

Title:	PLAR Approvals Directive
Number:	ESRD, Public Land Management, 2014, No.3
Program Name:	Public Land Management
Effective Date:	January 30, 2014
This document was updated on:	

1. Introduction

1.1 Purpose

Environment and Sustainable Resource Development (ESRD) is responsible for managing and regulating Alberta’s public lands. The *Public Lands Act* amendments that came into force on April 1, 2010 and the Public Lands Administration Regulation (PLAR) that came into force on Sept 12, 2011 redefined some of the ways the public land administration is carried out, including the issuance and maintenance of dispositions issued on public land.

In support of implementation of PLAR this directive describes the operational policy and procedures for the administration of **Approvals** as defined in PLAR.

1.2 Scope

This directive is mandatory and will be used by all regulating staff for the administration of Approvals under PLAR.

The following Policy and Procedures as related to Approvals are included in this directive:

- Types
- Allocation
- Tenure
- Fees & Charges
- General Application Requirements
- Activity and Purpose Codes

1.3 Background

Sections 15 and 20 of the *Public Lands Act* empower the directors to authorize dispositions on public land. A disposition is an instrument that conveys an estate, interest, right or privilege in respect of Public Land. There are three classes of dispositions defined in PLAR as follows:

1. Formal Disposition
2. Authorization
3. Approval

These three classes of dispositions are distinguished by:

- The degree of rights conveyed by the disposition (e.g. whether the disposition conveys an interest in public land or merely a right or privilege)

- The rights and obligations of the disposition holder
- Application and issuance requirements, timelines and process.

This directive deals with Approvals. An approval is an instrument other than a formal disposition or authorization that is issued to a person by or on behalf of a regulatory body that grants to that person the permission or consent of the regulatory body that is required under the Act, the regulations or the conditions of a formal disposition or an authorization.

Approvals have two unique features:

1. An approval must relate to a Formal Disposition or Authorization. An approval is never a stand-alone disposition.
2. An approval is issued to grant permission or consent where that consent or permission for the activity, use, or administrative change is required:
 - a. under the Public Lands Act, or
 - b. under PLAR, or
 - c. the terms and conditions of the subsisting formal disposition or authorization.

Reference should be made to PLAR Formal Dispositions Directive and PLAR Authorizations Directive for information on Formal Dispositions and Authorizations.

Throughout this directive reference is made to the “Regulatory Body”. This term is used to describe the government department or delegated authority which may implement the *Public Lands Act*. As of the effective date of this directive the term “Regulatory Body” applies to Environment and Sustainable Resource Development (ESRD), and the Alberta Energy Regulator (AER).

1.4 Precautions

Use this directive with the supporting documents and processes identified within. Revisions to this directive may be needed when there are changes to the supporting documents or processes within.

Revisions to the directive are the responsibility of the directive Owner.

Regulatory staff can contact the directive owner if there are any questions about this procedure.

1.5 Responsibility

The following roles are responsible for maintaining, approving, and using this procedure:

- Directive Owner: ESRD Policy Division, Lands and Forestry Policy Branch
- Directive Approver: Executive Director, Lands & Forest Policy, Policy Division, ESRD
- Directive Users: ESRD Operations Division, Policy Division, Integrated Resource Planning Division, and the Alberta Energy Regulator

2. Policy- PLAR Approvals

Approvals are separated into two different categories: **Administrative Approvals** and **Operational Approvals**.

Administrative Approvals:

There are four types of Administrative Approvals available for Formal Dispositions and they are:

- Mortgages
- Assignments
- Transfers
- Sub-leases

Notes: Sub-leases are only available to formal dispositions which are leases.

There are no purpose or activity codes associated with these Administrative Approvals.

For further information and procedures refer to Part 4 of PLAR and operational policy as it becomes available.

Operational Approvals:

Operational approvals are a mechanism to approve associated activities to a disposition. The numbered instrument uses the type code of Disposition Operational Approval (DOA). Operational approvals may be used for the following general purposes:

- To conduct activities connected with, or incidental to a Formal Disposition or Authorization (whether these activities are within or outside of the existing disposition area)
- To provide a regulatory body's approval of a required submission, plan or document as conditioned within the Formal Disposition or Authorization
- To administer a regulatory body's decision to waive or alter certain requirements, conditions or specifics of the Formal Disposition or Authorization
- To approve an activity on a Formal Disposition or Authorization where the Act or Regulations require a specific approval for that activity, use or permission.
- To conduct reclamation on a formal disposition or authorization, even if that disposition is cancelled or expired, or if owned by another disposition holder.

Important Note: Until the GLIMPS system can be updated to differentiate between authorizations and approvals, electronic issuance of an approval will still occur through a Temporary Field Authorization (TFA). This tool will manage all approval and authorization activities in the interim.

Disposition Operational Approvals, like other dispositions, are issued with purpose and activity codes. These codes are used to apply for and issue Approvals and describe the activity that is approved. They are used in the digital tracking systems managed by the regulatory bodies. The codes are explained below:

- 1. Purpose Code:** Purpose codes are organized into categories of activities that define the specific purpose of the disposition. Purpose codes can further define rights and use of the approval type and may have direct linkages to standards or conditions for the proper management of the disposition. (e.g. “*Incidental Activity*”).
- 2. Activity Code:** The activity code further defines the Purpose Code and provides a greater level of detail. Activity codes can further define allowable activities under a Purpose code, and may have direct links to standards or conditions applied to that disposition or approval. (e.g. “**Log Deck**” and “**Temporary Work Space**” are both allowable activities under the purpose of “**Incidental Activity**”).

See PLAR Table A1: ESRD PLAR Dispositions and PLAR Table A2: AER PLAR Dispositions for the full list of Operational Approvals.

For proposed activities or land uses that are not represented in Table A1 or A2, a review by ESRD will be required to determine if the proposed activity is a suitable use of public land, and if the proposed activity requires an additional type, purpose or activity code.

2.1 Types

Table 2.1 provides a listing of the different approvals available for issuance:

Table 2.1 Approvals under PLAR				
Approval Class	Type	Definition	Three Digit Identifier	Specific PLAR Division
Administrative	Mortgage	An instrument registered against the disposition showing that a mortgage agreement has been entered into by the disposition holder and a third party which is registered against the disposition held for crown land.	CSL (Conditional Surrender of Lease)	Part 4
Administrative	Assignment	An instrument registered against the disposition showing that the ownership of the disposition has been conferred from the original holder to another person.	N/A	Part 4

Table 2.1 Approvals under PLAR				
Approval Class	Type	Definition	Three Digit Identifier	Specific PLAR Division
Administrative	Transfer	An instrument similar to an assignment that is registered against the disposition showing that the ownership of the disposition has been conferred from the original deceased disposition holder to another person. A transfer is the instrument by which the personal representative of a deceased disposition holder may arrange to change ownership of a disposition formerly held by the deceased disposition holder.	N/A	Part 4
Administrative	Sub-Lease	An instrument registered against a disposition showing that a sub-lease agreement has been entered into between the disposition holder and a third party for part or all of the disposition area.	PSA (Private Sub-Lease Agreement)	Part 4
Operational	Disposition Operational Approval	An instrument registered with a disposition conveying the permission or consent of the Minister, a director or officer to conduct a related activity, approve a required plan or document, waiver or alter certain disposition requirements, or authorize an activity when specifically required to under the Act or Regulations.	DOA (Disposition Operational Approval)	N/A
Operational	Reclamation Operations Approval	An instrument which grants the applicant (whether the applicant is the disposition holder or not) the right to enter and occupy a disposition area and conduct work to reclaim and restore the subject land to equivalent land capability or another required end state.	ROA (Reclamation Operations Approval)	Part 1 Sec. 23

2.2 Allocation

Allocation is the method in which vacant public land can be made available for specific uses. In many cases land allocation is not relevant for approvals as the approval does not allow for the use of any additional public land. This section describes how approvals which require the use of additional public land may be allocated.

All approvals are available only to Formal Disposition or Authorization holders. There are only two exceptions as follows:

1. A personal representative of a deceased disposition holder may apply for an approval to transfer the disposition (sec. 147 PLAR).
2. A person other than a disposition holder may apply for a Reclamation Operations Approval (ROA). (Sec. 23, PLAR)

Where an operational approval is used to authorize the use of additional vacant public land; that land is allocated on the long-standing principle of first in time- first in right. Notes are included below on the first in time- first in right principle as defined directly below. Information on other allocation methods is not detailed in this directive.

- All land allocation decisions are at the discretion of the Minister, director or official of ESRD or any agency or board as enabled under legislation to administer the *Public Lands Act*, who may decide to allocate or not to allocate public land. Land allocation for dispositions is subject to, and must adhere to all applicable Land Use Framework Regional Plans, Approved Government of Alberta Integrated Resource Plans, and all applicable policy and regulation.
- The regulatory bodies make land allocation decisions for the highest and best use according to above mentioned plans, and any applicable policy and regulation.
- In areas of public land where multiple uses are permitted, a certain type of use does not receive priority over another type of use unless otherwise specified in an approved land use plan or policy, or through the land reservation and notation system, or in cases where an existing resource right has been allocated.
- A person has only secured priority in under the principle of first in time-first in right when that person has submitted an application that has been deemed complete by the regulatory body. An application which has been rejected by the regulatory body as incomplete does not secure any priority.

2.3 Tenure

The tenure is the bundle of rights conveyed to the disposition holder with respect of the public land for which their disposition was issued. It includes the term length of the disposition, and the level of rights conveyed to occupy, and the exclusivity of access to the land.

Approvals have a term length that cannot be longer than the term length of the subsisting Formal Disposition or Authorization, and in most cases the term length is shorter depending on the type of activity being approved. These term lengths are specified in the PLAR Operational Authorization and Approvals Administrative Procedures. The only exception is a Reclamation Operations Approval (ROA) where the term length may exceed the term of the subsisting formal disposition or authorization to achieve the reclamation outcomes.

Administrative Approvals and many Operational Approvals do not convey the right to use additional public land outside the formal disposition or authorization area to which the approvals related.

For the Operational Approvals which do convey a right to enter and occupy additional public lands, there is no right to exclusive use or access of the public land in question (eg. incidental activities).

Note: The use of a public land area under an Approval is considered “Vacant Disposition Area” under PLAR, and by definition is also “Vacant Public Land”, unless there is construction or development directly occurring. Vacant Public Land may be accessed by other users subject to application legislation and policy.

2.4 Fees and Charges

Table 2.4 provides a brief description of the fees and charges that are applicable to approvals as per section 13 (1) of PLAR. The specific amounts of certain fees related to administrative approvals can be found in PLAR Table B- Public Lands Administrative Fees

Table 2.4 Approvals Fees and Charges		
Approval Type	Fees	Notes:
Mortgage	See PLAR Table B- Public Lands Administrative Fees	There are no mortgage fees for PLAR dispositions issued by the AER and costs are recuperated through the AER’s Administrative Levy
Assignment	See PLAR Table B- Public Lands Administrative Fees	There are no assignment fees for PLAR dispositions issued by the AER and costs are recuperated through the AER’s Administrative Levy
Transfer	See PLAR Table B- Public Lands Administrative Fees	There are no transfer fees for PLAR dispositions issued by the AER and costs are recuperated through the AER’s Administrative Levy
Sub-Lease	See PLAR Table B- Public Lands Administrative Fees	There are no sub-leasing fees for PLAR dispositions issued by the AER and costs are recuperated through the AER’s Administrative Levy
Disposition Operational Approval	No fees or charges for application or administration.	DOA’s which authorize the use of additional public land are charged applicable fees for use. See PLAR Operational Approvals and Authorizations Administrative Procedures for further information.
Reclamation Operations Approval	No fees or charges.	

2.5 General Application Requirements

Under PLAR, an application for an Approval must contain the minimum general requirements as specified in Sec. 13(1). The requirements and applicable comments are summarized in table 2.5 below. Refer to the Regulation for exact wording.

Section	Applies to Formal Disposition Types:	Notes
13(1)a Form acceptable to Minister or Director	All	<p>Approvals will have different application forms as specified by the regulatory body. See PLAR Tables A1 and A2: PLAR Dispositions for general information on application format by activity code. Specific information is provided in the PLAR Operational Approvals and Authorizations Administrative Procedures.</p> <p>For some Approvals which authorize the use of additional public land, the procedural aspects of First Nations Consultation will be assessed and may be delegated to the applicant. In these cases the applicant will require to follow the First Nation Consultation Lands Procedures, acquire a FNC number and a “decision of adequacy” to justify the proponent-led procedural aspects of consultation.</p> <p>Some Approvals may also require a statement of consent when the lands already applied for are occupied with a public lands or timber disposition.</p>
13(1)b Grazing lease special assignment exceptions proof	GRL	Proof is to be provided if a grazing lease is to be assigned under the special conditions listed in section 156(2) of PLAR.
13(1)c RFMA holder approval to enter GRL without consent	GRL	As specified in section 61(1)b an RFMA holder may apply to the director for entry onto land under a grazing lease, and in applying must provide a written record of refusal.
13(1)d Grazing Disposition- Rental Credit	GRL, FGL, GRP, HTP	As specified in section 159 an assignment of a grazing disposition may transfer rental credits to the assignee provided the proof of any rental credit balance is provided.
13(1)e Refusal of camping in single operator trail ride management area	CTR	As per section 140, the director may approve camping for an operator within another operator’s trail ride management area. A written record of refusal is required as proof.

Table 2.5 Approval Application Requirements		
Section	Applies to Formal Disposition Types:	Notes
13(1)f Provisions of Act, regulations, ALSA regional plan or formal disposition/authorization requiring applicant to obtain approval	All	For all approvals, the applicant must provide the provisions of the Public Lands Act, PLAR, an ALSA regional plan, or a term or condition of a formal disposition or approval, requiring the applicant to obtain approval. See the PLAR Operational Approvals and Authorizations Administrative Procedures for further information.
13(1)g All applicable fees and charges	All	As specified in section 2.4. Note: There are no administrative fees for PLAR dispositions issued by the AER and costs are recuperated through the AER's Administrative Levy

2.6 Purpose & Activity Codes

PLAR Tables A1 and A2: PLAR Dispositions outlines all the permissible purpose and activity codes for which a regulatory body authorizes the entry and occupation of public land.

Administrative approvals do not have activity or purpose codes.
Operational approvals do have activity and purpose codes which identify for which activities and purposes a DOA may be issued for.

Disposition type codes are considered fairly static and will generally only be changed or updated associated with changes to legislation. Purpose and Activity codes may be updated periodically by the department as the need arises to recognize new legitimate uses of public lands. Updates to the purpose and activity code listing (Tables A1 and A2) will be considered annually as per departmental procedures.

2.7 Multiple Instruments

Under PLAR, there is the ability to issue a Formal Disposition, an Authorization or an Approval to authorize the use and occupation of public lands. For many purpose and activity types, only one of these three instruments is permitted, but in some cases an activity may be approved under a Formal Disposition, Authorization or an Approval depending on the circumstance.

Where this is the case, an activity may be authorized using an Authorization or an Approval when the activity is in general in shorter duration (more temporary) and having less impact than would require a Formal Disposition. PLAR Tables A1 and A2: PLAR Dispositions outlines for which activities and purposes a Temporary Field Authorization (TFA) or a Disposition Operational Approval (DOA) is permitted. The specific criteria for when an activity may be authorized by Authorization or Approval vs. a Formal Disposition are included in PLAR Table C: PLAR Operational Approvals and Authorizations document.

3. Glossary

- **AER:** Alberta Energy Regulator
- **Applicant:** A party who's interest has been registered by way of an application to a regulatory body according to the records of the issuing regulatory body.
- **Administrative Approval:** A class of approvals under Part 4 of PLAR consisting of Mortgages, Assignments, Transfers and Sub-leasing.
- **Approval:** A disposition under PLAR that grants the disposition holder the permission or consent of a regulatory body to carry out a certain activity requiring approval. Approvals may be either Administrative approvals or Operational Approvals. See PLAR 1(1)(e) for further definition.
- **Authorization:** A disposition issued for short term access of vacant public land under section 20(1) (a), (b) or (e) of the *Public Lands Act* allowing a person to enter and occupy public land for a specified purpose. See PLAR 1(1)(f) for further definition.
- **Delegated Authority:** Any person, agency or board that has been delegated power, duty or function by the minister under any Act or regulation.
- **Deficiencies:** A characteristic or condition of an application package that fails to meet a technical or administrative standard, requirement, or specification.
- **Directive:** Mandatory operational policy to be followed in carrying out a given operation or in a given situation. Provides a greater level of detail and context to legislated requirements.
- **Directive Approver:** Position responsible for approving a Directive.
- **Directive Owner:** Position/section/branch responsible for updates to a Directive.
- **Directive Users:** Those individuals or organizations responsible for taking actions within the Directive.
- **Disposition:** The authority granted by a regulatory body pursuant to the *Public Lands Act* to use public land for specific purposes and activities.
- **Disposition Number:** An official identifier that a regulatory body assigns to a disposition that tracks decisions throughout the disposition lifecycle.
- **DOA (Disposition Operational Approval):** An approval issues under PLAR to conduct activities related to a formal disposition or authorization where the consent or permission is required from a regulatory body, and which does not include administrative approvals under Part 4 of PLAR.
- **ESRD:** Environment and Sustainable Resource Development
- **Formal Disposition:** A disposition issued under the Public Lands act granting varying rights and responsibilities to use public land for certain purposes and activities. See PLAR 1(1)(o) for further information.
- **PLAR:** Public Lands Administration Regulation
- **Regulatory body:** The department, agency or board authorized through legislation to administer the *Public Lands Act* and associated regulations. As of the effective date of this directive the term "Regulatory Body" applies to Environment and Sustainable Resource Development (ESRD), and the Alberta Energy Regulator (AER).

4. References

To learn more about the legislation that applies to this procedure, visit the Government of Alberta Queen's Printer website at qp.alberta.ca and search for the following:

- Public Lands Act
 - Public Lands Administration Regulation
- Responsible Energy Development Act
 - Specified Enactments (Jurisdiction) Regulation
 - General Amendment Regulation

You may also be interested in reading supporting documents:

- Public Lands Administration Information Series (Part 1): Handbook of Instruments Pursuant to *Public Lands Act* & Public Lands Administration Regulation (PLAR)
- Enhanced Approvals Process Manual
- Integrated Standards and Guidelines

The following documents are referenced within this directive:

- PLAR Formal Dispositions Directive: ESRD, Public Land Management, 2014, No. 1
- PLAR Authorizations Directive: ESRD, Public Land Management, 2014, No. 2
- PLAR Operational Approvals and Authorizations Administrative Procedures: ESRD, Public Land Management, 2014, No. 6
- PLAR Table A1: ESRD PLAR Dispositions
- PLAR Table A2: AER PLAR Dispositions
- PLAR Table B: Public Lands Administrative Fees
- PLAR Table C: PLAR TFAs and DOAs
- Disposition Plan Types/Formats

5. Approvals

Original signed by: _____

Date: _____

Kem Singh, Executive Director
Land and Forestry Policy Branch
Environment and Sustainable Resource Development