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| <b>Title:</b>                        | <b>Roadway Development Administered under the Public Lands Act</b> |
| <b>Number:</b>                       |  |
| <b>Program Name:</b>                 | <b>Dispositions</b>  |
| <b>Effective Date:</b>               | <b>May 13, 2013</b>  |
| <b>This document was updated on:</b> |  |

### Roads and Access

This document contains information on:

- Roadways Administered under the Public Lands Act
- Obtaining approval for public roadway development

Alberta Environment and Sustainable Resource Development (ESRD) is responsible for administering all roadway reservations on public land in the province. Before entering public land for roadway development, a road authority (municipal authorities or Alberta Transportation) requires a Provisional Roadway Reservation (RDS) from ESRD. Lands required for use as public access roadways are reserved pursuant to Section 20(c) of the *Public Lands Act*. An RDS records the road authorities' interest in the lands. All future activities issued are made subject to the reservation.

An RDS serves to protect the interest of the roadway authority, ensures that resource concerns are addressed and authorizes commencement of construction.

### General Information

The definition of public lands, pursuant to Section 3 of the *Public Lands Act*, includes the bed and shores of all permanent and naturally occurring bodies of water, including rivers, streams, watercourses and

lakes, unless a grant of title expressly conveys such rights to the holder. This includes all unsurveyed road allowances within a water body.

Surveyed road allowances that cross a Crown-owned water body or watercourse are considered to be highways or roads under Schedule 14 of the *Government Organization Act* under the administration of Alberta Transportation.

Surveyed road allowances, registered roads, and unregistered roads used as public roads (section 18(1) of the *Municipal Government Act* fall under the jurisdiction of Alberta Transportation (direction, control and management resides with the municipal authority).

Pursuant to Section 25 (a) of the *Public Lands Act*, written consent of a disposition or disposition reservation (DRS) holder having prior rights is required to withdraw the lands from the affected activity. The original copy of the consent must be provided to the Land Dispositions Branch prior to commencement of construction.

The road authority may negotiate with and pay compensation to the disposition holder for the loss of the holder's interest under an existing lease. If an agreement cannot be reached as to compensation, either party

may apply to the Land Compensation Board to assist in resolution.

Section 7 of the [Forests Act](#) places responsibility for the administration of standing and cut timber on all road allowances with the minister of ESRD. The road authority is required to notify the local Lands office prior to any clearing or construction to ensure timber salvage of both coniferous and deciduous species is addressed. The method of disposal is determined by the local Lands office.

*Water Act* approval must be obtained before any construction activity occurs in a water body. The following two Fact Sheets provide clarification on when *Water Act* approval is required.

[Water Act Approval Fact Sheet](#)

[Water Act Code of Practice for Watercourse Crossings Fact Sheet](#)

Licences, authorizations, and approvals issued by ESRD under the *Public Lands Act*, the *Forests Act*, the *Environmental Protection and Enhancement Act*, and the *Water Act* should not be taken to mean the proponent (applicant) has complied with federal legislation.

The completion of [First Nations Consultation](#) (FNC) is required prior to submitting the application and the record of decision number must be indicated on the application form.

Applications are referred to parties with a registered interest in the land to provide comments and recommendations. This referral process ensures Alberta's public land, forests, fish, wildlife, and water resources are managed for the benefit of all Albertans.

Approval of borrow pits outside of the proposed road development on public lands is to be obtained from the local Lands office.

[Digital mapping](#) fees are applicable and will be invoiced to the RDS holder upon approval.

**How to apply for a Provisional Roadway Reservation:**

Prior to submission, a Crown land search should be obtained to identify prior right holders. A search can be obtained from Alberta Energy, Crown Land Data Support at 780-422-5757 or by email at [crownlanddatasupport@gov.ab.ca](mailto:crownlanddatasupport@gov.ab.ca).

The application package consists of a cover letter, completed application form, a plan that meets ESRD plan requirements, and any other relevant information that may assist in the application review.

[Provisional/Registered Roadway Application](#) (under Roads section)

[Content Requirement for RDS Sketch Plans](#)

A cover letter with the following, and any other relevant supporting documents or information:

- Projected commencement and completion date of road construction;
- Erosion control measures and revegetation methods to be applied during construction and the long-term plan for the management maintenance of stream crossings, drainage structures and the right-of-way vegetation; and
- Date the survey will be completed.

Application packages can be submitted to:

Alberta Environment and Sustainable  
Resource Development  
Land Dispositions Branch  
2<sup>nd</sup> Floor, 9915-108 Street  
Edmonton, Alberta  
T5K 2G8

**OR**

Emailed to:

[esrdsurfaceactivityapplications@gov.ab.ca](mailto:esrdsurfaceactivityapplications@gov.ab.ca)

Prior to construction, the RDS holder must provide all consents from current prior rights holders to the department. An RDS is issued for a term of 10 years, at which time it is expected that the road will be constructed, surveyed, and registered at the Land Titles Office.

**Registered Road**

Once the RDS is constructed, surveyed and the plan is registered at Alberta Land Titles, the road authority must submit the survey plan along with a Provisional/Registered road application. If the survey plan covers the RDS in its entirety, the RDS must be cancelled. If the survey plan covers only a portion of the RDS then the RDS must be amended.

**Road Closure Procedure:**

When considering the closure or abandonment of a registered road or road allowance where access to public lands may be affected, the municipal authority must provide a letter advising of its intention to:

Lands Dispositions Branch  
5<sup>th</sup> floor, 9915 – 108 Street  
Edmonton, AB T5K 2G8

ESRD will provide a written response indicating its support or non-support of the proposal.