. As an engineer, he focuses on evaluation of oil and gas assets, information systems development, and operations management. He is a CAPLA member and currently serves as a director and past-president. He teaches business law, property law, petroleum land administration, and management at Mount Royal University and survey law at the University of Calgary. Tracey is also serves part-time as a Hearing Commissioner for the AER.*

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# CALENDAR

## CAPLA 2018 COURSES

For times and locations, please check the CAPLA website.

Feb 7	<a href="#">Notice of Assignment (NOA) - Novice</a>
Mar 1	<a href="#">Administration of the Alberta Energy Regulator (AER) Directive 56</a>
Mar 1	<a href="#">Notice of Assignment (NOA) - Advanced</a>
Mar 8	<a href="#">Surface A&amp;D</a>
Mar 21	<a href="#">Acquisitions &amp; Divestments: The Long &amp; Winding Road</a>
May 1	<a href="#">CAPL Operating Procedures: A 5000 Foot Overview</a>
TBD	Petroleum Land Contracts: Part One
TBD	Petroleum Land Contracts: Part Two
TBD	Reclamation: Unlocking the Mystery
TBD	Dealing with Difficult People

## CAPLA 2018 PROFESSIONAL DEVELOPMENT

For times and locations, please check the CAPLA website.

Jan 25	<a href="#">Lunch 'n Learn: Liability Management: Risk Reduction and Orphan Management in B.C.</a>
Feb 7	<a href="#">Lunch, Learn, LEAD!: A Strong Case to Revisit Motivation</a>
Feb 22	<a href="#">Lunch 'n Learn: TBD</a>
Mar 21	<a href="#">CAPLA Leadership Breakfast Series 2018</a>
Mar 22	<a href="#">Lunch 'n Learn: Oil Sands</a>

## CAPLA 2018 ETHICS COURSE

For times and locations, please check the CAPLA website.

Mar 14	<a href="#">CAPLA Ethics Course Part One: Morning Session</a>
Mar 14	<a href="#">CAPLA Ethics Course Part Two: Afternoon Session</a>

## CAPLA 2018 EVENTS

For times and locations, please check the CAPLA website.

April 2018	CAPLA Tasting Dinner
June 2018	Triple Round-up

### ADOPT-A-COURSE PROGRAM

Venues for CAPLA courses are sponsored by companies who support our Adopt-a-Course program. We would like to thank our ongoing sponsors in this program. Without you we wouldn't be able to offer these great courses. For more information about the Adopt-a-Course program, contact Mike Flynn, CAPLA Executive Director, at [mike@caplacanada.org](mailto:mike@caplacanada.org).

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**TO BE *improved,***  
**CHALLENGED,**  
**AND INCREASED**  
*constantly,*  
**OR IT *vanishes.*”**

Peter Drucker



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