

Application Delays and Deficiencies - Information Sheet

Expedited Authorizations Process for 2013 Flood Recovery

Alberta Environment and Sustainable Resource Development - South Saskatchewan Region

Alberta's department of Environment and Sustainable Resource Development (ESRD) has implemented an Expedited Approval Process for 2013 Flood Recovery (EAPFR). The EAPFR combines and streamlines the application, referral, and issuance processes for authorizations issued by ESRD under the *Water Act* and *Public Lands Act* for flood recovery activities as a result of the 2013 flood. For more information about the EAPFR, please review Information Sheets: "[Expedited Approval Process for Flood Recovery](#)" and "[Authorizations, Phases, Reviews and Internal Referrals](#)".

Process Update – Return of Applications

ESRD staff will conduct an initial review of EAPFR applications when received to determine if information requirements for the proposed work appear to have been met. Where critical information required for review is missing or unclear, applications may be returned noting the information deficiencies that need to be addressed prior to a formal review and referral under the EAPFR. This update is part of the continuous improvement of the process, and ensures that applications with information deficiencies are quickly identified and corrected in order to avoid delays during the review process.

How to use this Document

This document provides an information table related to the application delays and deficiencies commonly noted for EAPFR applications. Information in the table is grouped into the three EAPFR application phases:

- 1.) Pre-Application;
- 2.) Application; and
- 3.) Post-Authorization.

Within each application phase, tables are broken into four columns described as follows:

Column No.	Column Title	Column Information
1	Potential Delay / Deficiency	Specific description of a delay / deficiency commonly noted in the EAPFR phase
2	Action	Actions that applicants can take proactively to avoid the specified delay / deficiency
3	Objective	Rationale for the objective of the action
4	Outcome	Potential positive EAPFR outcome for the applicant / approval holder

1. Pre-Application Phase			
Potential Delay / Deficiency	Action	Objective	Outcome
Applicant is new, unsure of the process, or has had challenges with a successful application in the past.	<p>Call, meet with or engage with ESRD <i>Water Act</i> staff early in the planning process and prior to submitting an application.</p> <p>Contact Information:</p> <p>Calgary office: 403-297-7605</p> <p>Lethbridge office: 403-381-5322</p>	<p>ESRD <i>Water Act</i> staff can provide information on the EAPFR process and application requirements. They can also direct applicants to referral staff for information on fisheries, wildlife, and First Nations consultation requirements.</p> <p>Tip: Being prepared to describe the project in detail to ESRD staff is helpful. Details including the specific location, scale, scope, magnitude, and duration of the proposed activity, including potential impacts and mitigation measures will help ensure meaningful feedback from ESRD staff.</p>	Working directly with ESRD staff before submitting an EAPFR application may reduce the likelihood of submitting an application that is insufficient for a formal review under the EAPFR.

<p>Applicant is unaware of the potential requirement to conduct First Nations consultation.</p>	<p>Visit the Government of Alberta Aboriginal Consultation Office (ACO) website to review the process when First Nations consultations is required for a project:</p> <p>http://www.aboriginal.alberta.ca/1.cfm</p> <p>ESRD specific information:</p> <p>Contact Information</p> <p>After reviewing the ACO website, if further clarification is required related to the general process for First Nations consultation, applicants can contact an ACO Consultation Advisor (Magdalena Jordan – 403-592-2999)</p>	<p>Authorizations under the EAPFR are not considered unless any required First Nations consultation has been adequately concluded.</p>	<p>Having prior knowledge of the process for First Nations consultation will be helpful for applicants if consultation is determined to be required for their application.</p>
<p>The applicant has not obtained written proof of permission from all owners of the land where work is proposed.</p>	<p>Acquire written permission from all owners of land where the work is proposed.</p> <p>Submit a copy of this permission to ESRD with the EAPFR application.</p> <p>Tip: Make sure the written proof you submit is clear for reviewers. Proof should indicate from who, when, where and what the permission is given for. Proof should also clearly indicate what land location and any relevant block, lot & plan information the permission corresponds with.</p>	<p>Confirm that written permission has been obtained from all owners of the land where work is proposed.</p> <p>Authorizations under the EAPFR cannot be considered unless written proof of all permissions is on file.</p> <p>Tip: If the proposed work is to take place within a pre-existing legal right-of-way (ROW), be sure to confirm that no part of the work will extended outside the ROW. Where it does, written permission from the adjacent landowner is required.</p>	<p>Obtaining clear written proof of permission from all relevant landowners prior to submitting an application can reduce delays in the EAPFR.</p>

		<p>Similarly, if the proposed work is to take place on lands within a Department Licence of Occupation (DLO), proof of permission from the DLO holder is required.</p>	
<p>Applicant has not engaged other parties who may potentially be interested or impacted by the proposed work.</p>	<p>Engage those parties who may potentially be interested or impacted by the proposed work before submitting an application.</p> <p>Tip: When considering this option, pay attention to other persons or parties whose rights, lands, livelihoods, interests, historic water uses, could be impacted, or perceived to be impacted, by the proposed work. For larger projects consider conducting public meetings, open houses, to ensure a broad and inclusive engagement.</p>	<p>In addition to adjacent landowners, discussing the proposed work with potentially interested or impacted parties can bring issues to light that can be solved prior to submitting an application.</p> <p>This proactive engagement may help to avoid statements of concern or appeals from those same parties within the formal <i>Water Act</i> process.</p>	<p>Proactively engaging those parties who may potentially be interested or impacted by the proposed work can reduce the chances of significant delays associated with statements of concern or appeals under the <i>Water Act</i>.</p>

2. Application Phase			
Potential Delay / Deficiency	Action	Objective	Outcome
<p>The applicant has referenced an attached document instead of completing the EAPFR application form “2013 Flood Recovery Application for Water Act Approvals and Public Land Act Temporary Field Authorization” in full.</p>	<p>Submit an application form completed <u>in full</u> regardless of attachments.</p> <p>Tip: Application forms must be signed by the applicant or their authorized representative. Where a person or party is acting as an authorized representative for an applicant, written proof signed by the applicant of their permission authorizing that person or party to act on their behalf may be requested.</p>	<p>A completed application form is required to ensure a diverse group of ESRD referral staff can conduct meaningful reviews under the EAPFR.</p> <p>Tip: Even where attachments such as reports, assessments, plans, etc. accompany an application form, the form must still be completed in full. If an attachment is referenced in the form, the specific page and section of the attachment that relates to the form should be clearly indicated.</p>	<p>Completing the application form in full so that a clear description of the activity is provided helps ensure that specific information for ESRD referral staff is provided, thereby reducing the likelihood that the application will be returned as insufficient for a formal review under the EAPFR.</p>
<p>Applications are submitted that do not clearly define the worksite area and perimeter so access or occupation on public land can be determined.</p>	<p>Ensure that applications and/or attached plans clearly define the work site area (footprint) and perimeter boundaries.</p> <p>Proactively review worksite land status information to determine if authorization for access and occupation of public land is required:</p> <ul style="list-style-type: none"> • A Temporary Field Authorization (TFAs) is required for short term access or occupation. 	<p>According to the <i>Public Lands Act</i>, “public land” is land owned by the province, which includes the bed and shore of all naturally occurring water bodies. Therefore, activities conducted on the bed and shore of Alberta’s water bodies, like much of the flood recovery work, require TFAs and DLOs from ESRD’s Land Management Branch.</p>	<p>Clearly defining the boundaries of the worksite in the application, and reviewing the worksite land status to determine if a TFA or DLO is required, reduces the likelihood that the application will be returned as insufficient for a formal review under the EAPFR.</p>

	<ul style="list-style-type: none"> A Department Licence of Occupation (DLO) is required for the long term occupation of public land. <p>DLO requirements under the <i>Public Lands Act</i></p>		
<p>The applicant has not submitted location plans, written plans, or engineering plans that meet the EAPFR content requirements for review.</p>	<p>Submit location plans, written plans, or engineering plans that fully and clearly define and represent the work proposed in the application.</p> <p>Review the ESRD document “Application Information Requirements – Information Sheet” under the EAPFR.</p> <p>Tip: Plans indicating information to be decided (TBD) or ‘Field Engineered’ do not provide the required clarity to be reviewed.</p>	<p>Similar to the application form, adequate location plans, written plans or engineering plans are required to ensure a diverse group of ESRD referral staff can conduct meaningful reviews under the EAPFR. In addition, these plans may also be attached to, and form part of, the terms and conditions of authorizations issued under the EAPFR.</p> <p>Tip: It’s important to submit the most accurate design drawings/plans possible. Changes after the authorizations have been issued may require an amendment to the approval which will cause delays.</p>	<p>Submitting adequate location plans, written plans, or engineering plans that contain the required information reduces the likelihood that the application will be returned as insufficient for a formal review under the EAPFR.</p>
<p>Applicant did not submit a fish and fish habitat assessment report, or a wildlife assessment report where required, or a submitted report lacks the</p>	<p>Submit fisheries, or wildlife assessment reports, where required, that provide adequate information for review.</p> <p>Review the ESRD document</p>	<p>Adequate fish and fish habitat assessment, or wildlife assessment reports are required in order for ESRD referral staff to conduct meaningful reviews under the</p>	<p>Submitting adequate fish and fish habitat assessment, or wildlife assessment reports that contain the required information reduces the likelihood that the application</p>

<p>information required for review.</p>	<p>“Application Information Requirements – Information Sheet” under the EAPFR.</p> <p>Review the ESRD guidelines for completing a “Fish and Fish Habitat Assessment Report for 2013 Flood Recovery Projects” (document available soon).</p>	<p>EAPFR.</p> <p>The findings and associated recommendations included in these reports are often key considerations in defining the scope and mitigations for proposed work.</p> <p>Tip: The easiest way to address potential impacts to fisheries and wildlife resources and habitat is to avoid the impacts all together.</p>	<p>will be returned as insufficient for a formal review under the EAPFR.</p>
<p>Applicant doesn’t complete the full requirements of Notice of Application under the <i>Water Act</i>.</p>	<p>Post and provide proof of Notice of Application as per the specific instructions provided by ESRD.</p> <p>Public notice is required for all applications under the <i>Water Act</i> unless an exemption under the Act applies. This process notifies those who may be directly affected by the application and provides opportunity for a response. Depending on the circumstances, this notice must occur before or after an approval decision is made, or sometimes both before and after the decision; hence the terms “Notice of Application” and “Notice of Decision”.</p> <p>Notice of application is the method of notice unless a specific exemption in the <i>Water Act</i> applies. Public notice occurs before a decision has</p>	<p>Notice of Application must be posted according to the specific requirements of the Director under the <i>Water Act</i> and the <i>Water (Ministerial) Regulation</i>. The typical timeline for posting is seven (7) calendar days. Required postings commonly occur on the ESRD website and the local newspaper(s) for the area where the project site is located. Proof of posting must be submitted to ESRD as per the notice requirements.</p> <p>Tip: Submitting applications early can allow the applicant more time to address any potential SOC received as a result of a Notice of</p>	<p>Clear documentation and proof of the specified Notice of Application is critical for the <i>Water Act</i> file. Where clear proof is not submitted that confirms the specific posting dates, locations and recipients, the notice may have to be reposted.</p> <p>Accurate information related to the posting is also important should a SOC be submitted to ESRD.</p>

	<p>been made on the application, and allows for those directly affected by the application to submit statements of concern (SOC). The applicant is required to address valid concerns before an approval is considered.</p>	<p>Application with less chance of compromising desired project start dates. Public input into applications may be valuable and may lead to a better project.</p>	
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3. Post-Authorization Phase			
Potential Delay / Deficiency	Action	Objective	Outcome
Approval holder doesn't complete the full requirements of Notice of Decision under the <i>Water Act</i> .	<p>Post and provide proof of Notice of Decision as per the specific instructions provided by ESRD.</p> <p>Public notice is required for all applications under the <i>Water Act</i> unless an exemption under the Act applies. This process notifies those who may be directly affected by the application and provides opportunity for a response. Depending on the circumstances, this notice must occur before or after an approval decision is made, or sometimes both before and after the decision; hence the terms "Notice of Application" and "Notice of Decision".</p> <p>Notice of decision will not occur unless a specific exemption in the <i>Water Act</i> is applied; emergency, minimal or no effect, or adequate notice was already given. Where notice of decision is authorized, public concerns with the notice are formally addressed through an appeal to the Environmental</p>	<p>Notice of Decision must be posted according to the requirements of the Director under the <i>Water Act</i>. The typical timeline for posting is seven (7) calendar days. Required postings commonly occur on the ESRD website, the local authority's bulletin board, or at the site of the activity where it can be viewed by the public. Proof of posting must be submitted to ESRD as per the notice requirements.</p>	<p>Clear documentation and proof of the specified Notice of Decision is critical for the <i>Water Act</i> file. Where clear proof is not submitted confirming the specific posting dates, locations and recipients, the notice may have to be reposted.</p> <p>Accurate information related to the posting is also important should an appeal be filed with the Environmental Appeals Board.</p>

	<p>Appeals Board.</p>		
<p>Approval holder doesn't comply with the terms and conditions of authorizations issued under the EAPFR.</p>	<p>Read, understand, and comply with all terms and conditions of authorizations issued under the EAPFR.</p> <p>Tip: Changing approved plans after authorizations have already been issued under the EAPFR requires an amendment to the authorization. Amendments follow a similar process to that of the original approvals. Work should not occur prior to the obtaining any required amendment to the authorization documents, ESRD staff should be contacted early in the process of contemplating an amendment.</p>	<p>The approval holder is responsible for complying with all terms and conditions of the authorizations issued under the EAPFR and any other authorizations or legislation.</p> <p>ESRDs conducts audits and inspections of authorizations issued under the EAPFR.</p> <p>Important Note: Commencing work, including stockpiling, access and clearing, prior to receiving the required written authorizations from ESRD could put you in non-compliance with the <i>Water Act</i> or <i>Public Lands Act</i>.</p>	<p>Complying with all terms and conditions of the authorizations issued under the EAPFR, and any other authorizations or legislation, helps insure avoidance of potential compliance and enforcement responses.</p>
<p>Approval holder doesn't apply for a required Department Licence of Occupation (DLO) as per the requirements of a Temporary Field Authorization (TFA) or as otherwise required under the <i>Public Lands Act</i>.</p>	<p>Apply for DLO as per the requirements of any TFA issued for flood recovery work or as otherwise required under the <i>Public Lands Act</i>.</p>	<p>Long-term occupation of public land requires a disposition, typically a DLO, under the <i>Public Lands Act</i>. Often, TFAs issued for early access to construct permanent flood recovery works on public land (e.g. bed and shore) will also specify a timeline for obtaining a DLO.</p>	<p>The long-term occupation of public land by flood recovery projects is accounted for and in compliance with the <i>Public Lands Act</i>.</p>

<p>Approval holder doesn't submit a Certificate of Completion as required under the terms and conditions of a <i>Water Act</i> approval.</p>	<p>Sign and return any Certificates of Completion, and any further information specified by the director as required within the terms and conditions of the <i>Water Act</i> approval.</p>	<p>The approval holder is responsible for complying with all terms and conditions of the authorizations issued under the EAPFR and any other authorizations or legislation.</p> <p>Certificates of Completion confirm for the record that the work and any structures have been completed as authorized under the <i>Water Act</i> approval.</p> <p>Important Information: Certificates of Completion are included in all <i>Water Act</i> approvals associated with projects funded under the Flood Recovery Erosion Control Program (FREC).</p>	<p>Compliance requirements under the <i>Water Act</i> for Certificates of Completion are met.</p> <p>ESRD has record that the project is completed as per the approval.</p> <p>ESRD can confirm completion of the project in relation to any FREC grant records.</p>
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