

Formal Disposition Renewal

Document Information

This document is issued under the authority of the director, *Public Lands Act*.

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Purpose of Renewal

Dispositions may be renewed as stated in the *Public Lands Act* (Section 15(1) and 15(2)). A disposition may be renewed provided the disposition holder is in good standing and there are no compliance issues with the activity/purpose. If there are any issues or the purpose/activity is no longer accepted by the regulatory body, the disposition may be amended or cancelled.

The renewal process also ensures the disposition holder considers their continued use of the disposition and provides them an opportunity to request this continued arrangement with the regulatory body, or to request cancellation if the activity has no further use to them. This allows the regulatory body to have the land reclaimed and restored back to equivalent land capability.

Notification of Disposition Expiry

Notification to Environment and Parks (AEP) disposition holders will be provided via letter (post mail) or email and will identify that their formal disposition(s) are about to expire, at 24 and 18 months prior to disposition expiry. The second notification will only be sent if a renewal application has not been received from the disposition holder. These are courtesy notifications; it is the responsibility of the disposition holder to be aware of disposition timelines and expiry dates.

The Electronic Disposition System (EDS) will update the disposition record in the Geographic Land Information Management and Planning System (GLIMPS), identifying that notifications were generated and sent to the disposition holder.

For dispositions administered by the Alberta Energy Regulator (AER), formal notifications will not be sent to the disposition holder. It is the responsibility of the disposition holder for energy related activities to be aware of disposition timelines and expiry dates.

Application

A disposition holder may apply for renewal after half of the term of the disposition, and no later than one year prior to expiry (Public Lands Administration Regulation (Section 18(1))). Submitting a renewal application mid- way through the term of the disposition will be evaluated. If not justified, the application may be refused.

Dispositions must be renewed **before** they expire, or a new application will need to be submitted. The expiration date is stated on the disposition. If the disposition holder fails to make an application for renewal in compliance with the renewal application requirements, the disposition expires. For more information search the AEP website for:

Formal Disposition Renewal

- Step Four - Disposition Management A Disposition Renewal Application must be completed [Public Lands Administration Regulation (Section 17)]. For AEP managed dispositions the application must be submitted through the Electronic Disposition System (EDS). Information on how to do this can be found by searching the following on the AEP website:
 - Electronic Disposition System Public Land Disposition Renewals User Guide

If the disposition holder wishes to renew the disposition, the holder shall provide required information that will enable the reviewing regulatory body to determine if the disposition is eligible for renewal. The disposition holder must comply with the *Public Lands Act*, the *Public Lands Administration Regulation*, and the terms and conditions of the existing formal disposition agreement to be eligible for renewal (Public Lands Administration Regulation: Section 17(1)). The information requested in the application confirms that the:

- Disposition holder has entered the disposition
- Disposition has a valid survey plan **or sketch**
- Dispositions appear to be within the survey boundaries or sketch extent
- Disposition continues to operate for the intended and approved purpose (*Public Lands Act: Section 77*)
- Disposition is in compliance with the terms and conditions and that there are no outstanding compliance files under review
- Disposition does not appear to conflict with adjacent users

All criteria must be confirmed prior to the renewal being issued. If one or more of the criteria is not met, the disposition holder will be subject to the following actions.

- The disposition has not been entered.
 - The disposition will be cancelled. No-entry confirmation must be obtained, otherwise the disposition will be cancelled with outstanding obligations (reclamation certificate, letter of clearance or no entry confirmation is required). The disposition holder at time of cancellation or expiry will have no further rights to that land. Use or access to public land can be requested through the submission of a new application for the appropriate activity(ies) using the appropriate application process. (Public Lands Administration Regulation: Section 18 (1))
- The disposition does not have a valid survey plan or sketch for the disposition.
 - The disposition holder must complete a valid sketch or survey plan as per the survey requirements one year prior to the expiry date. Upon completion, the disposition holder must submit an amendment to validate these survey requirements or the disposition expires.
- The disposition did not remain within the approved plan boundary or extent.
 - It may be realized that changes have occurred to the disposition over time through temporary approvals. If these changes continue to be used, the

disposition plan needs to be updated to reflect the current use on the land. If there are discrepancies, these need to be reconciled through the disposition holder submitting an amendment application. Should the disposition holder find this use of land outside the approved boundary to be unauthorized and possibly a compliance issue, they must disclose this to the reviewing regulatory body immediately in addition to the amendment application.

- The disposition holder has modified the operation or use of the disposition and the purpose no longer matches the intended and approved purpose.
 - The disposition holder must submit an application for amendment to ensure they are given authority for the proper purpose and operation of the disposition. Continued use of a disposition under the premise of an inappropriate purpose could mean the disposition does not have the appropriate conditions to manage the activity or the disposition holder does not have the proper rights through disposition to protect their assets and interests.
- The disposition holder is currently not in compliance with the terms and conditions of the disposition and there are outstanding compliance files under review.

The disposition holder needs to discuss the compliance matter with the regulatory body to see if this matter or non-compliance may prevent renewal. Compliance actions may also direct the disposition holder to apply for amendment or may result in cancellation. The reviewing regulatory body will not process any disposition renewal unless sanctioned by the appropriate regulatory bodies, regional compliance and/or approvals program.

- The disposition has a conflict with adjacent users
 - In certain cases, the regulatory body will need to assess if adjacent users' needs or concerns require to be considered prior to renewal

Alternatively, if the disposition is no longer needed, the disposition holder may also request cancellation of the disposition and submit the required documentation for a reclamation certificate or a letter of clearance.

Note: For AEP managed dispositions, when an amendment is submitted based on a request of renewal or within 24 months of the disposition's expiry, should the amendment application be deemed complete and acceptable, the amended disposition can be issued. The applicant will need to check the Extend Tenure box on the Amendment application form to apply for a full disposition term, which addresses the renewal requirement.

Terms and Conditions of Renewed Disposition

During renewal, the regulatory body has the option of updating, adding or deleting conditions

Formal Disposition Renewal

of the formal disposition to reflect new legislation, procedure and policy (Public Lands Administration Regulation: Section 17 (2) (b)). This may arise when new land management concerns are present, new land management best practices are identified, Regional Plans have been implemented, or when more or updated information is available to protect and manage Alberta's resource values. In some cases, the regulatory body may renew the formal disposition with the existing terms and conditions if based on the judgment of the regulatory body that these terms and conditions continue to be legally enforceable and meet current land and resource management objectives.

Note: It is up to the disposition holders to apply for the renewal of the disposition. Also, it is up to the disposition holders to make themselves aware of the terms and conditions of the renewed formal disposition to ensure they understand their rights and requirements under the renewed disposition.

It is also the applicant's/disposition holder's responsibility to update their contact information by submitting an Application/Amendment for Client ID for Client Registry.

For more information, please contact:

Client Registry with Alberta Energy

Email: clientregistry@gov.ab.ca

Fax: 780 422-0382

Appeals

The Public Lands Administration Regulation provides an appeal option for specific decisions made by a regulatory body (Public Lands Administration Regulation: Sec. 210, 211, 212, and 213). An appeal option is available to a disposition holder if the regulatory body refuses to renew a disposition or if varied terms or conditions are imposed when the disposition is renewed. The latter decision is considered a complex appeal.