

Proposal for the Alberta Public Lands Administration and Fees Regulation

Part 1 – Background

- SRD is owner, landlord, and regulator on more than 50% of Alberta's land base
- Legislation – the *Public Lands Act* and regulations under the Act – applicable to public land was historically focused on land and resource allocation
- Over time, SRD has had to become adept at land and resource management without having the legislative tools to do the best job possible
- The government's ability to manage vacant public land was not strong until changes to the *Public Lands Act* came into force April 1, 2010
- The Government of Alberta released its report on industry competitiveness entitled *Energizing Investment* on March 11, 2010, which committed to a number of initiatives to regain competitive ground for Alberta to become one of the most competitive places in North America for oil and gas investment
 - Over the next six months, the Government of Alberta will accelerate its shift to an outcomes-based approach to regulation – meaning that policy objectives will be met by enabling developers to use cost-effective and innovative approaches to improve environmental performance and, in the case of development on public lands, meet required stewardship outcomes

Part 2 – Regulation in sum

- The regulation will be the successor and replacement for the Dispositions and Fees Regulation as the eminent regulation under the *Public Lands Act*
- The regulation will be made of three systems – provisions for (1) **land management**, (2) **compliance and enforcement**, and (3) **appeals and dispute resolution**
- **Land management:**
 - Provisions providing clarity around vacant public land, what it is, and what SRD can do to manage it and prevent and to address serious trespass to public land by those who would cause serious loss or damage
 - Enable temporary closure and securing of specified areas of vacant public land

- Provisions providing clarity around open recreational opportunities on vacant public land
- Provisions confirming the constitutionally-protected rights of first nations on vacant public land
- Provisions providing for permitting and conditioning authorizations for events on vacant public land
- Enabling reasonable access to vacant public land by all who wish to enjoy this precious natural resource
- Rationalizing common provisions in recreational public land use zones (formerly forest land use zones) by removing duplication and by incorporating public land use zone regulations into a schedule to the regulation
- Continuation of the familiar dispositions currently under the Dispositions and Fees Regulation
 - Grazing dispositions and other agricultural dispositions
 - Grazing of bison
 - Mineral surface leases
 - Surface material licences and leases
 - Commercial trail riding
 - Pipeline agreements and installations
 - Licences of occupation
 - Miscellaneous dispositions
- Providing clarity around the process by which developers obtain, and by which SRD reaches its decisions on, the various approvals, authorizations and dispositions that SRD is responsible for providing on behalf of the Crown
- Rules about which government decision makers take precedence and which decisions govern in those cases where there might be a conflict between the terms and conditions of decisions on public lands
- Provisions supporting integrated land management and cumulative environmental effects management by enabling the creation and adoption of disturbance standards in managing and reducing the human footprint on the landscape
- Streamlined approval processes by providing clarity around what is required when applying for an approval, authorization and disposition, including clarification of the consent requirement for new applications
- Streamlining approval processes by enabling enhanced approvals for routine oil and gas and industrial development on public land

- Streamlining approval processes with provisions supporting outcomes-based regulation by providing clarity around proponents' self-monitoring and self-reporting of contraventions so that government resources can be sent where they are needed
- Provisions providing direction to public lands decision makers – designated directors – about the exercise of their administrative discretion under the Act
- Albertans will benefit from enhanced stewardship as a result of efficient, timely enforcement delivery when necessary to address unlawful loss or damage on public land
- **Compliance and enforcement:**
 - Routine disclosure provisions for records relating to compliance with the *Public Lands Act* and regulations and enforcement action
 - Providing for the types of enforcement information and compliance records that are publicly available and that may be disclosed without a request for information under the *Freedom of Information and Protection of Privacy Act*
 - Articulation of offences and charges available to law enforcement agencies as a result of common types of serious loss or damage on vacant public land and resources on public land
 - Provisions providing clarity on the authority and certification of officers to enable them to take enforcement responses against persons contravening provisions of the Act and regulations
 - Next-day time limits on stop orders
 - Articulation of a system for calculating administrative penalties for serious contraventions of the *Public Lands Act* and regulations such as causing loss or damage
- **Appeals and dispute resolution:**
 - Designate appeal body for day appeals – appeal body must render same day decisions on appeal from certain short-term decisions under the Act such as stop orders
 - Enable telephone appeals for day appeals
 - Designate appeal body for concise appeals – appeal body must render decisions within 20 days from decisions that are appealed on the grounds that calculations of fees and charges or administrative penalties are incorrect
 - Enable telephone appeals for concise appeals
 - Establish appeal body for big appeals – appeal body must render decisions on major decisions under the Act and regulations within one year from the date of the decision appealed from

- Appeal body is made up of appeals coordinator office only – no standing appeal body; appeal panels to be nominated at the filing of a notice of appeal and to be made up of senior department officials and, with the consent of the parties, non-government members to enable expert review and peer review of the decision appealed from
- Enable dispute resolution facilitation by appeal body
 - Potential for mediation and referral of disputes between or among overlapping disposition holders
 - Concise appeal process for road use hearings dispute resolution between and among commercial users of licence of occupation roads