

Frequently Asked Questions about Public Lands Administration Regulation

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General Questions about the Public Lands Administration Regulation (PLAR)

▼ What is the Public Lands Act?

The Public Lands Act governs most of the approximately 60 per cent of Alberta that is public land. This is land that is not privately owned. It is not held by the federal government as a national parks and First Nations reserve or by the Department of National Defence. And it isn't used for provincial infrastructure or provincial parks.

Much of Alberta's economic activity – oil sands and forestry – is on public land, and ranchers may lease the land for grazing. Industry must reclaim the land. Grazing actually protects the integrity of the land and habitat; native vegetation evolved under grazing by herds of bison.

The Act was updated April 1, 2010, to better manage the long-term health of public land. The Public Lands Administration Regulation provides the tools.

▼ Why do we need new regulations for public land?

- Sixty years ago, when the *Public Lands Act* was created, it was mainly to support development and use of public land, for example, to issue approvals for grazing and oil and gas. It was limited in managing the use of vacant public land.
- The Act was updated April 1, 2010, to better manage the long-term health of public land. The regulation provides the tools.

▼ On what land does this regulation apply?

- The regulation applies to provincial land managed by Environment and Sustainable Resource Development under the *Public Lands Act*. The new rules around recreation apply to vacant public land not held under a disposition that offers exclusive use. The regulation does not apply to parks/wilderness areas (managed by Tourism, Parks and Recreation) or lands managed by Transportation or Infrastructure. Federal Lands are also not affected by the regulation.
- Recreation on agricultural leases (including grazing leases) is managed under the:
 - [Recreational Access Regulation](#)

▼ Does the Public Land Administration Regulation replace and legislation?

The regulation replaces the Dispositions and Fees Regulation, and consolidates the Forest Recreation Regulation, Castle Special Management Regulation and the Unauthorized use of Public Land and Recovery of Penalty Regulation.

▼ What does the regulation mean for recreationalists?

- Albertans can continue to enjoy responsible recreation on public land. The regulation clarifies the rules so people know where they can and can't go. For example, people don't need approval to ride off-highway vehicles (OHVs)

on trails, but may need a permit to go off-trail or to hold an OHV rally. Access permits let staff look at what else is happening on the landscape, so conditions can be set that provide enjoyment and protect the land.

- The regulation also allows temporary closure under certain conditions. For example, an area might be closed to OHVs to avoid ruts from spinning tires in very wet conditions, or sparks that could start a fire, but hiking might still be allowed.
- As always, recreationists wanting to go onto public land that is leased for grazing must contact the leaseholder for permission.

▼ **What does the regulation mean for business?**

- Access applications are streamlined to three processes from 27, giving business the flexibility it needs to respond to opportunities. Electronic approvals may be used for authorizations and dispositions. There will be requirements for monitoring and self-reporting. These changes actually strengthen land protection, by focusing government resources on compliance and enforcement instead of processing applications.
- Business also faces stronger enforcement tools, such as a stop order to prevent damage.

▼ **How will the regulation be enforced?**

- Enforcement officers have broader authority to address situations such as rowdiness that cause loss or damage. Officers may issue verbal or written warnings, evict people from a campsite or area, issue a ticket or summons, and may even make an arrest and seize property.
- The regulation creates authority to set disturbance standards. A company that exceeds the disturbance standard or is in violation of approved terms or conditions can be served with an enforcement order and fined.
- Companies and individuals may also face penalties for failing to comply, and may be required to make restitution, conduct reclamation or take other corrective actions.

▼ **Can enforcement decisions be appealed?**

- Of course. The regulation has a new appeals process and a broader dispute resolution process for fair, transparent and consistent decisions.

▼ **What was the public consultation process for putting these new rules in place?**

- There was a three-phase consultation between May and September 2010: face-to-face meetings with stakeholders, meetings and written submissions from land user groups, and an online survey for the public. Albertans submitted 2,139 responses through the online survey. Most supported the intent of the regulation, and it was amended based on suggestions for improvement.
- First Nations consultation was separate and parallel to the other consultation and ran from August-October 2010.

▼ **When does the regulation come into force?**

- September 12, 2011.

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▼ Why is this regulation needed?

- Alberta is growing and there's more activity on public land – whether it's for work or for play. This regulation gives government more tools to manage this increasingly busy landscape to ensure Alberta's public land is here for future generations to enjoy.

▼ How does the regulation affect the way I recreate on public land?

- The regulation allows recreationists to enter and use public land responsibly. The regulation clarifies the rules on vacant public land so recreationists will know where they can and cannot go. The Recreational Access Regulation still applies to agricultural public land.
 - [Recreational Access Regulation](#)

▼ What does vacant public land mean?

- Vacant public land means land managed by Sustainable Resource Development that is not held under a formal disposition such as a grazing lease.

▼ I understand government can now temporarily close certain areas. Why is this necessary?

- The regulation provides a management tool to deal with circumstances where it's necessary to temporarily close access to public land. For example, off-highway vehicles may not be permitted in extremely wet areas susceptible to damage by rutting and spinning tires.

▼ How will I find out if there is a closure?

- Public notice will be provided if there is a closure. This may include updates on ESRD's website, notices in local ESRD offices, signs at the entrance to the site or closure tape around the area.

▼ When might I require an access permit?

- Access permits may be required in some situations. For example, if there is likely to be loss or damage to the land or if it is for a commercial purpose. Situations that may require access permits include activities with a large number of people or where the activity is likely to have an impact on the land. Examples include off-highway vehicle rallies, music festivals and equestrian rallies. If you are unsure if you may need an access permit, contact your local ESRD office.

▼ The regulation provides for stronger enforcement. How will this affect my next trip on to public land?

- Most Albertans are respectful users of public land. This regulation provides stronger consequences to individuals who damage public land and options to minimize or deter damage to public land. Enforcement officers have broader authority to address situations that cause loss or damage. Recreationists who damage public land may face consequences including verbal or written warnings, eviction from a campsite or area, tickets, arrests or impounded vehicles.

▼ What are the changes to Forest Land Use Zones?

- Forest Land Use Zones are now called Public Land Use Zones. There was minor updating to some general rules. The size and location of the Public Land Use Zones are unchanged. As a user of Public Land Use Zones, it is your responsibility to ensure you are adequately informed of trail closures, appropriate usage and rules.

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▼ Why is this regulation needed?

- Alberta is growing and there's more activity on public land – whether it's for work or for play. This regulation gives government more tools to manage this increasingly busy landscape to ensure Alberta's public land is here for future generations to enjoy.

▼ What does the proposed regulation mean for businesses operating on public land?

- There is a streamlined and clarified process around the life cycle of a disposition. There are clear guidelines on how to apply for, renew or end a disposition. Industry can follow a process to self-report occurrences of non-compliance. Stop orders are used to prevent loss or damage to public land. An appeals and dispute resolution process is available to allow for fair, transparent and consistent decisions. The regulation also allows temporary closure of public land under certain conditions.

▼ How has the regulation been streamlined for business?

- The regulation reduces the number of application processes for industry from 27 to three. A clear, streamlined process supports more timely business access to the land. For example, electronic approvals may be used for authorizations and dispositions. While government is streamlining the process for business at the front-end, staff will now focus more on the sustainable use of public land through compliance-monitoring and enforcement efforts.

▼ What is the new process to apply for dispositions?

- The regulation formalizes a two-stage application process. Applications are first accepted or rejected based on administrative completeness. Once your application is accepted, ESRD will decide to issue or refuse a disposition within 90 days for authorizations and within a year for formal dispositions. If your application is refused, you may request written reasons for the refusal.

▼ Under the new regulation, what happens if a disposition expires without the disposition holder applying for renewal?

- The Director may do a number of things, including register the expiry, or the disposition holder may be deemed an over-holding tenant on a month-to-month basis.

▼ How will the regulation be enforced?

- A company that exceeds a disturbance standard or is in violation of approved terms or conditions of their disposition may be served with an enforcement order and fined.
- Companies and individuals may also face penalties for failing to comply and may be required to make restitution, conduct reclamation or take other corrective actions.

▼ Can I still mortgage, assign, transfer or sublet my disposition?

- The regulation includes the best practices that were used to administer these items previously. Mortgaging, assigning, transferring and subletting dispositions will continue to be permitted as described in the regulation.

▼ I understand companies now need to report certain events. What is a reportable event?

- A reportable event is defined in the Public Lands Administration Regulation. It means a fact or combination of facts suggesting there may be a contravention.

▼ What do I do if I have a reportable event? How will my report be used?

- A person responsible for a reportable event must report the event to ESRD as soon as possible or within seven days after becoming aware of the event. Your report can not be used for prosecution.

▼ What is routine disclosure? Why is it needed?

- Routine disclosure allows ESRD to make documents routinely available. This will increase efficiency and transparency because the public will have easier access to specific documents and information relating to public lands dispositions.

▼ What type of information will be protected from routine disclosure?

- The regulation's provision for access to information will be implemented in phases. If you feel that some of your information is confidential in nature, you may submit a request for confidentiality which will be reviewed by the department. If the information relates to the subject of an investigation or proceeding under the Public Lands Act or if it is protected under the Mines and Minerals Act, it will not be disclosed.

▼ What is a stop order?

- Stop orders will be used in extreme cases to prevent or halt damage to public land. The orders expire at 11:59 p.m. the day following their issuance. Stop orders can be appealed.

▼ When are appeals available?

- Appeals are available for a variety of decisions. Only the person that received the decision or a person directly and adversely affected by the decision can appeal. A decision is appealable under the following circumstances:
 - the director or officer who made the decision erred in the determination of material fact on the face of the record,
 - erred in law,
 - exceeded their jurisdiction,
 - did not comply with an *Alberta Land Stewardship Act* regional plan, or
 - the decision is expressly subject to an appeal.