



## **Public Lands Formal Disposition Application Process**

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## List of Documents and Webpages

To access the AEP documents referenced in this schedule, search one of the following document titles at [aep.alberta.ca](http://aep.alberta.ca)

- Associated Dispositions, Access Roads and Temporary Incidental Activities
- Consent of Occupant – Form B for Mineral Surface Lease
- Consent of Occupant – Form C for Pipeline Agreements
- Consent Submissions for Formal Dispositions, Authorizations and Approvals under the Public Lands Administration Regulation
- Content Requirements for Survey Plans and Sketches
- EDS Application Supplement User Guide
- EDS – Surface Dispositions User Manual
- EDS User Request Form
- Electronic Disposition System Surface Material Lease User Manual
- First Nation / Metis Settlement Consultation User Help Guide
- Instructions for the Completion of EDS Supplements for Formal Disposition Applications
- Landscape Analysis Tool User Guide
- LAT Activity Table
- Master Schedule of Standards and Conditions
- PLAR Table A1: AEP Public Land Dispositions
- PLAR Table A2: AER Public Land Dispositions
- Pre-Application Requirements for Formal Disposition
- Supplement Completion Instructions for Formal Dispositions
- Process for the Administration and Maintenance of Applications and Dispositions for Peat Operations on Public Land
- Process for the Administration and Maintenance of Applications and Dispositions for Surface Material (Excluding Peat) Operations on Public Land
- Process for the Administration and Maintenance of Applications/Amendments and Dispositions for Commercial, Industrial and Recreational Operations on Public Land
- Public Lands Disposition Checklist

To access the AEP webpages referenced in this schedule, search one of the following page names at [aep.alberta.ca](http://aep.alberta.ca)

- Alberta Wetland Policy Implementation
- Electronic Disposition System
- Formal Disposition Application Administration
- Industry Online Services
- Land Use Framework
- Land Use Framework Regional Plans
- LAT Overview
- Notice of Decision
- Public Lands Disposition Application Overview
- Public Lands Rents and Other Amounts Payable Order (Ministerial Order 28/2015)
- Reservations/Notations
- Sensitive Species Inventory Guidelines
- Step One – Pre-Application
- Step Two – Application Submission
- Step Three – Application Review
- Surface Material Applications
- Survey/Sketch Plans

To access the AEP e-Course referenced in this schedule, search the following page name at: [aep.alberta.ca](http://aep.alberta.ca)

- Public Lands Application Process e-Course

To access the Alberta Energy webpages referenced in this schedule, search one of the following page names at: [energy.alberta.ca](http://energy.alberta.ca)

- Electronic Transfer System
- AMI and GLIMPS Product

To access the Alberta Queen's Printer legislation referenced in this schedule, search one of the following page names at: [qp.alberta.ca](http://qp.alberta.ca)

- *Alberta Land Stewardship Act*
- *Public Lands Act*
- Public Lands Administration Regulation

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# Public Lands Formal Disposition Application Process

## 1.0 Overview

Obtaining approval to use public lands and natural resources is a thorough process. The public expects any use will have environmentally sustainable long-term outcomes. The disposition application process enables applicants and Environment and Parks (AEP) (the Department) and the Alberta Energy Regulator (AER) (the Agency) to work from a common information base that supports improved planning and operations.

The *Master Schedule of Standards and Conditions* (MSSC) is used by both regulatory bodies to ensure environmental stewardship in managing dispositions. This schedule can be found on the AEP website.

All “public lands” administered by both regulatory bodies are owned by the Government of Alberta. To enable the Government of Alberta to be a “knowledgeable owner” and fulfil its obligation for land stewardship, consistent and complete information on all public lands dispositions is required. Therefore the same information system, the Electronic Disposition System (EDS), is used for most public lands disposition application submissions.

The new application process is designed for managing and mitigating risks to landscape sensitivities, allowing applicants to identify and develop strategies, address site specific sensitivities, and understand the outcomes to which they are being measured. The application process streamlines application submissions and approvals by providing:

- Pre-Application Requirements
- Access to information required for project proposals
- Well defined submission requirements
- Clear decision points

The following are the steps in the application process.

- Step One - Pre-application
- Step Two - Application Submission
- Step Three – Application Review

This information provides an overview of the formal disposition application process and the resources, information systems, and tools available to help at each step. If you have questions or would like more information, talk to the appropriate regulatory body (the Department or the Agency).

Training and references to help understand the disposition application process can be found by searching for “DispositionApplication e-Course” on the AEP website.

## **2.0 External Drivers**

There are certain factors that influence project plans that must be addressed prior to initiating a disposition application. Consider external drivers to determine the level of risk involved before proceeding with a project. Examples include:

- Subsurface rights
- Market drivers
- Engineering and safety standards
- New technology
- The economics of the project
- Additional provincial and federal legislation and regulations
- Other factors identified for the type of project and land location.

If it is decided to proceed with the project and apply for a disposition, pre-planning is essential and required.

## **3.0 Initiating a Formal Disposition Application**

To initiate pre-application planning and to apply for a formal disposition, you will need to access Industrial On-line Services. If you do not already have an EDS user account complete the User ID Request Form on the AEP webpage and submit the form via email to acquire one.

## **4.0 Disposition Application Pre-Planning**

Pre-application planning helps you determine if you want to proceed with planning and submitting an application before expending the resources required to submit an application. Pre-planning and associated pre-planning documents must be submitted with a disposition application for it to be accepted.

There are several levels and types of pre-planning that must be done for an application to be accepted.

1. Completion of Landscape Analysis Tool (LAT) report
2. Completion of a Land Standing report
3. Identification of waterbody bed/shores including wetlands
4. Alignment with existing Government or higher level plans
5. Alignment with the Master Schedule of Standards and Conditions
6. Completion of Supplements (if applicable)
7. Check Point
8. Completion of appropriate site visits and required surveys

For more information on pre-application planning search, “Step One - Pre-Application” and the *Pre-Application Requirements for Formal Dispositions* on the AEP website.

#### **4.1 Completion of Landscape Analysis Tool Report**

The Landscape Analysis Tool report is required as part of any application submission unless otherwise indicated in the PLAR Table A1. All PLAR Table A2 activities require a LAT report, but this is not noted on PLAR Table A2.

The Landscape Analysis Tool is a web-enabled geo-spatial tool that aids users in the planning and placement of activities on Government of Alberta public lands. The completion of a Landscape Analysis Tool report will assess the proposed activity/project relative to spatial resources and wildlife map layers important to Albertans for managing public lands as defined in the *Master Schedule of Standards and Conditions* (see following section).

The Landscape Analysis Tool (LAT) allows users the ability to map and view their proposed projects, identify areas of concern and in doing so make planning and location adjustments. To ensure the Landscape Analysis Tool is used effectively, users should perform the following:

- Ensure activities are located outside of sensitive areas when possible
- Review the Desired Outcomes and Best Management Practices within the *Master Schedule of Standards and Conditions* to assist in the placement of activities
- Review the generated Landscape Analysis Tool (LAT) report for the assigned conditions and ensure that they are able to meet these based on the proposed activity
- Experiment with the location, sizing, and orientation of the activity to avoid or better align with sensitive features
- Ensure that prior to application, the Landscape Analysis Tool (LAT) report is understood and the appropriate decision is made to include required supplementary documents.
- Ensure the requirements of any associated reservations, notations, Integrated Resource Plans, Public Land Use Zones, Regional Plans, and other regulatory requirements are met.

More information is provided on the AEP website under “LAT Overview”.

#### **4.2 Completion of a Land Standing Report**

Applicants must obtain a detailed Land Standing report at the time of application submission to identify any existing stakeholders and potential conflicts on the land base. The Land Standing report review may lead to:

- The need for acquiring consent from existing disposition holders
- Addressing impacts to land reservations and notations on the same lands relating to the proposed project. Additional information can be found by searching “Reservations/Notations” on the AEP website.

**Note:** The Land Standing report submitted must be no older than 7 days prior to the date of application submission.

The Land Standing report is obtained through the Electronic Transfer System of Alberta Energy. Search for “Electronic Transfer System” on the Alberta Energy website for further information.

Information on how to obtain the Land Standing report and the costs associated with it can also be found on the Alberta Energy website. Search for “AMI and GLIMPS Products” for further information.

### **4.3 Identification of Waterbody Bed/Shores Including Wetlands**

It is the responsibility of the applicant to identify the existence of waterbody bed and shores, including wetlands and verifying ownership **before** submitting an application to the regulatory body. Information on Watershed and Wetland Management, Provincial Watercourse and Waterbody Descriptions, and Crown Owned Waterbodies on Private Land can be found by searching for “Public Lands Dispositions” and “Step One - Pre-Application” on the AEP website.

If a wetland may be impacted, additional pre-planning is required. For information on what is required, search for “Alberta Wetland Policy Implementation” on the AEP website.

### **4.4 Alignment with Current Government or Higher Level Plans**

Any activity on the land base must be in compliance with *Alberta Land Stewardship Act*. This Act is implemented through Land Use Framework Regional Plans. An applicant for a disposition must review all relevant regional plans and confirm that a disposition is feasible and will be in alignment with these plans.

- *Alberta Land Stewardship Act*
- Land Use Framework Regional Plans

More information on approved higher level plans that may impact disposition approvals can be found by searching Land Use Framework on the AEP website.

**Note:** If there is a conflict between the regional plans and the *Public Lands Act* the regional plans prevail to the extent necessary to resolve the conflict (*Public Lands Act*: section 11).

### **4.5 Alignment with the Master Schedule of Standards and Conditions**

The *Master Schedule of Standards and Conditions* (MSSC) reflects the outcomes the regulatory bodies strive to achieve for the management of public lands. Applicants must meet the requirements defined in the MSSC which can be searched for on the AEP website.

The MSSC identifies desired outcomes, approval standards, operating conditions and best management practices.

Approval standards identify the regulatory body’s expectations on what the disposition holder will be held accountable for during the construction, operation, and maintenance of a disposition. If an applicant

is unable to meet the standards, a supplement with mitigation must be completed (see following sections on Application Supplements and Compliance and Standards).

**Note:** Only conditions identified as Approval Standards (AS) in the MSSC can be mitigated.

Operating conditions specify what the disposition holder must comply with as part of construction, operation, and maintenance of a disposition. They are non-negotiable.

Both approval standards and operating conditions form part of the disposition document as identified in the Landscape Analysis Tool report.

**Note:** The *Master Schedule of Standards and Conditions* (MSSC), Landscape Analysis Tool (LAT), and application supplements do not identify or address other provincial, federal or municipal requirements associated with the activity for which the disposition is being applied for. It is the responsibility of the applicant to ensure they meet all other regulatory requirements.

## 4.6 Supplements

Supplements provide the regulatory body with specific information regarding the construction and development of the activity and in many cases provides context of that activity in relation to the standards and conditions as identified by the Landscape Analysis Tool (LAT). Supplements also provide information that advise the regulatory body that proper planning steps were undertaken during the planning stages of the project. The appropriate supplement must be completed for each disposition being applied for. Further information can be found on the website in the *Instructions for the Completion of EDS Supplements for Formal Disposition Applications* document.

## 4.7 Checkpoint

The Land Standing report and the Landscape Analysis Tool report will provide you with information on what you must do to proceed with the application process. If you cannot meet the requirements for a successful application, it is recommended that you do not proceed with the application. This will save time and resources of both the applicant and the regulatory body that would be required to prepare and review an application which cannot be approved.

## 4.8 Completion of Site Visits and Required Surveys

If identified within the Landscape Analysis Tool report or required by policy, site visits or certain surveys may need to be conducted to ensure that conflict impacts on public lands, especially sensitive features, are minimized.

Applicants must review the Landscape Analysis Tool (LAT) report standards and conditions content, as the report will dictate the site visits and surveys that are required boundaries for the application to be successful. Based on the completion of these site visits or surveys, the applicant may be required to change or alter their proposed activity to meet the conditions and standards outlined in the LAT report. Once the applicant is confident that the proposed activity meets the requisite conditions and approval standards, an application can be made to the regulatory body.

**Note:** Best Management Practices to be followed in the planning and siting of proposed activities are outlined in the *Master Schedule of Standards and Conditions*.

## 5.0 Application Planning and Procedures

If you decide that you want to proceed, the next phase of the application process requires you to do the following before you can submit an application. Each of the following is required as part of the application process.

### 5.1 Disposition Survey/Sketch Plans

You will need to prepare sketch plans or survey plans as defined in the PLAR Tables that meet the requirements for the activity and type of disposition you would like to apply for.

For information on disposition survey/sketch plan requirements and submissions search for the following on the AEP website:

- PLAR Table A1: AEP Public Land Dispositions
- PLAR Table A2: AER Public Land Dispositions
- Content Requirements for Survey Plans and Sketches - excluding Agricultural Activities
- Survey/Sketch Plans webpage

Plans must be confirmed by the Plan Confirmation System (PCS), as outlined in the *Digital Plan Submission Standards and Procedures* document under the Digital Plan Submission Formats and Specifications section on the Survey/Sketch Plan webpage. Plan packages that are approved by PCS will be processed, encrypted and sent back to the submitter with a plan confirmation number. The plan confirmation number is required for all application submissions.

There are two types of plans:

- **Survey Plan** which is a field survey performed by an Alberta Land Surveyor for the purpose of monumenting the boundaries of a right or interest in public land.
- **Sketch Plan** which is a sketch depicting the limits/extents of an interest in public land.

**Note:** Only surveys are required to be completed by an Alberta Land Surveyor.

Once an application has been received by the Department/Agency, a disposition application number will be assigned and communicated to the applicant. At this time, the applicant must upload the encrypted plan received in the plan package generated by the Plan Confirmation Service into the Electronic Disposition System (EDS) using the Plan Submission Package option.

## 5.2 Sensitive Species Survey

During the planning and siting phases of an activity, there may be requirements to complete surveys that identify sensitive species on the landscape that should be avoided. Within the *Master Schedule of Standards and Conditions*, certain wildlife and plant species require Sensitive Species survey(s) to be completed prior to siting an activity.

When the Landscape Analysis Tool (LAT) report identifies that a Sensitive Species survey is required, these must be completed prior to proceeding with an application and submitted as part of the disposition application. If the requirement for a Sensitive Species survey is identified within the LAT report, the Electronic Disposition System (EDS) will not allow an application to be submitted without the Sensitive Species survey being attached. These documents ensure the applicant has performed their due diligence in the planning process and also provides important information in respects to wildlife and plant species within the province.

For direction on how to complete this survey or to obtain the Sensitive Species survey form or for more information search “Sensitive Species Inventory Guidelines” on the AEP website.

## 5.3 Consent

Consent must be obtained from the affected stakeholders and those with interests in the land, as identified in the Land Standing report before you can proceed with an application. It is the applicant’s responsibility to ensure that all required consents have been managed appropriately. If a disposition has been issued, no other applications for a disposition within or partially overlapping that disposition’s boundary will be approved without the consent of the disposition holder. To determine if public land is occupied applicants can:

- Contact Crown Land Data to request a Land Standing report for the proposed project lands,
  - Email: [crownlanddatasupport@gov.ab.ca](mailto:crownlanddatasupport@gov.ab.ca)
  - Tel: 780 422-1395

or

- Access Alberta Energy’s “Electronic Transfer System” to generate a Land Standing report.

The Land Standing report assists the applicant in determining which consents will be required from existing disposition holders. The applicant must:

- Attach an applicable and current (within seven days of the application submission) Land Standing report to the application
- Attach required consents to the application submission.

For more information search “Consent Submissions for Formal Dispositions, Authorizations and Approvals under the Public Land Administration Regulation” on the AEP website.

When obtaining consent from Forest Management Agreement holders, the purpose/activity of the disposition being applied for must be identified on the consent document along with the legal land description of the lands being applied for. The purpose/activity and land description identified on the

consent document must match the purpose/activity and lands in the disposition application or the application will be rejected.

Applicants who require consent from grazing lease holders may use consent templates:

- Consent of Occupant - Form B for Mineral Surface Leases
- Consent of Occupant - Form C for Pipeline Agreements

The following table can be used to determine which consents are required at time of submission.

Timber Dispositions	Agricultural Dispositions	Commercial and Industrial Dispositions*
<ul style="list-style-type: none"> <li>• Forest Management Agreement (FMA)</li> <li>• Deciduous Timber Licence (DTL)</li> <li>• Coniferous Timber Licence (CTL)</li> <li>• Deciduous Timber Permit (DTP)</li> <li>• Coniferous Timber Permit (CTP)</li> </ul>	<ul style="list-style-type: none"> <li>• Grazing Permits (GRP)</li> <li>• Grazing Leases (GRL)</li> <li>• Grazing Licence (FGL)</li> <li>• Provincial Grazing Reserve (GRR)</li> <li>• Farm Development Lease (FDL)</li> </ul>	<ul style="list-style-type: none"> <li>• Miscellaneous Lease (DML/MLL)</li> <li>• Surface Material Lease (SML)</li> <li>• Mineral Surface Lease (DMS/MSL)</li> <li>• Recreational Lease (REC)</li> <li>• Pipeline Installation Lease (DPI/PIL)</li> </ul>

**\*Note:** Applications for linear dispositions do not require consents from Commercial and Industrial Dispositions at time of submission. However, at any time during the review of the application and life cycle of the disposition, the regulatory body may request copies of these consents.

## 5.4 Application Supplements

The type of disposition and purpose being applied for will dictate which supplement is required to be completed for the application. The supplements are created in the Electronic Disposition System. By completing the required supplement, the applicant provides information on how a specific activity will be constructed, operated, and reclaimed to meet acceptable environmental and regulatory standards as well as complying with legislation.

All applications must be submitted with the appropriate supplement. Questions about the content of these supplements may be directed to the appropriate regulatory body. Incomplete or incorrectly completed supplements will be rejected and will result in the rejection of the disposition application.

Information on how to complete the supplements can be found by searching “*Supplement Completion Instructions for Formal Dispositions*” and the Frequently Asked Questions (FAQs) on the AEP website.

## 5.5 File Number for Consultation

A File Number for Consultation (FNC) must be obtained and provided with the application or it cannot be accepted. The Indigenous Relations website – Aboriginal Consultation Office provides procedures for obtaining an FNC for land dispositions.

For a land disposition application to be accepted, the FNC provided must indicate that consultation has reached a specific stage within the consultation process:

- **Pre-consultation Assessment Decision (PA):** A decision has been issued regarding whether or not consultation is required. If consultation is required, the decision will also identify the level of consultation and the First Nation(s) and/or Metis Settlement(s) to consult.
- **Adequacy Assessment Decision (AD):** A decision has been issued indicating that the consultation is adequate and thus complete.
- **Assessment at Time of Application (AA):** the regulatory body will assess if consultation is required in relation to an Approval or Authorization (i.e., Temporary Field Authorizations and Disposition Operational Approvals) at time of application.

The stage of consultation that an FNC is required to have reached at time of submission of an application is dependent on the disposition type and the purpose/activity being applied for as outlined in PLAR Tables A1 and A2 that can be searched for on the AEP website.

Upon application submission, the Electronic Disposition System (EDS) performs validation of the FNC to ensure the stage of consultation matches the requirements (i.e., PA or AD) for the purpose/activity being applied for. Validation will compare the status (i.e., stage of consultation) of the FNC provided on the application to the status required for the purpose/activity being applied for. The purpose/activity of the FNC must match the purpose/activity being applied for.

If the FNC status is not acceptable for the purpose/activity being applied for, or the FNC is invalid, the applicant will receive an error message and will be unable to submit the application.

## 6.0 Compliance with Standards

If you agree to meet all the standards associated with the proposed activity and location and have completed the required processes, forms and documents, you may proceed to preparing the application submission.

If an applicant is unable to meet specific conditions and/or approval standards as detailed in the *Master Schedule of Standards and Conditions* (MSSC) for the proposed project and identified in the Landscape Analysis Tool (LAT) report they will be required to complete the mitigation section of the required supplement. Only specified conditions and/or approval standards can be mitigated. The mitigation section of the supplement requires the applicant to identify alternative mitigation strategies or justification regarding the conditions and/or approval standard(s) not being met. Alternative mitigation strategies must contain a defensible rationale and linkages to the desired outcomes within the MSSC which will be considered in determining if the disposition will be issued.

## 6.1 Checkpoint

Applicants should conduct on-site assessments and hold discussions with the Department/Agency Operational Approvals District office prior to submitting an application. Department/Agency staff are available to discuss and give advice regarding approval standards and mitigation strategies; however, it is the applicant's responsibility to determine if all applicable approval standards will be met and make the decision to apply.

When submitting an application which does not meet all the standards, applicants must seriously consider if the mitigation strategies and/or justifications for not meeting the approval standards are defensible given Albertan's expectation that any activity must have environmentally sustainable long-term outcomes. Consideration should be taken for the time and resources that will be required to prepare an application which cannot be approved.

## 7.0 Application Submission

### 7.1 Non-Refundable Application Fee

There is a non-refundable application fee for all applications that are submitted to the Department. Fees are defined in the "*Public Lands Rents and other Amounts Payable Order* (Ministerial Order 28/2015)" which can be found by searching the AEP website.

### 7.2 Electronic Disposition System (EDS) Submission

The requirements for a formal disposition application are outlined in section 9 of the Public Lands Administration Regulation (PLAR). Most applications must be submitted through the Electronic Disposition System (EDS), unless specifically excluded (see following section- Exception to Electronic Disposition System Application Submissions).

For help on accessing and using the EDS search for the following resources on the AEP website:

- EDS – Application Supplement User Guide
- First Nation/Metis Settlement Consultation User Help Guide
- Landscape Analysis Tool (LAT) User Guide
- LAT Activity Code Table
- EDS – Aggregate Land Review Request (ALR) User Guide
- EDS Surface Material Lease User Guide
- Disposition Application e-Course

The Electronic Disposition System provides a web-based solution that includes the following features:

- Ability to submit applications and amendments including required attachments
- Ability to upload an encrypted compressed file containing disposition plans and metadata file

- Ability for applicants to associate two related surface dispositions and attach a single plan for the applications
- Ability to perform electronic validation
- Ability to notify the applicant of unsuccessful submission and errors
- Ability to notify the applicant of successful submission and the application number

All pre-application planning and application planning steps and documents must be completed for the system to accept the application.

## **7.3 Instructions for Specific Types of Operations**

### **7.3.1 Surface Material**

Information on surface material disposition application requirements can be found by searching “Surface Material Applications” on the AEP website.

The Department has prepared guides for the process for the administration and maintenance of applications and dispositions for surface material operations on public land - one which includes peat operations and another which excludes peat operations. For further information, search for the following documents on the AEP website:

- Process for the Administration and Maintenance of Applications and Dispositions for Surface Material (Excluding Peat) Operations on Public Land
- Process for the Administration and Maintenance of Applications and Dispositions for Peat Operations on Public Land

For electronic application submission instructions for a Surface Material Lease (SML), search “*Electronic Disposition System Surface Material Lease User Manual*” on the AEP website.

### **7.3.2 Associated Dispositions, Access Roads and Temporary Incidental Activities**

For information on the unique requirements for associated dispositions, access roads, and planning for temporary incidental activities search “*Associated Dispositions, Access Roads and Temporary Incidental Activities*” on the AEP website.

### **7.3.3 Commercial, Industrial and Recreational Operations**

The Department has prepared a guide for these operations. For further information, search “*Process for the Issuance and Maintenance of Applications/Amendments and Dispositions for Commercial, Industrial and Recreational Operations on Public Land*” on the AEP website.

## **7.5 Checkpoint**

Ensure all application requirements are met and documents attached. A completeness review will reject any applications which are incomplete. There is a non-refundable application fee which is required for all applications submitted to the department regardless of whether the application is accepted, rejected or a disposition is issued or refused. For further information, search “Public Lands Disposition Checklist” on the AEP website.

All applications are required to include:

- A Landscape Analysis Tool report and Supplements
- Consents
- File Number for Consultation
- Land Standing report
- Plan Confirmation Number
- Cover Letter – Optional (Brief description of the project).

## **8.0 Next Steps**

The application will be reviewed and a decision will be made following the required reviews of the application. Information on the next steps can be found by searching for the following on the AEP website:

- Step Three – Application Review
- Notice of Decision