



# **Director's guide to issuing access permits for group activities, guiding, and instructing**

*Alberta* 

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## Purpose

The purpose of this guide is to provide Alberta Environment and Parks (AEP) department staff guidance on Public Lands Administration Regulation (PLAR) access permits as it relates to group activities that are for a commercial purpose or recreational purpose and that are likely to create “loss or damage” on vacant public lands. In addition, this is intended to provide guidance for instructional and guided group activities conducted by commercial and non-profit organizations.

## Introduction

AEP is responsible for managing Alberta’s public land, except with respect to energy resource activities, which is the responsibility of the Alberta Energy Regulator (AER) as defined in the *Responsible Energy Development Act*.

In delivering this mandate, PLAR Section 32(2) and PLAR Section 37 give AEP the authority to issue access permits for activities that include any one of the following:

- Commercial purpose, as defined in PLAR, or
- Recreational purpose, as defined in PLAR, that is:
  - Likely to cause unreasonable loss or damage to the land,
  - Likely to contravene a disturbance standard,
  - Planning to enter a prohibited or closed area, or
  - Reasonably expecting a duration for longer than 14 days

Recreational purpose activities require an access permit if they are likely to cause unreasonable loss or damage to public land due to any or all of the following:

- The nature of the activity,
- The number of people attending,
- Its location
- Its timing (in terms of activity duration, other existing activities and users, and seasonal considerations).

Note that persons, while exercising a right recognized and affirmed under Part II of the *Constitution Act*, 1982 or a right under section 12 of the Natural Resources Transfer Agreement may enter on and occupy vacant public land without an access permit.

- [Guide to Applying PLAR in the context of Aboriginal Peoples’ Rights](#)

## Background

The *Public Lands Act* (the *Act*) amendments of April 1, 2010 and the PLAR on September 12, 2011 provide the regulatory framework for recreation on public land. The *Act* section 20(1) says that no person shall enter on and occupy public land for any purpose unless authorized by a director or under the *Act* or its regulations. The *Act* section 54(1)(a.2) goes further to clarify that no person shall cause, permit or suffer activities on, or the use of, public land that is likely to result in loss or damage to public land. Under PLAR section 32(1) any person has the right to temporarily access and occupy vacant public land in Alberta for recreational purposes, provided the associated activities do not contravene the *Public Lands Act* and its regulation.

PLAR section 32(2) states when access permits are required for recreational purposes.

PLAR section 37(1) states when an officer is authorized to issue an access permit for activities that are for recreation or commercial purpose. This does not apply to trails on vacant public land unless the proposed activity is likely to cause unreasonable loss or damage as per PLAR (33)(2).

Under Division 2 access permits in PLAR, the director may authorize an access permit for a person to enter on and occupy a specified area of vacant public land for specific purposes. An access permit is a type of Authorization. AEP accepts some access permit applications with a Temporary Field Authorization (TFA). See “Additional Information” section.

## Guidelines

### Commercial Purpose

PLAR section 37.1 (1) requires a person to obtain an access permit for a commercial purpose. A commercial purpose could include:

- The group organizer is a business or connected to a business.
- The use or activity produces an economic benefit.
- The activity is a fundraiser for an individual, group, or charity.

In evaluating whether an activity has a commercial purpose, the department may consider:

- Exchange of money for a service.
- Registration process, including any fee or donation, for participation (such as snowmobile or quad rallies or foot races).
- Membership fee for joining the organization that is hosting the activity.
- Advertising (whether or not the funds collected cover costs of activity).
- Sponsorship or donation funds related to the activity or the group.

### Guiding and Instructing Activities

If a person is providing a service in exchange for a fee, that person is conducting an activity for a commercial purpose and will require an access permit, regardless if the person is incorporated or registered under the *Societies Act*.

### Recreational, Non-commercial Activities

Individuals participating in an activity may or may not affect the land, however; a group, as a collective, participating in the same activity may have cumulative effects impacting natural land reclamation and wildlife habitat. If an activity is not commercial as clarified in this guide, an activity may cause unreasonable loss or damage to the land and also require an access permit. An activity that falls within the special considerations below, will require an access permit for group activities.

#### Special Considerations

A director should consider the following for determining when an access permit is required or issued for recreational, non-commercial activity:

##### Bed and Shore

If an activity is adjacent to bed and shore and the activity may cause unreasonable loss or damage to the land.

All conveyances activities are prohibited on bed and shore unless expressly permitted (PLAR s. 43).

##### Seasonal Considerations

If an activity is during a time of year when the ground is “wet” or “soft” and the activity may cause unreasonable loss or damage to the land.

##### Overlapping other group activities

When an activity is likely to overlap with another group activity or high volume of use (for example, on a long weekend), this may cause unreasonable loss or damage to the land.

##### Sensitive Wildlife Habitat

If an activity is located in a key wildlife area as identified by acquiring a *Fish and Wildlife Management Information Report*, the activity may cause unreasonable loss or damage to the land.

### Voluntary Application

For all persons, even if an access permit is not required for a group activity, it may be desirable for an organizer to obtain one, for public safety and to prevent land use conflict at the time of the activity.

## **Additional Considerations**

### **Safety**

While specific certifications are not a requirement for an application, the director may consider adding terms and conditions appropriate for the safety of participants, staff or other land users depending on where the activity is expected to occur. This may include an evacuation plan or requiring affiliation with professional certifications appropriate for an activity.

### **Activity Pass**

Access permit holders will also require an Activity Pass as per Ministerial Order prescribed under section 33.1 unless the order specifically exempts a permit holder from being required to obtain an activity pass. Examples of an activity pass include, but are not limited to, the Public Lands Camping Pass and the Kananaskis Conservation Pass.

### **Context of Indigenous Peoples**

Note that activities should be treated consistently with department policy.

- [Guide to Applying PLAR in the context of Aboriginal Peoples' Rights](#)

For example, if a First Nation event is for hunting, fishing or trapping for food on land where there is already a right of access for that activity, then an access permit is not required. If the event is for activities unconnected to hunting, fishing or trapping for food then an access permit may be required in accordance with the above.

If a group activity is being organized by an individual or group of Indigenous Peoples and an access permit is being contemplated, the director/officer may contact Public Land Policy for discussion and advice.

## **Additional Information**

Application form and additional information for access permits:

- [Alberta Environment and Parks land forms](#)

For the most recent version of PLAR visit:

- [Alberta Queen's Printer](#) and search "Public Lands Administration Regulation"

### **Contacts**

Regional office contacts for submission of access permit applications

- [Land Management - Contacts](#)

Policy Approval:

Original Signed June 6, 2022 by:

**Scott Milligan**, Executive Director

Land Policy & Programs Branch,

Lands Division, Alberta Environment and Parks