

Alberta Provincial Decision Processes Related to Integrated Land Management



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Introduction

The purpose of this document is to provide an overview of the decision processes of government departments/agencies that have responsibility for the administration and authorization of regulatory approvals on provincial crown lands in Alberta. Provincial crown lands is land owned by the provincial government, which makes decisions about how it is used and managed for activities including grazing, forestry, resource development, habitat conservation and biodiversity.¹

In applying integrated approaches to land management, governments and stakeholders are working together to reduce their footprint. It can be difficult to navigate the approvals and decision-making processes in the provincial government and also in municipal governments. This document will clarify some of the interconnections and processes.

This document references six provincial government departments/agencies that have responsibility for the administration and authorization of regulatory approvals on public lands in Alberta (see Figure 1):

- Alberta Utilities Commission (AUC)
- Energy Resources Conservation Board (ERCB)
- Natural Resources Conservation Board (NRCB)
- Alberta Sustainable Resource Development (SRD)
- Alberta Environment (AENV)
- Alberta Culture and Community Spirit (C&CS)

Judicial and quasi-judicial appeal processes for the four regulatory decision-making processes exist under the ERCB, AUC, NRCB and Alberta Environment.

Municipal Affairs (through the Special Areas Board for Special Areas 2, 3 and 4) also has the authority to provide land access and approvals for use of public land within its jurisdiction in Alberta. Alberta Transportation has direct authority over public land but with limited approval authority as land users designating land for a specific use.

Alberta Tourism, Parks and Recreation has direct authority over lands managed under the *Provincial Parks Act*, the *Wilderness Areas*, *Ecological Reserves*, *Natural Areas*, and *Heritage Rangelands Act* and the *Willmore Wilderness Park Act*.

Depending on the type of land and resource use activity proposed some projects may require approvals from the federal government (see Appendix 1). The approval processes for Municipal Affairs, Tourism, Parks and Recreation, and federal departments/agencies are not mapped out in this document.



¹ Provincial crown land is land owned and managed by the provincial government on behalf of Albertans. Public lands are those lands that are specifically covered under the *Public Lands Act* and managed by the department of Sustainable Resource Development.



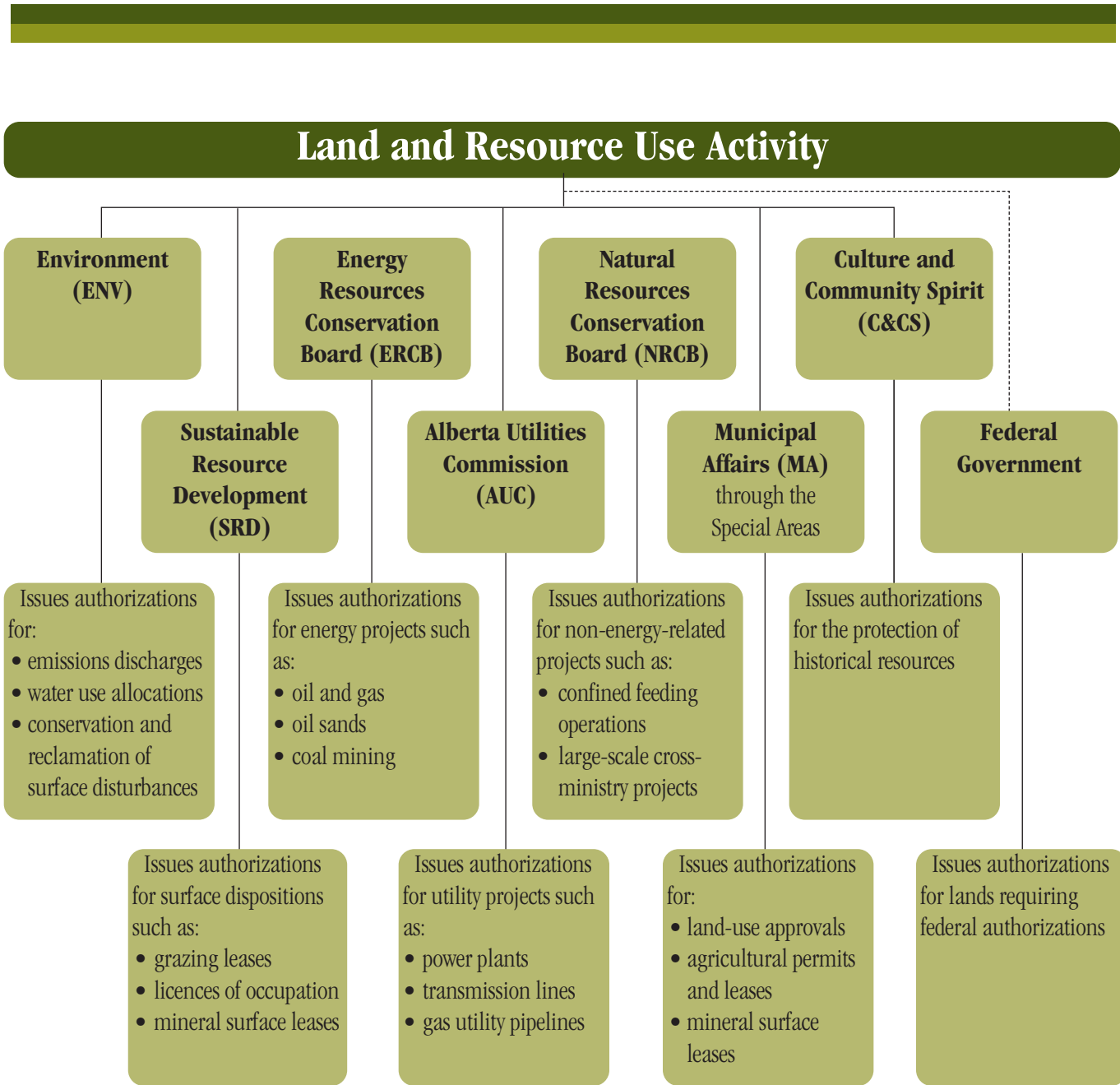


Figure 1: Government Departments or Agencies Responsible for issuing authorizations on lands in Alberta



Alberta Utilities Commission

The Alberta Utilities Commission (AUC) came into being January 1, 2008 as a result of the realignment of the Alberta Energy and Utilities Board. The AUC is an independent, quasi-judicial agency of the Government of Alberta. It is responsible for regulating natural gas, electric and water utilities so delivery of Alberta's utility services is fair, responsible and in the public interest.

The AUC ensures electric facilities are built, operated and decommissioned in an efficient and environmentally responsible way.

The AUC is governed by more than 20 pieces of legislation that regulate Alberta's utility sectors. A list of the legislation is provided in Appendix 2. Under an initiative to streamline agency documents, "Rules" have been developed, replacing directives, interim directives, information letters and guide documents. Rules set out new or amended AUC requirements or processes to be implemented and followed by approval holders. They have the same force and effect as regulations.

The AUC uses bulletins to announce regulatory change but not regulatory requirements. Bulletins inform the utilities industry and the public of an AUC activity such as a new program or a new regulatory requirement.

Regulatory process

Construction of utility facilities such as power generation facilities, electric substations, transmission lines and gas utility pipelines require AUC approval. Project proponents are expected to involve the public in developing an application for AUC approval. Public consultation is also a requirement of Alberta Environment's Environmental Impact Assessment (EIA) process for those projects that require an EIA as part of their application to the AUC.

With respect to access to lands for a proposed project, on private lands, a proponent must negotiate and compensate the landowner, if an agreement cannot be reached then resolution is through the Surface rights Board. On public lands, the proponent must consult with the public lands division of Sustainable Resource Development. Surface disposition approval is not granted until the project receives regulatory approval from AUC.

Applications made to the AUC for permits to construct, licenses to operate, approvals or other consents are made pursuant to AUC Rule 007, Rules Respecting Applications for Power Plants, Substations, Transmission Lines, and Industrial System Designations and AUC Rule 20, Rules respecting Gas Utility Pipelines. The public is allowed to intervene in an AUC proceeding as set out in AUC Rule 001, Rules of Practice. Public involvement in facility applications to the AUC is outlined in Rule 007 and Rule 20; with all public interventions and proponent applications being made available for public record. Should the proponent or any other party to a hearing wish to request a



review of an AUC decision, the procedure and timelines are explained in Rule 016, Review and Variance of Commission Decisions.

Given the nature and size of projects the AUC considers, proposed projects may also be subject to review and approval processes conducted by other boards, commissions or agencies at the federal or provincial level. The AUC may conduct its proceedings jointly or in conjunction with these other bodies. If a proceeding involves a reviewing agency of a jurisdiction outside of Alberta, approval must first be obtained from Cabinet. A summary of the AUC regulatory process is shown in Figure 2.

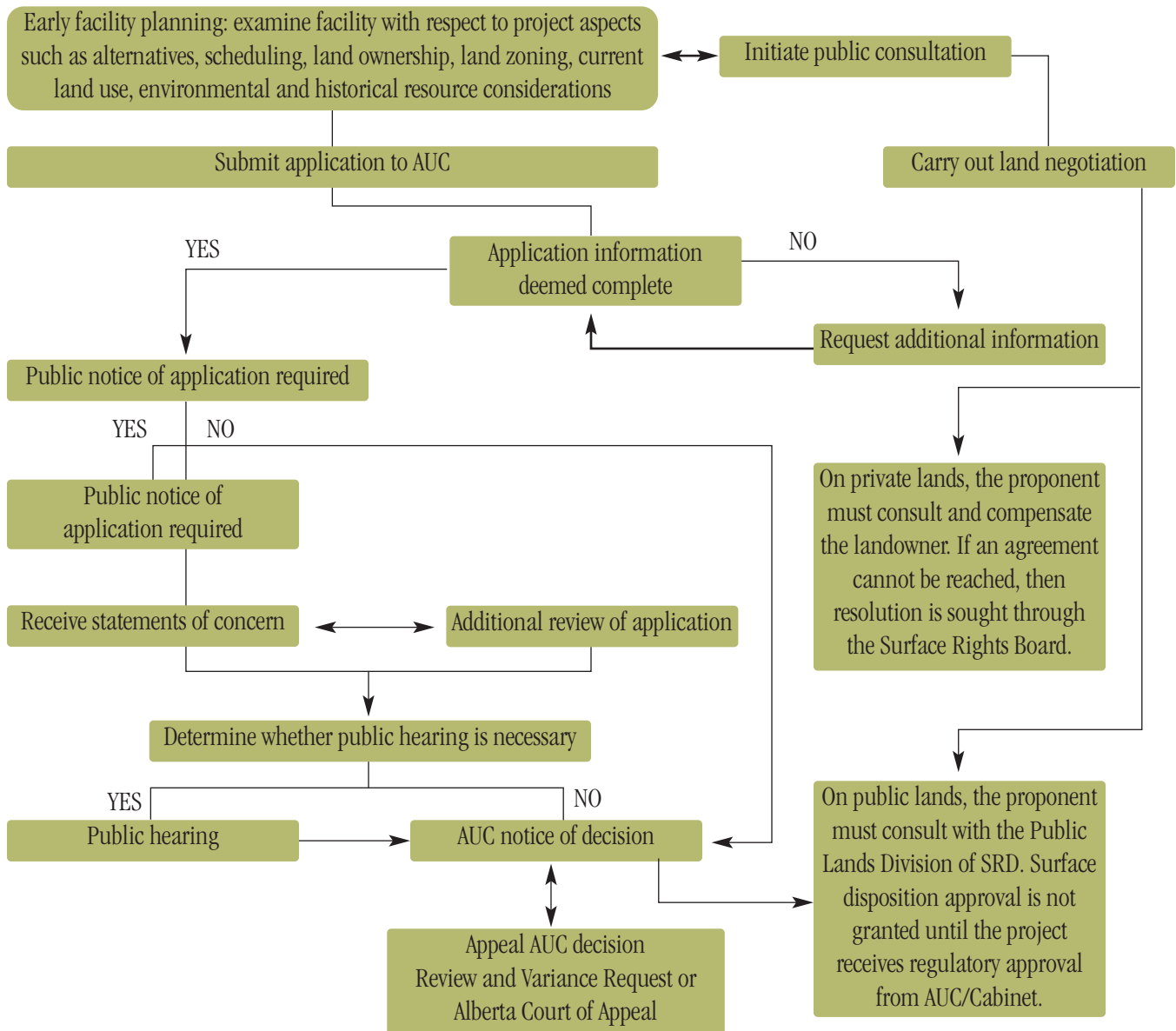


Figure 2: Alberta Utilities Commission Application Process

Energy Resources Conservation Board

The Energy Resources Conservation Board (ERCB) was established Jan. 1, 2008 as a result of the realignment of the Alberta Energy and Utilities Board. The ERCB is an independent, quasi-judicial agency of the Government of Alberta responsible for regulating Alberta's energy resources—namely, oil, natural gas, oil sands and coal. The Government of Alberta owns approximately 80 per cent of the province's sub-surface minerals; the remaining 20 per cent is privately held under freehold leases. Given that most energy resources are owned by the government, the ERCB's mandate is to ensure the discovery, development and delivery of Alberta's energy resources is fair, responsible and in the best interests of Albertans.

Under the *Energy Resources Conservation Act*, the ERCB is responsible for administering a variety of acts and regulations that govern Alberta's energy resources. A list of the legislation governing the ERCB is provided in Appendix 3.

Like the AUC, the ERCB is streamlining its documents, directives, interim directives, informational letters and guides and renaming them as "Directives." Directives set out new or amended ERCB requirements or processes to be implemented and followed by approval holders under the jurisdiction of the ERCB. Directives have the same force and effect as regulations.

Like AUC bulletins, ERCB bulletins are used to announce regulatory change but do not set out regulatory requirements. Bulletins inform the energy industry and the public of an ERCB activity such as a new program or a new regulatory requirement.

Regulatory process

Construction of energy facilities such as coal mines, oil sands operations, well sites and energy transportation pipelines require ERCB approval. Applications made to the ERCB for permits to construct, licences to operate or other consents such as Orders in Council are made pursuant to the respective acts and regulations listed in Appendix 3. In 2006, the ERCB received more than 60,000 applications related to energy facilities such as wells, pipelines, batteries and gas plants. Over the past five years, the ERCB, as part of the regulatory review and approval process, has held about twenty public hearings per year for specific energy applications.

A number of directives have been developed to assist the proponent and the public in understanding ERCB application requirements. For example:

- **Directive 023** deals with applications for oil sands projects including in situ oil sands schemes.



- **Directive 029** provides a step-by-step explanation of the ERCB application and hearing process to assist members of the public whose rights may be directly or adversely affected by a proposed energy project in understanding the ERCB's regulatory review process. The public is allowed to intervene in an ERCB proceeding, with all public interventions and proponent applications being made available for public record.
- **Directive 056** outlines the requirements and procedures for filing a license application to construct or operate any petroleum industry energy development that includes facilities, pipelines or wells.
- **Directive 061** outlines the requirements and procedures for filing a license application to construct or operate a coal mine.
- **Directive 065** deals with resource and equity applications dealing with well density or "spacing", commingling of multiple producing zones, enhanced recovery, pooling, and common carrier/processor applications.

The Board's decision with respect to a project is final. However, the Board has authority to review any decision, order, licence or approval it has made on its own initiative or at the request of an affected person or party. This is called a "Review and Variance Request."

If an intervener wishes to appeal a decision of the ERCB, appeal must be made to the Alberta Court of Appeal and be based on questions of jurisdiction and law.

Given the nature and size of projects the ERCB reviews, proposed projects may also be subject to review processes conducted by other boards, commissions or agencies at the federal or provincial level; the ERCB may conduct its proceedings jointly or in conjunction with these other bodies. If a proceeding involves a reviewing agency of a jurisdiction outside Alberta, approval must first be obtained from Cabinet.

A summary of the ERCB regulatory process is provided in Figure 3. The process is open, public and impartial. Project proponents are expected to involve the public in the development of an application for ERCB approval. Public involvement is also a requirement of Alberta Environment's Environmental Impact Assessment (EIA) process for projects that require an EIA as part of their application to the ERCB.



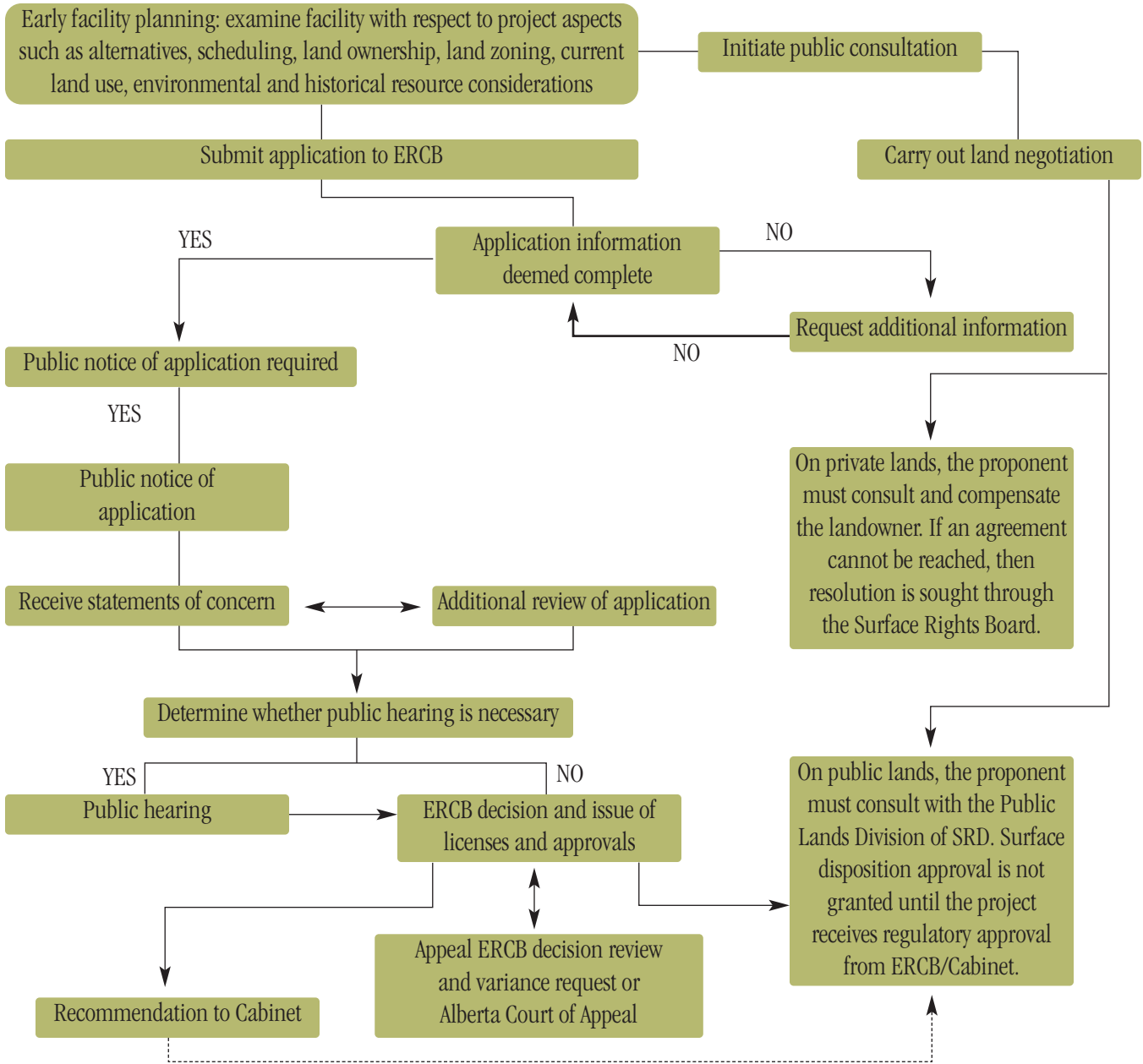


Figure 3: Energy Resources Conservation Board Application Process

Natural Resources Conservation Board

The Natural Resources Conservation Board (NRCB) was established in 1991 and reports to the Minister of SRD. The NRCB is a quasi-judicial agency of the Government of Alberta with mandates under two Acts: the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*. Under the *Natural Resources Conservation Board Act*, the NRCB is accountable for reviewing project proposals that affect Alberta's non-energy natural resources and ensuring such developments are fair, responsible and in the best interests of Albertans. Since 1991, the Natural Resources Conservation Board has completed reviews of 16 major natural resource development projects – including forestry, recreation and tourism, mining and water management projects – as well as other projects referred to the board by the provincial Cabinet.

Since 2002, the NRCB has been responsible for regulating Alberta's confined feeding operations under the *Agricultural Operation Practices Act (AOPA)*, provincial legislation that falls under Alberta Agriculture and Rural Development. A list of applicable legislation governing confined feeding operations is provided in Appendix 4.

The NRCB is mandated by the Act to review applications for new or expanding confined feeding operations and to monitor and enforce compliance with the Act and permit conditions. All confined feeding operations and manure storage facilities that existed before Jan. 1, 2002, whether or not they held a municipal development permit, are considered to be grandfathered and to hold an *AOPA* permit. Conditions associated with any permit for the grandfathered facilities continue unless amended.

Regulatory process

Confined feeding operations

The NRCB is responsible for the regulation of confined feeding operations and manure storage facilities pursuant to *AOPA*. A list of applicable legislation governing confined feeding operation is provided in Appendix 4.

The purpose of *AOPA* is to ensure Alberta's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner.

AOPA requirements and regulations provide the standards by which all applications are measured. Applications must also be consistent with the land-use provisions of the municipal development plan for the municipality in which the development is proposed. The directly affected municipality is considered a stakeholder on all applications made within the municipality.



A summary of the NRCB regulatory process for confined feeding operations is provided in Figure 4. The *AOPA* application process for a permit (an approval, registration or authorization) consists of two parts. Part 1 is a disclosure document for the project: a general description of the activity as well as the applicant's contact information. Once a completed Part 1 application is received by the NRCB, a letter is forwarded to the municipality in which the development is proposed. This provides the municipality with notice that a confined feeding operation or manure storage facility is proposed to be constructed, expanded or modified at a site specified by the applicant. Part 1 Notification also assists the municipality with informing neighbouring landowners who have approached the municipality and are considering a development on their site.

The applicant must complete Part 2 of the application within six months of submitting Part 1, unless the applicant has requested and been granted an extension. Part 2 provides the technical details of the proposed development. When Part 2 is submitted, the NRCB approval officer reviews the application to determine whether it is complete. If necessary, the applicant may be required to provide further information. When the application is determined to be complete, the NRCB follows the notification protocol set out in *AOPA*. If the proposed construction or expansion will result in an increase in the annual production of manure, or if the number of livestock will be increased, the NRCB notifies the public. For all other applications, the NRCB notifies only the municipality. All applications are forwarded to other regulatory bodies for comment as appropriate, for example, Alberta Health, Alberta Environment or Alberta Transportation.

The NRCB approval officer reviews all of the information provided with the application, together with any statements of concern from the public and other regulatory bodies. The approval officer must determine if the application meets the requirements of *AOPA*, if a permit may be issued, and whether specific conditions should be attached to the permit.

AOPA includes appeal provisions for approval officer decisions. The applicant or directly affected parties may request the Board to conduct a review of the approval officer's decision. The Board decision may be appealed to the Alberta Court of Appeal on questions of law or jurisdiction.



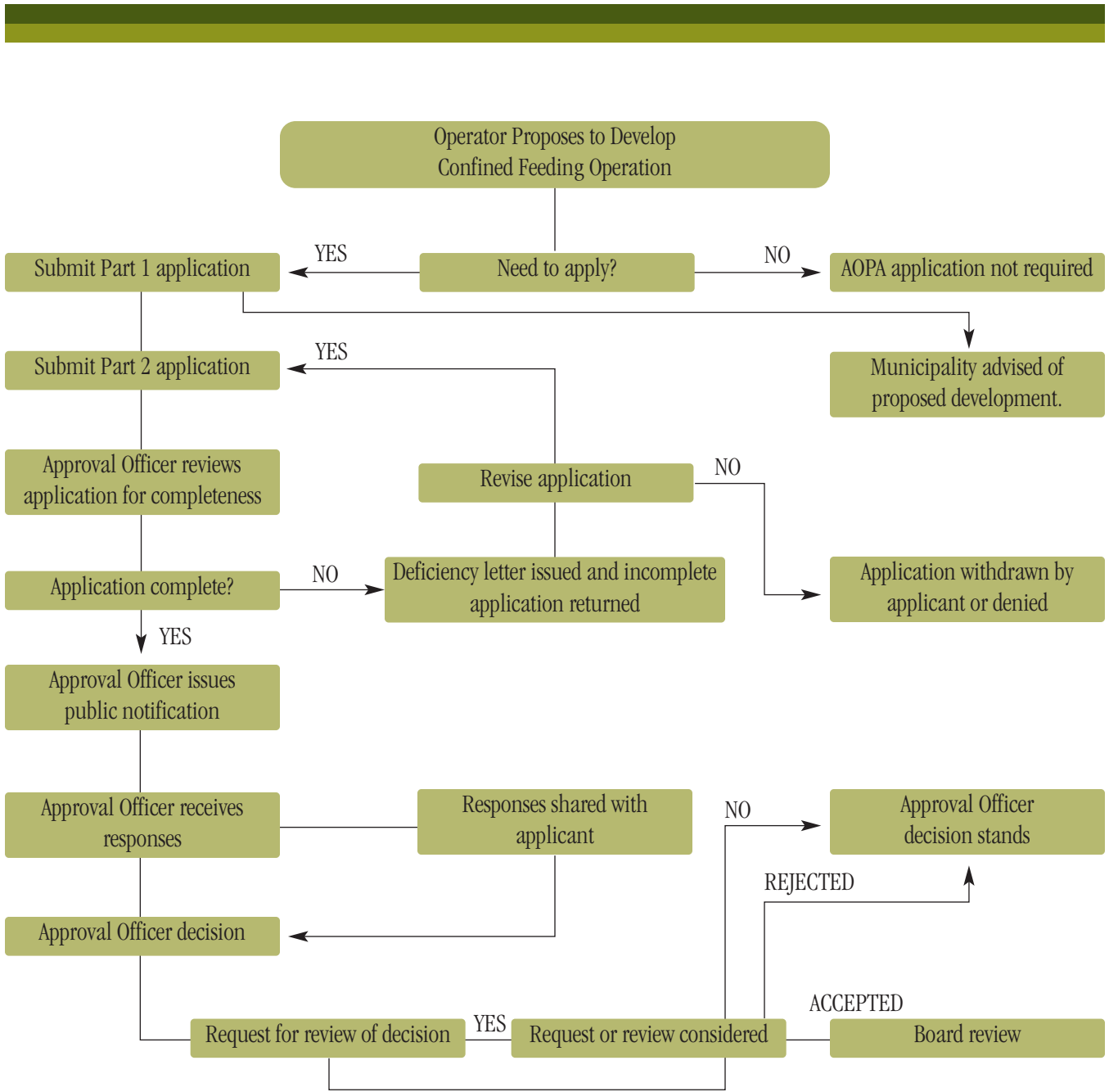


Figure 4: Natural Resources Conservation Board Application Process - Confined Feeding Operations



Natural resource projects

The NRCB is responsible for reviewing non-energy natural resource projects pursuant to the *Natural Resources Conservation Board Act*. A list of applicable legislation governing natural resource projects is provided in Appendix 4. Reviewable projects include those related to forestry, water management, mining and certain tourism projects for which an Environmental Impact Assessment (EIA) has been directed under the *Environmental Protection and Enhancement Act*. Other non-energy types of projects not identified above may also be referred to the Board by Cabinet. The Natural Resources Conservation Board must decide whether these projects are in the public interest by considering their social, economic and environmental effects.

Given the nature and size of projects the NRCB reviews, proposed projects may also be subject to review processes conducted by other boards, commissions or agencies at the federal or provincial level. The NRCB may conduct its proceedings jointly or in conjunction with these other bodies. If a proceeding involves a reviewing agency of a jurisdiction outside Alberta, approval must first be obtained from Cabinet. Project reviews generally involve the active participation of community residents, interest groups, provincial and/or federal government departments and municipal authorities in addition to the applicant. Approvals under the *Natural Resources Conservation Board Act* must be authorized by Cabinet and are in addition to licenses, permits or approvals required by other acts, regulations or bylaws.

Examples of NRCBA Projects

- A proposal to construct a water management project to convey and store water diverted from a river in Alberta.
- A proposal to construct and operate a formaldehyde production plant.
- A proposal for a hydroelectric project.

A summary of the NRCB regulatory process for natural resource projects is provided in Figure 5. The review process is open, public and impartial. Project proponents are expected to involve the public in the development of an application for NRCB approval. Public involvement is also a requirement of the EIA process for those projects that require an EIA as part of their application to the NRCB. Board decisions on reviews under the *Natural Resources Conservation Board Act* can only be appealed to the Alberta Court of Appeal on questions of law or jurisdiction.



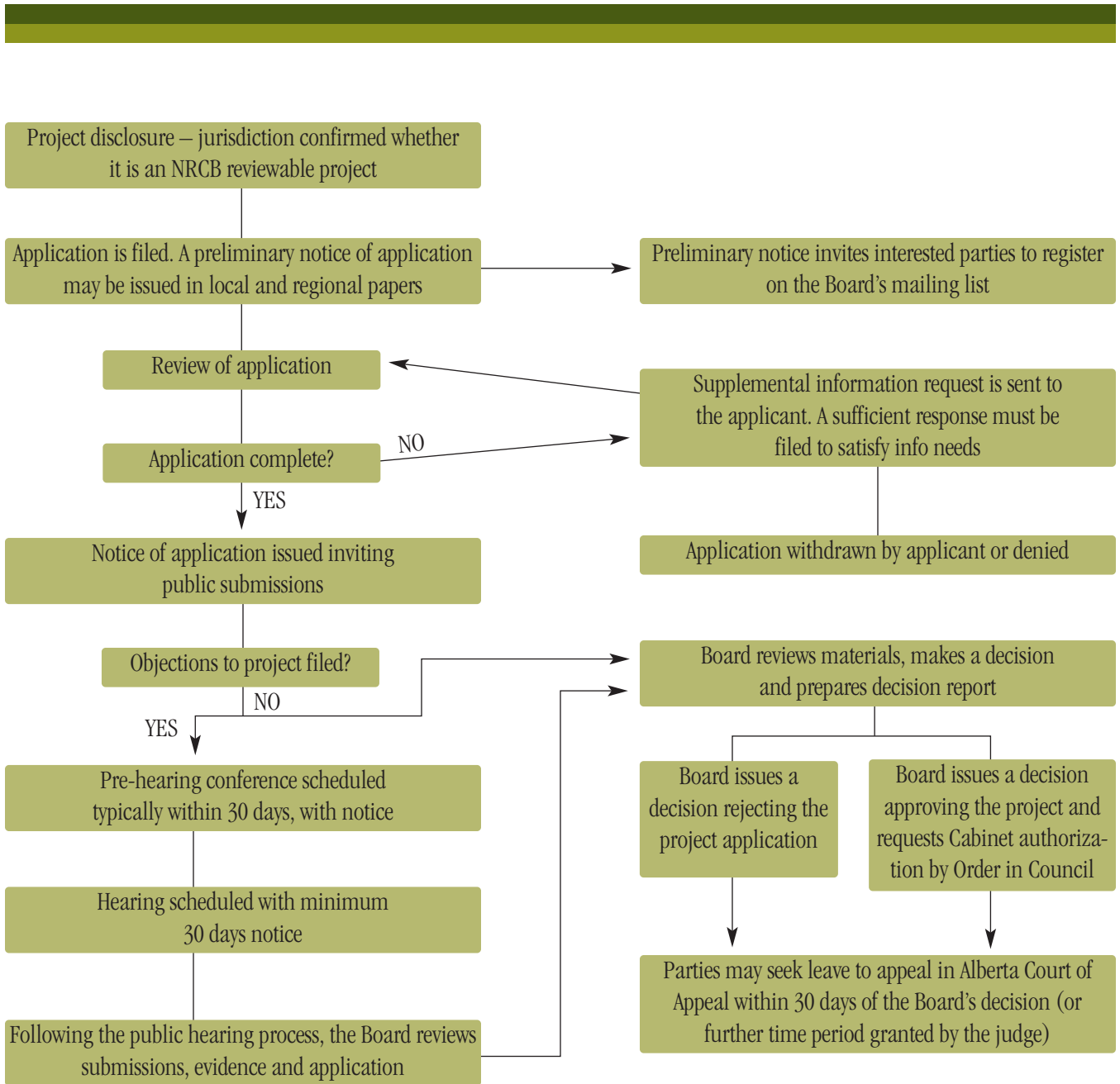


Figure 5: Natural Resources Conservation Board Application Process - Natural Resource Projects



Alberta Sustainable Resource Development

Alberta Sustainable Resource Development (SRD) is the provincial government department responsible for managing forests, fish and wildlife, and public land.

On public lands, Integrated Land Management (ILM) is the approach used for planning in a manner that considers and integrates a variety of competing demands on the land base such as recreation, grazing, industrial uses (e.g. timber harvesting, oil and gas development, mineral extraction) and other uses. The objective of ILM is to encourage land users to work together so the overall footprint on the landscape can be reduced.

Regulatory process

SRD exercises its role as a manager of public lands and natural resources through a variety of legislation, regulations and policies. A list of the legislation SRD uses to authorize the use of public land is provided in Appendix 5. A description of land-use authorizations managed by SRD is provided in Appendix 6.

Three quasi-judicial boards report to the Minister of SRD:

- **Natural Resources Conservation Board:** Responsible for conducting independent public reviews of major non-energy natural resource projects and regulating Alberta's confined feeding operations.
- **Surface Rights Board:** Responsible for conducting hearings when operators and landowners or occupants fail to agree on entry or compensation related to resource activity on privately owned lands or occupied public lands.
- **Land Compensation Board:** Responsible for establishing compensation when private land is expropriated by a public authority for projects in the public interest.

Typically, projects or developments proposed to be carried out on Alberta's public land base are subject to review processes conducted by boards, commissions or agencies, as defined by the legislation governing each agency (e.g. AUC, ERCB, and NRCB). SRD plays an active role in the review of proposed projects but is typically not the lead agency in determining whether a project should proceed. SRD is responsible for the review and approval of applications for occupancy of public land. Once a project is approved, SRD is then responsible for the administration of surface dispositions—land-use contracts (e.g. lease, license or permit) that give specific privileges to a land or resource user. A summary of the general review and decision process of SRD regulatory approval for development projects is provided in Figure 6. Figure 6 is



intended to provide the “generic” framework for SRD decision-making. There are detailed requirements for each of the specific land-use activities under SRD’s jurisdiction. The following sub-sections describe SRD’s regulatory responsibilities with respect to the various land-use activities carried out on Alberta’s public lands.

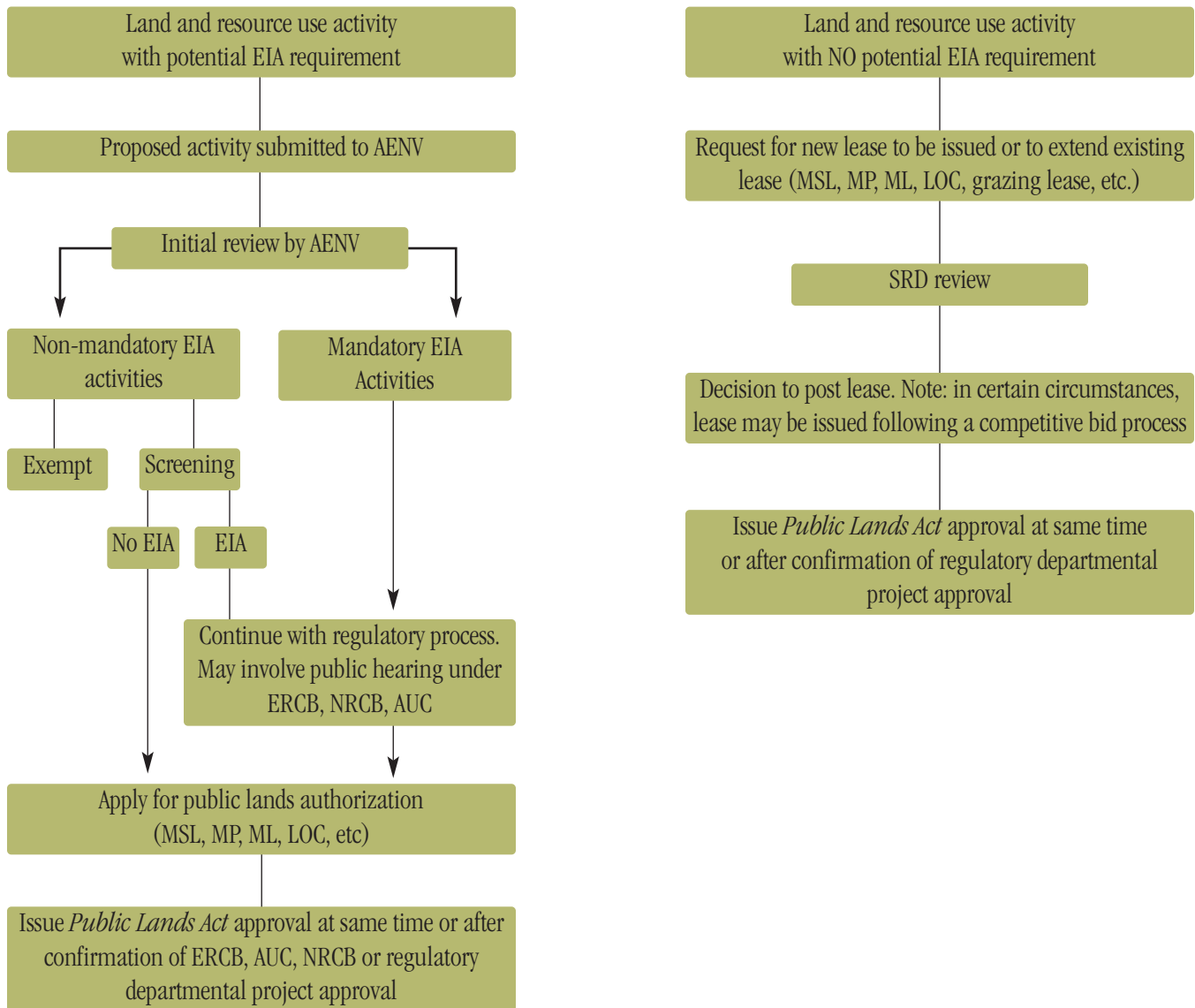


Figure 6: Sustainable Resource Development application process for development projects



Agricultural activities

SRD issues dispositions such as leases, licenses and permits to authorize use of public lands for agricultural purposes such as cultivation, grazing and haying.

Given the significance of agricultural land use on Alberta's public land base, range management is a key responsibility for SRD. Securing Alberta's public rangeland for long-term sustainable grazing use is a fundamental SRD objective. In some areas of the province, grazing and timber land uses overlap—resulting in the potential for land-use conflict. An example of land use coordination, in recognition of this multiple land-use issue, is the Grazing and Timber Integration Manual prepared by SRD in June 2006. This document provides direction to government and industry regarding the integration of grazing and timber disposition activities. The manual contains four major requirements to guide the beef and timber industries:

- **Development of a regional grazing and timber integration advisory committee** made up of local beef and timber representatives to advise SRD on matters related to grazing and timber integration.
- **Establish regional grazing plans** to identify areas of potential grazing opportunity and provide for a strategy for grazing allocation within identified areas having timber commitments.
- **Develop operating standards** for grazing and timber integration which set definitive, clear direction with respect to what is to be expected.
- **Establish a dispute resolution process** to resolve non-agreement and disputes between grazing and timber disposition holders.

Oil and gas/mineral exploration

Oil and gas and mineral exploration is typically initiated through geophysical (seismic) activities. Surface rights activities, on public and private lands, with respect to seismic exploration programs are administered by SRD under the Exploration Regulations and associated Exploration Directives of the *Mines and Minerals Act*. Seismic operators must obtain a temporary disposition from SRD for the proposed exploration activity as well as advise them when the activity has been completed.

Similarly, coal and oil sands exploration activities are administered under the Coal Exploration Program (CEP) and the Oil Sands Exploration Program (OSE) respectively. Coal and oil sands exploration activities are also regulated under the "Code of Practice for Exploration Operations," issued pursuant to the *Environmental Protection and Enhancement Act*.



Once the sub-surface resource has been identified and approved for development through Alberta Energy, SRD is responsible for administering surface rights approvals to industrial users. With the ERCB, authorization from SRD for surface access is granted first, and then the applicant approaches the ERCB for authorization for extraction.

SRD also reviews and administers surface rights for the exploration of surface materials (i.e. sand and gravel). For more information about surface right approvals, see Appendix 6.

Surface material extraction

Once surface material resources such as sand, gravel, clay, marl, topsoil and peat have been approved for extraction, SRD is responsible for administering the surface dispositions. SRD will issue surface materials leases and licenses for surface rights to develop these aforementioned surface materials.

Timber harvesting

Forests are an important natural resource in Alberta. The Province endorses a policy of sustainable forest management designed to provide ecological, economic, social and cultural opportunities for the benefit of present and future generations. This means the amount of timber harvesting is controlled to ensure it does not exceed the sustainable level represented by the approved annual allowable cut (the volume of timber perpetually available for harvest).

Alberta encompasses 38 million hectares of forest. Rights to harvest timber have been allocated under authority of forest management agreements, timber quotas and timber permits. Depending on the scale and duration of the proposed timber harvesting operation, approval for the proposed project may need to be vetted through the NRCB. For more information about timber harvesting, see Appendix 6.

Recreational and commercial use

Commercial uses of the land such as marinas, campgrounds, golf courses, trail riding, and hunting and fishing lodges and camps may be authorized by a miscellaneous lease or permit.



Provincial land-use planning

The *Alberta Land Stewardship Act (ALSA)* is the dominant land-use planning legislation in the province. With the act there have been amendments to the legislation such as the *Public Lands Act*, *Forests Act*, and *Municipal Government Act* (see Appendix 7).

The purpose of *ALSA* is to create a regional planning process that allows the Government of Alberta to establish environmental, economic, and social objectives and enables use of new conservation tools and sustainable development, taking into account the cumulative effects of human activity.

The province is divided into seven regions, where a regional plan for each will be established by the Lieutenant Governor in Council. The Regional Advisory Council (RAC) members make recommendations for the regional plan and must have regional perspectives, expertise, and experience. The planning teams are in place only for the regional planning development process and receive direction from Cabinet regarding roles, responsibilities, nature of advice and code of ethical conduct.

Municipal planning

Municipal planning is legislated pursuant to the *Municipal Government Act*.

The *Public Lands Act* provides for the administration, use and allocation of provincially owned lands. The Minister of SRD can classify lands and determine appropriate uses for them. The Land-use Framework (LUF) recognizes the important requirement to integrate municipal and provincial planning processes at the local and regional scales.

Under Part 17 of the *Municipal Government Act*, municipalities have responsibilities in planning, regulating, subdividing and developing land in Alberta. They also have the authority to create planning and regulatory documents that prescribe how the land will be developed. These statutory plans describe planning policies and types of land uses permitted in the municipality and supported by land-use bylaws specifying development standards and regulations.

The Government of Alberta recognizes municipalities as important stakeholders in public land planning processes. Provincial and municipal jurisdictional cooperation, coordination and communication are key factors to meeting sustainable development and ensuring successful long-term use of public lands. Examples of coordination between provincial and municipal governments with respect to land-use planning include:



- **Dispositions:** SRD issues dispositions on public lands, consulting with municipalities on non-energy related applications before making a decision. Activities and uses on provincial public land can affect local land-use patterns and municipal services. Consultation is aimed at reducing duplication and administration.
- **Subdivisions:** Under current operating regimes, SRD has shifted its focus away from the review of individual applications for proposed subdivisions, leaving this responsibility to the municipalities. However, if a subdivision application includes features, such as water bodies, which fall under provincial jurisdiction; provincial regulatory review agencies will become involved in the subdivision application review process. For example, to protect a water body from encroaching development and to ensure the public has access to the water; the provincial government may recommend an environmental reserve or other conservation measure be established adjacent to the water body as part of the subdivision plan.
- **Identification of significant provincial interests:** Municipalities are encouraged to work with the provincial government to identify significant provincial interests as part of the statutory planning process. Any significant provincial interest is to be reflected in the municipality's decision. Land-use objectives for public lands within a municipality can be coordinated before reviewing development proposals. By coordinating land-use policies, provincial objectives for sustainable economic development can be met and orderly growth patterns can be achieved for municipalities.

Road development on public lands

SRD is responsible for administering all roadway reservations on public lands in Alberta. Reservation authorizations are issued under a provisional roadway reservation. Pursuant to Section 7 of the *Forest Act*, any proposed roadway construction must ensure timber salvage of both deciduous and coniferous timber species is addressed with any waste disposal being carried out in accordance with the directions of the local district forest office.



Alberta Environment

Alberta Environment (AENV) is responsible for protecting Alberta's air, land and water so the biophysical environment can be enjoyed by present and future generations. Albertans expect their water to be safe, their air to be clean and their land to be productive with careful determination of project approvals being made to ensure public safety and a healthy environment for generations to come.

Regulatory process

AENV exercises its responsibility to support, protect and promote the enhancement and wise use of the environment through a variety of legislation, regulations, policies and codes of practice. An approval holder is bound by the codes of practice issued pursuant to the various regulations. A list of legislation governing AENV is provided in Appendix 7.

The Minister of Environment is responsible for the Environmental Appeals Board, an independent board answering directly to the Minister and established to hear appeals of decisions made by AENV under the *Environmental Protection and Enhancement Act* and *Water Act*. These decisions may include development approvals, water licenses, reclamation certificates and enforcement orders. The Board does not replace or eliminate the right of Albertans to make appeals to the courts on matters of law and jurisdiction.

Given the nature and size of proposed developments, environmental assessment may be a relatively straightforward process for smaller, routine activities or more complex for larger projects in environmentally sensitive areas. The Environmental Assessment Regulation lists those activities that must undergo environmental impact assessments. Figure 7 provides an outline of the application process pursuant to the *Environmental Protection and Enhancement Act*. Figure 8 provides an outline of the process should an environmental assessment be required as part of the approval process.



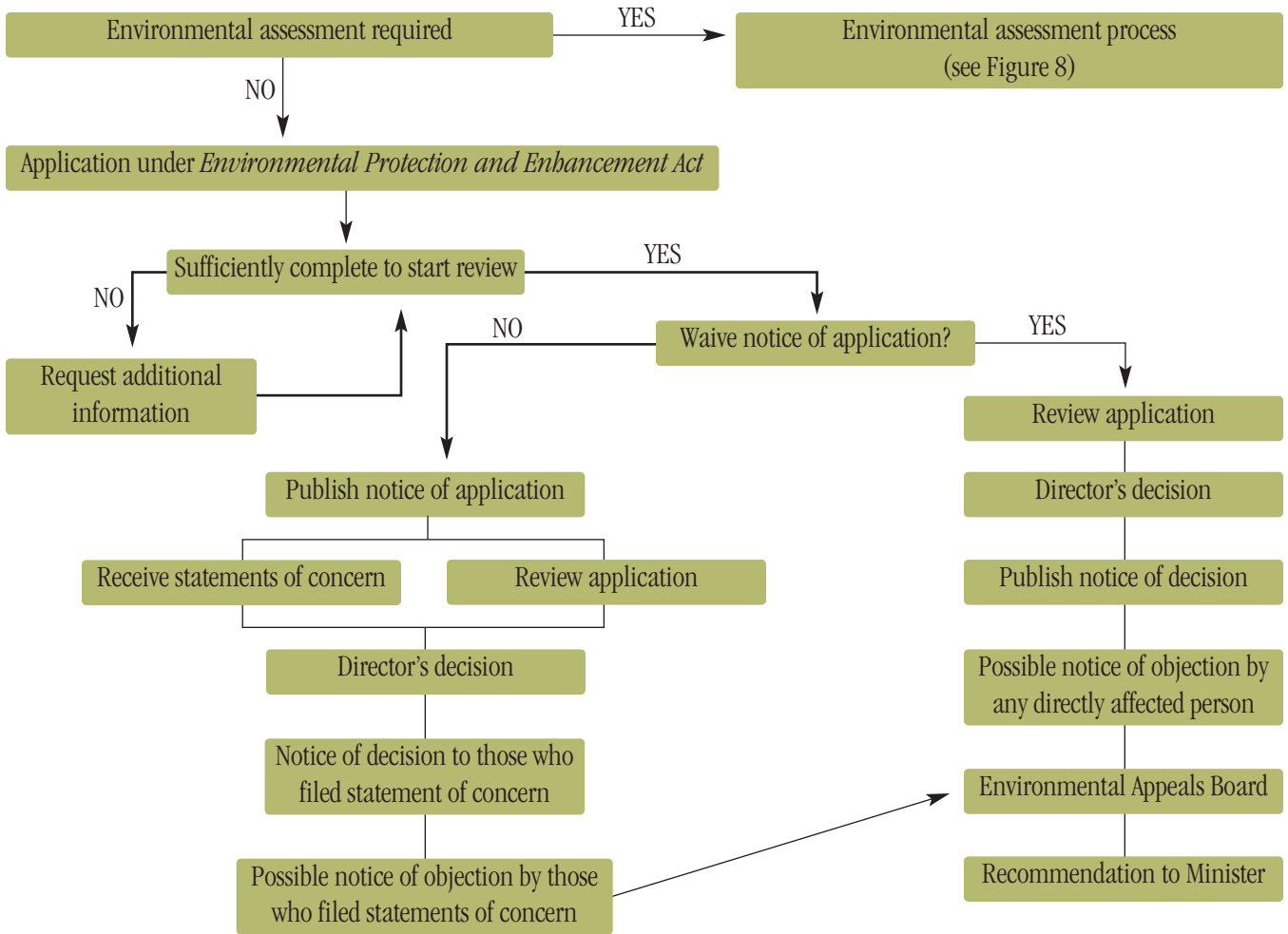


Figure 7: Application Process – *Environmental Protection and Enhancement Act*



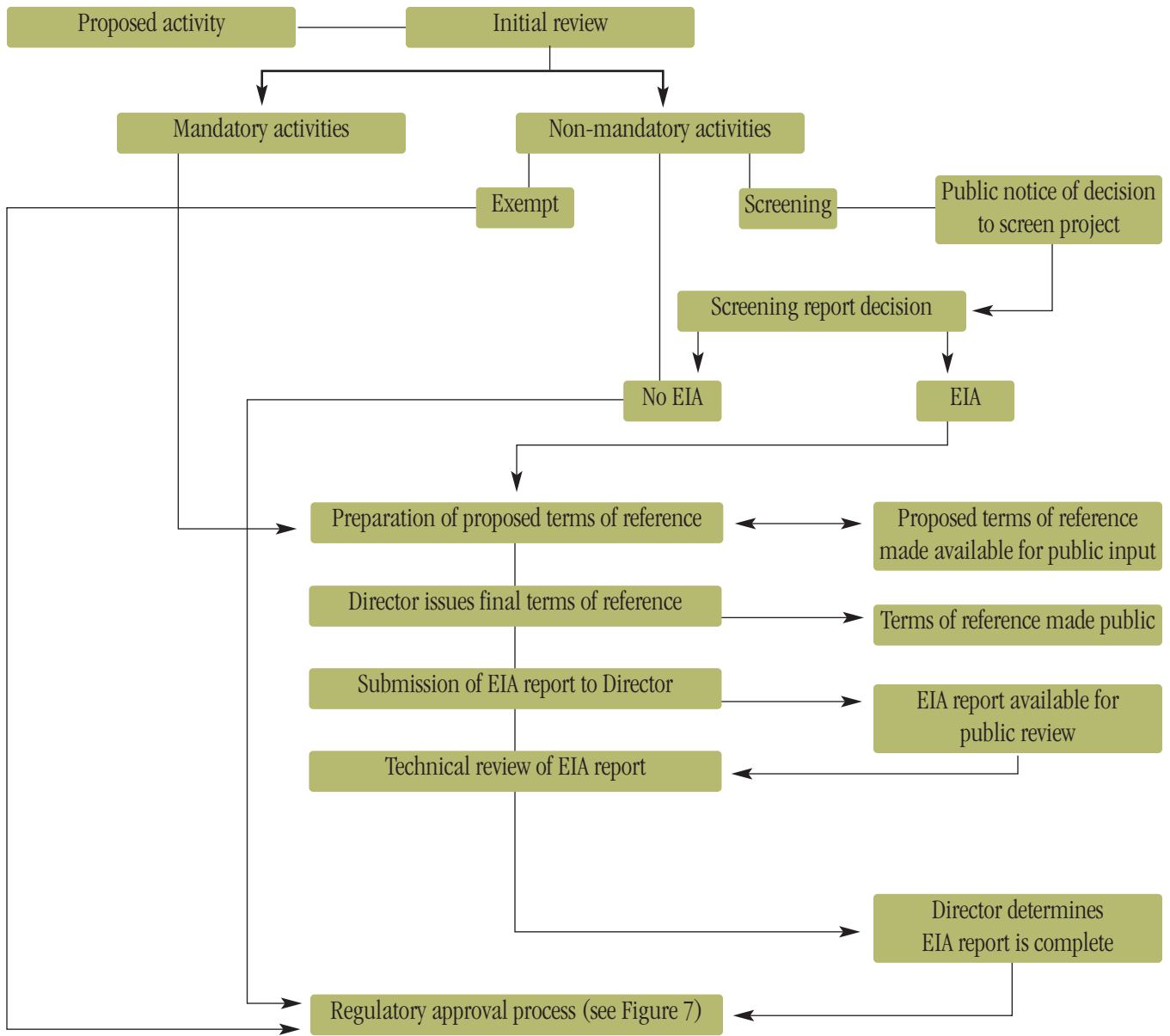


Figure 8: Alberta Environment's Environmental Assessment Process

Alberta Culture and Community Spirit

Alberta Culture and Community Spirit (C&CS) administers Alberta's arts and heritage programs as well as archaeological survey, historic places stewardship, Aboriginal consultation and land-use planning in connection with historic resources. A list of legislation governing C&CS is provided in Appendix 8.

Regulatory process

The Historic Resources Management Branch (HRMB) maintains historic resources in Alberta and protects them under Section 37 of the *Historical Resources Act*. Drawing on the subject matter expertise of archaeologists, paleontologists, historians and Aboriginal consultation officers, the Branch evaluates these sites and ensures their appropriate protection and proper investigation through Historic Resources Impact Assessments (HRIA). Figure 9 provides an outline of the assessment process. Most of Alberta's historic resources fall into one of three categories:

- **Historic buildings** and other structures,
- **Archaeological sites** which consist of buried artifacts and other evidence that tell us about human life in the past,
- **Paleontological** sites which consist of fossilized remains of plants and animals.
- **Aboriginal traditional use** sites used by Aboriginal people in the practice of their culture i.e. medicinal plant locations, human burials, abandoned cabins, etc.



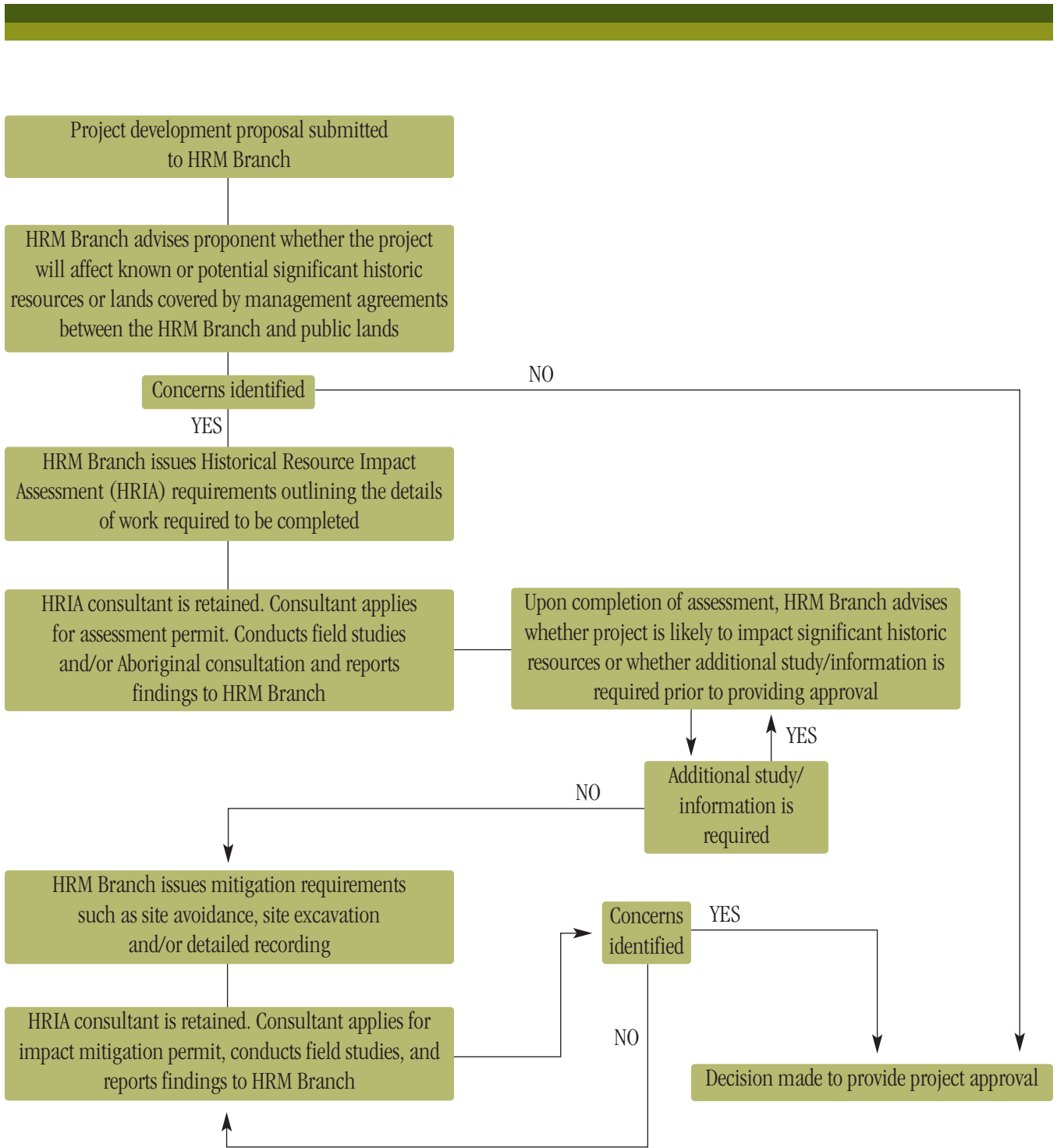


Figure 9: Historic Resources Management Process

Other Provincial Approvals

Municipal Affairs (through the Special Areas Board for Special Areas 2, 3, and 4) has the authority to provide land access and approvals for use of public land within their jurisdiction in Alberta.

Alberta Transportation has direct authority over provincial crown land that falls under Alberta Transportation legislation (e.g. designated highways), but with limited approval authority as land users designating land for a specific use. Alberta Tourism, Parks and Recreation has direct authority over lands managed under the *Provincial Parks Act*, the *Wilderness Areas*, *Ecological Reserves*, *Natural Areas*, and *Heritage Rangelands Act* and the *Willmore Wilderness Park Act*.

Within Alberta Tourism, Parks and Recreation (TPR) a small percentage of lands added to the parks and protected areas network since 1995 includes existing commitments to petroleum and natural gas resources. Existing mineral commitments that existed before a protected area was established are honoured in wildland provincial parks, provincial parks and provincial recreation areas under the *Provincial Parks Act* and natural areas and heritage rangelands under the *Wilderness Areas*, *Ecological Reserves*, *Natural Areas and Heritage Rangelands Act*. In addition to supplying industry with necessary approvals to access minerals, Alberta Tourism, Parks and Recreation approves and manages recreational and other activities on lands within a park or protected area.

TPR and SRD have different mandates, but share many common interests in land and resource management on Alberta public lands. Many of the clients and stakeholders are common to both departments. A Memorandum of Understanding was developed to clarify roles and responsibilities, eliminate overlap and duplication, allow for more efficient use of resources, improve the stewardship of public land and resources, and to enhance communication between both departments. The overall objective is to ensure Alberta public and commercial clients are served in the best manner. In many cases resources are on both TPR and SRD land areas and the resources are managed with one department as lead.



Acronyms

AENV	Alberta Environment
<i>ALSA</i>	<i>Alberta Land Stewardship Act</i>
AOA	Area Operating Agreement
<i>AOPA</i>	<i>Agricultural Operation Practices Act</i>
AUC	Alberta Utilities Commission
C&CS	Alberta Culture and Community Spirit
<i>CEAA</i>	<i>Canadian Environmental Assessment Act</i>
CEP	Coal Exploration Program
EIA	Environmental Impact Assessment
ERCB	Energy Resources Conservation Board
EZE	Power Line Easement
FDL	Farm Development Lease
FMA	Forest Management Agreement
HRIM	Historic Resources Impact Assessment
HRM	Historic Resources Management
ILM	Integrated Land Management
LUF	Land-use Framework
MA	Alberta Municipal Affairs
<i>MGA</i>	<i>Municipal Government Act</i>
MLL	Miscellaneous Leases
MLP	Miscellaneous Permit
MSL	Mineral Surface Lease
NRCB	Natural Resources Conservation Board
OSE	Oil Sands Exploration Program
RAC	Regional Advisory Council
SML	Surface Material Leases
SRD	Alberta Sustainable Resource Development
TPR	Tourism, Parks and Recreation



Appendices

Appendix 1 Overview of Provincial/Federal Accord on Environmental Harmonization and Federal Environmental Impact Assessment

Cooperative assessment agreements between the federal Government of Canada and the provincial Government of Alberta have been in place since 1993. These agreements provide the basis for cooperation for the environmental assessment of projects subject to both federal and provincial environmental legislation. These include major industrial and resource development projects that require both federal and provincial environmental approvals, permits and licences, or involve federal funding. The Federal – Provincial Accord on Environmental Harmonization preserves each government's authority and legislative requirements and provides effective consultation between the two parties to determine their respective environmental assessment responsibilities. The agreements outline procedures for the establishment of joint review panels to assess the merits of a proposed project and to determine whether the proposed development should be approved or rejected.

The Canadian Environmental Assessment Agency acts as a coordinator and administrator on projects requiring a federal environmental assessment. The federal environmental assessment process is applied to a project whenever a federal department has a specified decision-making responsibility. The Agency works with the federal department, referred to as the Responsible Authority (RA). For example, pursuant to Section 35(2) of the federal Fisheries Act, federal authorization is required for the harmful alteration, disruption or destruction of fish habitat. In this example, the federal Department of Fisheries and Oceans (DFO) would have responsibility for issuing project authorization. DFO would be designated as the Responsible Authority (RA) for the project and would work closely with the Canadian Environmental Assessment Agency in reviewing the proposed project³.

Types of federal environmental assessment

There are four types of federal environmental assessments. They are not mutually exclusive as some projects may undergo more than one type of environmental assessment.

- **Screening:** The majority of federal projects are assessed through screening. It is the RA's responsibility to ensure a screening for the project has been carried out. A screening systematically documents the environmental effects of a proposed

¹⁰ Depending on the type of project, a number of federal departments have the potential to be designated as the lead agency. For example, for bridge construction projects both *Fisheries Act* and *Navigable Waters Act* approvals may be required, and Transport Canada, rather than Department of Fisheries and Oceans, may be designated the lead agency.



project and determines whether the proposed mitigation measures eliminate or minimize the project's adverse effects on the environment. Based on whether the RA is satisfied the project will not cause significant adverse environmental effects, the department will either grant project approval and issue the necessary authorizations or recommend further project review.

- **Comprehensive study:** Carried out on large projects having the potential for significant adverse environmental effects or on projects that generate considerable public concern. Examples of such projects would include large-scale oil and natural gas developments, nuclear power developments, electrical generation projects, industrial plants and certain projects in national parks.

Early in the comprehensive study, the Minister of the Environment decides whether the project should continue to be assessed as a comprehensive study or assessed through a mediation process or by a review panel. If the project continues as a comprehensive study, it can no longer be referred to mediation or a review panel. On completion of the study, the Minister of the Environment issues an environmental assessment decision statement, which includes the Minister's opinion about the significance of the project's environmental effects and sets out any mitigation measures or follow-up program the Minister considers appropriate. Once the environmental assessment decision statement is issued, the Minister refers the project back to the RA for action.

- **Mediation:** A voluntary process of negotiation in which a mediator assists the interested parties in project resolution. The mediator is appointed by the Minister of the Environment after consulting with the RA and interested parties. Mediation is particularly effective when there are only a few interested parties and project issues are limited in scope and number. On completion of mediation, the mediator prepares a report to the RA and the Minister of the Environment, who then makes it public. The RA must take the mediator's report into consideration before determining the significance of the project's environmental effects.
- **Review panel:** A group of experts selected for their knowledge and expertise and appointed by the Minister of the Environment to review and assess, impartially and objectively, a project with likely adverse environmental effects. A review panel may also be appointed in cases where public concerns warrant it. Review panels provide for open discussion and exchange of views by allowing individuals and groups to present evidence, concerns and recommendations at public hearings. The panel allows the proponent to present the project to the public and explain the projected environmental effects, and provides opportunities for individuals and groups to intervene as well as hear the views of government experts about the project.



Once a review panel has completed the public hearings and their analysis, it prepares an environmental assessment report that summarizes its rationale, conclusions and recommendations, and includes a summary of comments received from interveners. This report is submitted to the RA and the Minister of the Environment who then makes it public.

The RA must take the review panel's report into consideration before making any decision regarding the project. It must also respond to the report, with the approval of Cabinet.



Appendix 2

Legislation Governing the Alberta Utilities Commission

Alberta Utilities Commission Act

- Security Management Regulation
- Alberta Utilities Commission Act Transition Regulation
- Fair, Efficient, and Open Competition Regulation
- Market Surveillance Regulation

Electric Utilities Act

- Balancing Pool Regulation
- Billing Regulation Sections 4 & 4.1 only
- Billing Regulation, 2003
- City of Medicine Hat Payment in Lieu of Tax Regulation
- Code of Conduct Regulation
- Common Facilities Costs Regulation
- Distribution Tariff Regulation
- Fair, Efficient, and Open Competition Regulation
- Flare Gas Generation Regulation
- Independent Power and Small Power Regulation
- Isolated Generating Units and Customer Choice Regulation
- Liability Protection Regulation
- Micro-generation Regulation
- Ministerial Order 71/2003 - Time Extension Order
- Ministerial Order 79/2003 - Time Extension
- Municipal Generation Deficiency Correction Regulation
- Payment in Lieu of Tax Regulation
- Power Purchase Arrangements Regulation
- Regulated Rate Option Regulation
- Regulated Rate Option Amendment Regulation
- Roles, Relationships and Responsibilities Regulation, 2003



- Time Extension Regulation
- Transmission Regulation

Gas Utilities Act

- Code of Conduct Regulation
- Default Gas Supply Regulation
- Designation Regulation
- Gas Utilities Exemption Regulation
- Natural Gas Billing Regulation
- Roles, Relationships and Responsibilities Regulation
- Uniform Classification of Accounts for Gas Utilities

Hydro and Electric Energy Act

- Hydro and Electric Energy Regulation

Pipeline Act

- Pipeline Regulation

Public Utilities Act

- Public Utilities Designation Regulation

Additional Acts Related to AUC Responsibilities

- *Administrative Procedures and Jurisdiction Act*
- *Ambulance Services Act*
- *City Transportation Act*
- *Environmental Protection and Enhancement Act*
- *Fair Trading Act*
- *Municipal Government Act*
- *Natural Gas Marketing Act*
- *Natural Gas Price Protection Act*
- *Petroleum Marketing Act*
- *Rural Electrification Long Term Financing Act*
- *Rural Utilities Act*
- *Small Power Research and Development Act*
- *Water, Gas, and Electric Companies Act*



Appendix 3

Legislation Governing the Energy Resources Conservation Board

Energy Resources Conservation Act

- ERCB Rules of Practice Regulation
- Energy Resources Conservation Board Administration Fees Regulation

Coal Conservation Act

- Coal Conservation Regulation

Gas Resources Preservation Act

- Approval of Short-Term Permits Regulation
- Gas Resources Preservation Regulation

Oil and Gas Conservation Act

- Oil and Gas Conservation Regulations
- Orphan Fund Delegated Administration Regulation
- Energy Resources Conservation Board Order No. MISC 8003, an Order Respecting Brascan Resources Limited
- Section 43 Exemption Regulation

Oil Sands Conservation Act

- Oil Sands Conservation Regulation

Pipeline Act

- Pipeline Regulation

Turner Valley Unit Operations Act

Additional Acts Related to ERCB Responsibilities

- *Administrative Procedures and Jurisdiction Act*
- *Environmental Protection and Enhancement Act*
- *Fair Trading Act*
- *Natural Gas Price Administration Act*
- *Natural Gas Pricing Agreement Act*
- *Natural Gas Rebates Act*
- *Petroleum Marketing Act*
- AUC Act Transition Regulation (under *Alberta Utilities Commission Act*)
- Security Management Regulation (under *Alberta Utilities Commission Act*)



Appendix 4

Legislation Governing the Natural Resources Conservation Board

Confined Feeding Operations

Agricultural Operation Practices Act

- Part 2 Matters Regulation
- Board Administrative Procedures Regulation (AOPA)
- Standards and Administration Regulation (AOPA)

Additional Acts Related to NRCB

- Confined Feeding Operations Responsibilities
- *Environmental Protection and Enhancement Act*
- *Freedom of Information and Protection of Privacy Act*
- *Livestock Diseases Act*
- *Municipal Government Act*
- *Public Highways Development Act*
- *Water Act*

Natural Resource Projects

Natural Resources Conservation Board Act

- Funding for Eligible Interveners Regulation
- Rules of Practice of the Natural Resources Conservation Board

Additional Acts Related to NRCB

- Natural Resource Projects
- *Environmental Protection and Enhancement Act*
- *Fisheries (Alberta) Act*
- *Forests Act*
- *Freedom of Information and Protection of Privacy Act*
- *Mines and Minerals Act*
- *Municipal Government Act*
- *Public Lands Act*
- *Water Act*
- *Wildlife Act*



Appendix 5

Legislation Governing Alberta Sustainable Resource Development

Boundary Surveys Act

Expropriation Act

- Expropriation Act Rules of Procedure and Practice
- Expropriation Act Forms Regulation

Fisheries (Alberta) Act

- Fees Regulation
- Fisheries (Ministerial) Regulation
- General Fisheries (Alberta) Regulation

Forest and Prairie Protection Act

- Fire Control Zone Regulation
- Forest Protection (Payment for Services, Vehicles and Equipment) Regulation
- Forest Protection Area Regulation
- Non-permit Areas Regulation
- The Forest and Prairie Protection Regulations, Part I
- The Forest and Prairie Protection Regulations, Part II

Forest Reserves Act

- The Forest Reserves Regulations

Forests Act

- Castle Special Management Area Forest Land-use Zone Regulation
- Exploration Regulation
- Forest Land-use and Management Regulations
- Forest Recreation Regulation
- Forest Resources Improvement Regulation
- Forest Technology School Rates Regulation
- Metallic and Industrial Minerals Exploration Regulation
- Scaling Regulation



- Timber Management Regulation
- Timber Regulation

Public Lands Act

- Dispositions and Fees Regulation
- Exploration Regulation
- Exploration Dispute Resolution Regulation
- Metallic and Industrial Minerals Exploration Regulation
- Recreational Access Regulation

Surface Rights Act

- Definition Regulation
- Surface Rights Act General Regulation
- Surface Rights Act Rules of Procedure and Practice

Surveys Act

- Cadastral Mapping Fee Order

Wildlife Act

- Fees Regulation
- Wildlife Regulation

Additional Acts Related to SRD Responsibilities

- *Environmental Protection and Enhancement Act*
- *Freedom of Information and Protection of Privacy Act*
- *Government Organization Act*
- *Mines and Minerals Act*
- *Natural Resources Conservation Board Act*, in common with the Minister of Environment



Appendix 6

Land-use Approvals in Alberta Sustainable Resource Development

Land-use approvals by Sustainable Resource Development (SRD) in Alberta can be intricate and perplexing. There are many land uses competing in Alberta. From agriculture to industry to recreational uses, there are many ways in which Alberta's land can be used. How land is managed depends on the legal interpretation of the legislation that covers the specific type of authorization and the best suitable use of land.

In 2008, the Government of Alberta passed the Land-use Framework, ushering in a new era of land management. In spring 2009, the *Alberta Land Stewardship Act* was given Royal Assent, allowing for the establishment of seven regional plans as called for under the Land-use Framework. These regional plans will guide land management on Alberta's land. The Act amends many other pieces of land management legislation, which may change the interpretation of the rules outlines in this appendix.

Activities on public land are allocated under dispositions. A disposition is defined as every instrument executed under the *Public Lands Act* that gives the disposition holder authority to use public land for specific purposes and activities. Approval for a disposition (or activity) on public land is given in the form of lease documents or letters of authority.

Surface dispositions are issued for the use of public lands in Alberta, and all dispositions include a set of administrative and operating conditions to ensure acceptable use of the land. Public land may also be disposed through sale, lease, license, permit, agreement, transfer or exchange.

The following table lists and describes the type of approval associated with certain activities on public land as managed by SRD.

Type of Activities	Description
Coal Exploration Program (CEP)	Exploration program approvals are issued by SRD for coal exploration activities on public lands under the Code of Practice for Exploration Operations, pursuant to the <i>Environmental Protection and Enhancement Act (EPEA)</i> . The Code includes operating guidelines and outlines the information required for application and registration. The <i>Public Lands Act</i> approval includes a set of administrative and operating conditions to ensure acceptable use of the lands. Approvals are issued for one year; time extensions and amendments may be approved as appropriate.
Commercial Trail Riding Permit	SRD issues permits to businesses that provide commercial recreational horseback trail riding trips. The maximum term is five years. Miscellaneous Leases (MLL) are issued to commercial trail riding operators for establishing a base camp in a single operator trail ride management area. The maximum term is five years.
Coniferous Community Timber License	Coniferous community timber licences are issued to community timber manufacturers and community loggers.
Coniferous Community Timber Permit	Coniferous Community Timber Program (CCTP) has been developed to provide long-term access to timber for a specified number of small operators at a specified dues rate.
Coniferous Timber License (CTL) or Deciduous Timber Licence (DTL)	A timber licence can be issued for either coniferous timber (CTL) or deciduous timber (DTL). It authorizes the harvest of predominantly one species group, with minor volumes of another species group under the <i>Forests Act</i> . Timber licences contain special conditions that must be followed by the quota holder.
Coniferous Timber Permit (CTP) or Deciduous Timber Permit (DTP)	A timber permit can be issued for either coniferous timber (CTP) or deciduous timber (DTP). It is a short-term, area-based timber disposition that authorizes the cutting of Crown timber under section 22 of the <i>Forests Act</i> . CTPs are generally issued for a period of one to two years. They are generally issued to make a specific amount of timber available to meet local demand for smaller timber operators.
Cultivation Permit (CUP)	Cultivation permits are issued annually to allow cropping of land already under cultivation.
Easement (e.g. power line) (EZE)	Easements are generally issued to power companies for power line rights-of-way. They may also be issued for access to private land. The term of the licence varies depending on the purpose.



Type of Activities	Description
Farm Development Lease (FDL)	Farm development leases may be issued for agricultural public land the department does not wish to sell owing to possible resource conflicts, conservation needs, erosion concerns or other reasons. The maximum term is 10 years, and is renewable.
Forest Management Agreement (FMA)	An FMA is an area-based agreement typically in place for 20 years and can be renewed. It provides the holder with the right to harvest, remove and grow timber in a specific area. The agreement specifies that other land uses must be allowed on the FMA, including oil and gas exploration and development, and mineral and surface materials exploration and development.
Forest Product Tag (TM66)	The TM66 form (forest product tag) is the legal authority to harvest in specific areas designated by SRD. The form is valid for 30 days from time of purchase and is intended for small-scale, non-commercial or personal access to timber and trees.
Forest Reserves Permit (FRP)	Under the authority of the <i>Forest Reserves Act</i> , forest reserve permits are issued by an SRD Area office for livestock grazing on forested public lands within the Rocky Mountains Forest Reserve.
Geophysical Exploration (GEO)	A GEO is an approval issued for the purpose of primarily exploring for oil and gas subsurface deposits. Once found, the proponent applies for the appropriate surface disposition to develop the resource (usually an MSL). Must be approved under the <i>Mines and Mineral Act</i> Part 8 Exploration Regulation.
Grazing allotments	Grazing allotments are large areas of forested range in the central and southern foothills of the Rocky Mountains. They have minimal fencing and are defined by natural barriers such as rivers and mountain ranges. Cattle only graze a small portion of the area each summer.
Grazing Lease (GRL)	Grazing leases are usually issued for a term of 10 years where grazing is considered the best long-term use of the land. A grazing licence may be issued for livestock grazing on forested public lands for a term of up to 10 years. Public lands held under an FGL within a Forest Management Agreement (FMA) remain part of that management area and are subject to the management plan of the FMA holder. Grazing within an FMA can only be authorized under a licence.
Grazing License	Grazing licenses are long-term authorizations used predominantly in forested areas where forest management and timber harvesting need to be accommodated.

Type of Activities	Description
Grazing Permit/Hay Permit (GRP/HAP)	Grazing permits are issued on land reserved for other purposes or when it is not considered in the public interest to grant long-term dispositions on specific land. These permits may be considered for renewal. Hay authorizations are issued annually for the haying season only.
Head tax permits (HTP)	Head tax permits are issued annually for grazing livestock for a short period within a calendar year. They grant the right to the forage only and are used for areas where grazing is only occasionally available or where grazing must be coordinated with other priority land uses.
License of Occupation (LOC)	Licences of Occupation grant the right to occupy public lands for an approved purpose, and may be subject to other dispositions granted for the same area. They are issued primarily for access roads, but may also be issued for other purposes (e.g. water intake/outfall sites, pier sites, airstrips, reservoirs). The LOC does not grant any other right to the land. The term of the licence varies depending on the purpose.
Local Timber Permit (LTP)	<p>A Timber Permit is generally a short-term agreement, from 30 days to five years, used to make a specific amount of timber available to meet local demand for smaller operators. A local timber permit is a short-term disposition issued primarily:</p> <ul style="list-style-type: none"> • to accommodate the harvesting of smaller volumes of timber for personal non-commercial use, • to issue timber for harvesting, as designated by the Minister, that is endangered by acts of nature or development not authorized under the <i>Forests Act</i>, • to authorize the harvest of a number of trees not exceeding 10 metres in height, or • to authorize the removal of decked salvage roundwood timber.
Metallic and Industrial Minerals Exploration (MME)	Licences and permits that are issued for the purpose of exploring such resources as gold, diamonds, uranium and iron ore. Once found, the proponent would apply for the appropriate surface disposition to develop the resource (usually an MSL). Must be approved under the <i>Mines and Minerals Act</i> .
Mineral Surface Lease (MSL)	Mineral surface leases issued to mineral producers grant exclusive surface rights for surface mining and quarries, wellsites for oil and gas extraction, heavy oil/in situ oil sands and battery sites, or for other purposes incidental to the recovery and production of minerals. The maximum term is 25 years and is renewable.



Type of Activities	Description
Miscellaneous Lease (MLL)	Miscellaneous leases may be issued for a variety of purposes that are not specifically covered by regulations under the <i>Public Lands Act</i> (e.g. commercial site, refinery, processing plant, mill and plant site). MLLs are normally issued for 10 years with the maximum term being 25 years, which is renewable.
Miscellaneous Permit (MLP)	Miscellaneous permits are issued for a variety of purposes that are not specifically covered by regulations under the <i>Public Lands Act</i> (e.g. industrial campsites) but are for short-term use (one year maximum). If the land continues to be used for the purpose stated in the MLP after three years, the permit may be converted to an MLL based on recommendation of the appropriate Area Land manager.
Oil Sands Exploration (OSE)	SRD issues exploration program approvals for oil sand exploration activities on public lands under the Code of Practice for Exploration Operations, pursuant to <i>EPEA</i> . The Code includes operating guidelines and outlines the information required for application and registration. The <i>Public Lands Act</i> approval includes a set of administrative and operating conditions to ensure acceptable use of the lands. Approvals are issued for one year; time extensions and amendments may be approved as appropriate.
Provincial Grazing Reserves (PGRs)	Provincial Grazing Reserves are community pastures located throughout the province, providing a significant amount of local public land grazing. Head Tax Permits issued to the reserve association are used to authorize the grazing. The associations pay additional fees for rental of government buildings, corrals and maintenance of the pastures.
Pipeline Agreement (PLA)	Pipeline agreements authorize construction of a pipeline or flowline within the right-of-way and construction of right-of-way installations incidental to the pipeline (e.g. valve, valve box, connection, foundation). The agreement may remain in effect for as long as required.
Pipeline Installation Lease (PIL)	Pipeline installation leases grant exclusive surface rights for surface right-of-way installations (generally off the right-of-way) that are incidental to pipeline operation (e.g. pumping station, compressor site, metering facility). The maximum term is 25 years and is renewable.
Public Pit License (PPL)	Public pit licences are issued for extraction from government-held extraction sites. These sites are typically held by SRD or Alberta Transportation under disposition reservations (DRS). A PPL authorizes removal of small volumes of surface materials for a period of one year.

Type of Activities	Description
Recreation Lease (REC)	Recreational leases are issued to municipalities, non-profit groups and societies incorporated under the <i>Societies Act</i> .
Rural Electrification Easement (REA)	Rural Electrification Association easements are issued to local electrification associations for constructing and maintaining rural power lines on public lands.
Surface Materials Exploration (SME)	Surface materials exploration permits are issued for exploration of surface materials (e.g., gravel, sand, silt, clay, marl, topsoil, peat) and authorize the use of mechanized equipment during the exploration program that may result in a physical disturbance to public land. The permit conveys exclusive rights to all surface materials within the area of exploration up to a maximum of 640 acres. The maximum term is 90 days.
Surface Materials Lease (SML)	Surface materials leases are issued for surface excavation and extracting surface materials (e.g. gravel, sand, silt, clay, marl, topsoil, peat), and grant the right to occupy public lands. SMLs are normally issued for 10 years, with the maximum term being 25 years.
Surface Materials License (SMC)	Surface material licences are designed for quick approval of small volume requirements in areas where the surface material source will likely not have an ongoing demand. The maximum allowable disturbance area is five acres. SMCs are issued for up to one year to individuals or companies, and permit the removal of a specific volume of surface material from a specified area.
Temporary Field Authority (TFA)	A temporary field authority is authorized as any other disposition granted by the Crown. It provides for the issuance of a short-term (less than one year) approval under the <i>Public Lands Act</i> and <i>Mines and Minerals Act</i> . TFAs may be issued for range improvement, borrow pits, remote sumps or other temporary activity. A manual for the use of TFAs provides more details.
Timber Quota/Allocation	Issued as a 20-year agreement, a Timber Quota gives companies the right to a specific volume of coniferous or deciduous wood. A coniferous quota allots a specific percentage of annual allowable cut volume, whereas a deciduous quota allows a specified volume to be harvested within a specific area in a forest management unit.
Vegetation Control Easement (VCE)	Vegetation control easements are mainly issued to power companies for controlling vegetation along a strip of public land adjacent to power line rights-of-way.



The Land Status Automated System (LSAS) is a computerized database system that provides information on public lands (surface) and Crown minerals in Alberta. Activities on the land with dispositions or approvals are represented by surface activity codes. A cumulative inventory of land-use approvals on public land through reservations and notations is housed in the LSAS program. This program houses an inventory of land-use information and decisions that can be used by land managers to protect manage or make available public land for various uses.

For more information on LSAS, visit www.energy.alberta.ca/OurBusiness/1184.asp

Reservations and Notations

Reservations and notations are a form of government disposition placed on land or resources that are managed to achieve particular objectives (i.e. watershed and soil conservation, recreation, timber, wildlife habitat, agriculture, historic and archaeological sites, and municipal and industrial needs). Interests in public land are formally registered on government records in the form of notations.

In addition to placing the land/resource under reservation, the agency that placed the reservation is also listed. The allowable land uses may be included along with management guidelines for integrating different uses of the land. Before operations are allowed, each reservation or notation must be reviewed and, in most cases, cleared with the agency that placed it. In some cases, special operating conditions may be necessary or the proposed operation must be revised or diverted around the specific resource or land parcel.

Reservation/Notation Type Codes:

- CNT Consultative Notation
- CNC Company Consultative Notation
- DHR Designated Historic Resource
- DRS Disposition Reservation
- ERR Ecological Reserve Area
- HRS Holding Reservation
- ASP Industrial Sample Plot
- NAA Natural Area
- PNT Protective Notation



Consultative Notation (CNT)

A CNT does not impose any land-use restriction but indicates that a governmental agency wishes to be consulted prior to any commitment or disposition of the land. The Lands Division of Sustainable Resource Development must refer all surface disposition applications to the holding agency. The holding agency may request special conditions to be placed on the proposed disposition; these conditions are evaluated and agreed to by the land manager.

Consultative Notation Company (CNC)

This notation is equivalent to a CNT but is used to record the interest of a non-government agency with a justified interest in the land that wishes to be consulted prior to any commitment or disposition on the land. The placement of a CNC is done by the Lands Division of Sustainable Resource Development. The Lands Division advises the holder of a CNC of any surface disposition applications that cover the same land as the notation. The CNC does not convey any authority to the holder to reject any request nor have any conditions of the approval imposed on the applicant.

Examples of applicable CNCs:

- For holders of a sub-surface coal, oil sand, quarriable minerals or other mineral rights whose planned activity may be affected by other future surface dispositions.
- For holders of surface dispositions (particularly resource operators) who may be considering future expansion of their operations such as the expansion of a plant site and who may have concerns with other proposed surface dispositions in the area.

Designated Historic Resource (DHR)

A DHR identifies sites that have been designated under the *Historical Resources Act*. To date, these include historic sites, archaeological resources, paleontological resources and natural historic resources. The designation serves to recognize the significance of an historic resource and to protect it legally. All applications must be referred to the holding agency. Note: A DHR takes precedence over dispositions issued under the *Public Lands Act*.

Disposition Reservation (DRS)

A DRS is equivalent to a surface disposition and permits a government agency to use and develop public land for a specific purpose (e.g. gravel pit, fire lookout). As with all other surface activities, there cannot be more than one activity on a parcel of land and any other use must be excluded from the DRS.



Ecological Reserves Area by Order in Council (ERR)

An ERR identifies sites that have been designated as an Ecological Reserve by an Order in Council. An ERR precludes all other activities and can be removed only by a rescinding Order in Council. No other activities can occur on the site unless a management plan that allows specific activities has been developed.

Holding Reservation (HRS)

An HRS indicates a government agency has determined a specific future land use based on an approved development plan or policy decision by senior management. An HRS precludes the entry of any other type of reservation or notation on the land and is usually followed by the sale of the land, an Order in Council or Ministerial Order for the transfer of the administration and control of the land, or placement of a DRS when the intended future use is to be implemented.

Industrial Sample Plot (ISP)

An ISP indicates that a forest industry company has an interest in an area covering a permanent sample/research plot within their Forest Management Agreement (FMA) Area. This designation provides the forest industry with a form of protection for its plots, and potential users need to take note of the sites. No disturbance is permitted.

Natural Areas by Order in Council (NAA)

A NAA identifies lands that have been designated as a Natural Area by an Order in Council. No other surface activities can occur on the site unless a management plan has been developed that allows specific activities. The designation can be removed only by a rescinding Order in Council.

Protective Notation (PNT)

A PNT places a land-use restriction on a piece of land usually due to specific natural features of the land. Natural features include any naturally occurring characteristics related to land form, soil type or vegetative characteristics. A PNT may imply either an indefinite land-use restriction, generally based on land form or soil characteristics, or a restriction that may be subject to change over time due to changing vegetative characteristics. A PNT may also be used to note the recreational value or significance of an area.



Appendix 7

Acts amended by the *Alberta Land Stewardship Act*

Administrative Penalties and Related Matters Statutes Amendment Act 2002

Agricultural Operation Practices Act

Agricultural Pests Act

Alberta Utilities Commission Act

Coal Conservation Act

Electric Utilities Act

Energy Resources Conservation Act

Environmental Protection and Enhancement Act

Forests Act

Highways Development and Protection Act

Historical Resources Act

Interpretation Act

Irrigation Districts Act

Mines and Minerals Act

Municipal Government Act

Natural Resources Conservation Board Act

Oil and Gas Conservation Act

Oil Sands Conservation Act

Pipeline Act

Post-secondary Learning Act

Provincial Parks Act

Public Highways Development Act

Public Lands Act

Water Act

Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangeland Act

Wildlife Act



Appendix 8

Legislation Governing Alberta Environment

Environmental Protection and Enhancement Act

- Activities Designation Regulation
- Administrative Penalty Regulation
- Approvals and Registrations Procedure Regulation
- Beverage Container Recycling Regulation
- Conservation and Reclamation Regulation
 - Code of Practice for Exploration Operations
 - Code of Practice for Pits
- Conservation Easement Registration Regulation
- Designated Material Recycling and Management Regulation
- Disclosure of Information Regulation
- Electronics Designation Regulation
- Emissions Trading Regulation
- Environmental Appeal Board Regulation
- Environmental Assessment (Mandatory and Exempted Activities) Regulation
- Environmental Assessment Regulation
- Environmental Protection and Enhancement (Miscellaneous) Regulation
 - Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System
 - Code of Practice for Waterworks Systems Using High Quality Groundwater
- Forest Resources Improvement Regulation
- Lubricating Oil Material Recycling and Management Regulation
- Mercury Emissions from Coal-fired Power Plants Regulation
- Ozone-depleting Substances and Halocarbons Regulation
- Paint and Paint Container Designation Regulation
- Pesticide (Ministerial) Regulation
- Pesticides Sales, Handling, Use and Application Regulation
 - Code of Practice for Pesticides



- Potable Water Regulation
- Release Reporting Regulation
- Substance Release Regulation
 - Code of Practice for Asphalt Paving Plants
 - Code of Practice for Compressor and Pumping Stations and Sweet Gas Processing Plants
 - Code of Practice for Concrete Producing Plants
 - Code of Practice for Forage Drying Facilities
 - Code of Practice for Foundries
 - Code of Practice for Hydrologic Tracing Analysis Studies
 - Code of Practice for Sawmill Plants 2006
 - Code of Practice for Tanker Truck Washing Facilities
 - Code of Practice for the Release of Hydrostatic Test Water from Hydrostatic Testing of Petroleum Liquid and Gas Pipelines
- Tire Designation Regulation
- Waste Control Regulation
 - Code of Practice for Compost Facilities
 - Code of Practice for Energy Recovery
 - Code of Practice for Land Treatment of Soil Containing Hydrocarbons
 - Code of Practice for Landfills
 - Code of Practice for Small Incinerators
- Wastewater and Storm Drainage (Ministerial) Regulation
- Waste Water and Storm Drainage Regulation
 - Code of Practice for Wastewater Systems Consisting Solely of a Wastewater Collection System
 - Code of Practice for Wastewater Systems Using a Wastewater Lagoon

Climate Change & Emissions Management Act

- Administrative Penalty Regulation
- Specified Gas Emitters Regulation
- Specified Gas Reporting Regulation



Water Act

- Alberta Regulation 171 - Bow, Oldman and South Saskatchewan River Basin Water Allocation Order
- Alberta Regulation 319 - Oldman River Basin Water Allocation Order
- Water Ministerial Regulation
 - Code of Practice for Outfall Structures on Water Bodies
 - Code of Practice for Pipelines and Telecommunication Lines Crossing a Water Body
 - Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing of Pipelines
 - Code of Practice for Watercourse Crossings
- Water (Offences and Penalties) Regulation



Appendix 9

Legislation Governing Alberta Culture and Community Spirit

Alberta Centennial Medal Act

Alberta Foundation for the Arts Act

Alberta Human Rights Act

- Human Rights Education and Multiculturalism Fund Grant Regulation

Amusements Act (name to change)

- Regulations under the Amusements Act
- Community Development Grants Regulation

Emblems of Alberta Act

- Alberta Symbols of Distinction Regulation
- Official Emblems Regulation

Film and Video Classification Act

- Film and Video Classification Act Regulation

First Nations Sacred Ceremonial Objects Repatriation Act

- Blackfoot First Nations Sacred Ceremonial Objects Repatriation Regulation

Foreign Cultural Property Immunity Act

Glenbow-Alberta Institute Act

Government House Act

Historical Resources Act

- Archaeological and Paleontological Research Permit Regulation
- Dispositions Regulation
- Fort Macleod Provincial Historic Area Establishment Regulation
- Old Strathcona Provincial Historic Area Establishment Regulation

Holocaust Memorial Day and Genocide Remembrance Act



Human Rights, Citizenship and Multiculturalism Act

Human Rights, Citizenship and Multiculturalism Amendment Act

Queen Elizabeth II Golden Jubilee Recognition Act

- Queen Elizabeth II Award and Scholarship Regulation

Wild Rose Foundation Act

- Wild Rose Foundation Regulation



