



Sale of public land

Directive

Alberta 

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Sale of Public Land | Environment and Protected Areas

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Revision History

REVISION HISTORY

Version No.	Date	Summary of Changes	Authority	Division and/or Branch
1.0	October 2022	New document. Consolidates several existing directives to create a single directive on land sales. No policy shift regarding sale of public land.	G. Haekel	Lands Division, Land Policy and Programs
1.0	December 16, 2022	Final document approved.	S. Milligan	Lands Division, Land Policy and Programs
1.1	January 30, 2023	Minor revisions to add clarity, reflect departmental reorganization and changes in roles.	S. Milligan	Lands Division, Land Policy and Programs

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Policy Registry Information

POLICY REGISTRY INFORMATION

Title	Sale of Public Land
Number	EPA, Public Land Management, 2022, No. 7
Program Name	Public Land Management
Effective Date	January 30, 2023

1.0 Introduction and Purpose

The purpose of this directive is to provide guidance on the sale of public land. The document consolidates existing policy direction developed by Environment and Protected Areas (the Department) in previous years.

1.1 Introduction

This document provides the framework for determining if public land may be considered for sale, ensuring that a public land sale does not diminish the capacity of the remaining public lands to continue to provide ongoing benefits to Albertans, and if sold, receiving the highest public benefit from such sales.

The *Public Lands Act* enables the Minister responsible for administering the Act, to sell public land. Decisions to sell public land must take into account a number considerations including:

- direction in regional plans enabled under the *Alberta Land Stewardship Act*;
- other approved land use or management plans,
- limitations set in statute,
- orders of the Lieutenant Governor in Council (Cabinet direction),
- policies established by the Treasury Board and Ministry of Finance, and
- Department policy.

1.2 Background

Land sales happen on a routine and limited basis, and to date have largely supported agricultural or municipal expansion. The sale of public land occurs by request. An interested party or individual fills out an application requesting the sale of specific public lands and the province reviews the application through a comprehensive land evaluation to assess the possibility of supporting the sale.

The public land sale process includes a number of general steps:

1. **Request for Sale**¹ – Requests to obtain ownership of public land usually occurs through a formal application process. Requests to purchase land are not “dispositions” under the *Public Lands Act* and land sale decisions are not reviewable by the Public Lands Appeal Board.
2. **Referral** – The application (and any relevant associated internal information) is referred to other agencies in developing a response to the applicants request to purchase.
3. **First Nations Consultation** – Whether the sale of land triggers a requirement to consult is evaluated according to the **Government of Alberta’s proponent guide to First Nations and Métis Settlements consultation procedures [2019]**. Consultation may be facilitated by the applicant or GOA. If deemed to be the responsibility of the applicant, the regional office advises the applicant of this requirement.
4. **Statutory decision-making and contract development** – Upon receipt of referral input and other relevant information, a decision to approve or reject the request to acquire Crown land is made.
5. **Sale closing** – The legal conveyance of title to the purchaser and subsequent reporting of receipt of sale proceeds is completed.

Specific procedures governing the individual steps involving the sale of public land are described separately.

In general, applications are completed in order of receipt, except where the Minister has identified other priorities.

¹ Requests from other departments or the Government of Canada to transfer administration and control of a specific parcel are dealt with separately.

1.3 Objectives

Public land is a resource for all Albertans. It is finite and valuable, and is required to support a variety of social, economic, and environmental values and uses. Many factors must be considered when determining the saleability of public lands to ensure the sale is in the interest of and beneficial to Albertans as a whole.

The objectives of this directive are to:

- Assist in a consistent approach to the sale of public land, and
- Provide guidance to decision-makers in determining if it is in the Crown's interest to sell or transfer a parcel of public land.

1.4 Scope

This policy directive is intended to apply to public lands, which are administered under the *Public Lands Act*. The policy does not apply to:

- Crown lands administered by other provincial departments or otherwise outside the *Public Lands Act*, including Provincial Parks
- Metis Lands
- Federal lands, including within Indian Reserves

This directive does not address transfer of administration and control of public land to the Government of Canada, land exchanges, or quitclaims.

2.0 Definitions

For the purposes of this directive, the following definitions are used:

“Direct sale” means the sale of a public land parcel directly to one or more purchasers, without using a competitive process or other public offering.

“Fair value” means the appraised value established by one or more independent, certified appraisers, based on the highest and best use of the land, and current market conditions.

“Public auction” means an auction open to the public participation, held on behalf of the department.

“Public work” means public land to be used for a facility, structure or improvement paid for by public funds, or the land use provides for public consumption, benefit, or use (e.g., hospital, school, public administration buildings, utility works, roads, public transportation or transit facility, recreational facility, park or interpretive centre).

“Sale” means the conveyance of a fee simple interest in public land to another party or parties in exchange for monetary consideration.

“Sensitive lands” or **“environmentally sensitive lands”** means public land identified as being of fragile nature and sensitive to environmental disturbance; lands that have national and international environmentally significant areas; land that has significance related to the culture or heritage of the Province and its peoples; land that is critical habitat for endangered species; lands having high ecological value for biodiversity, soil and water conservation; and native prairie.

“Tender” means a competitive process to sell a parcel where the bidders submit fixed, sealed, unconditional offers to purchase by a set time and at a specific location.

3.0 Policy Direction

3.1 Principles

The sale of public land will be guided by the following principles:

A. The Crown cannot be compelled to sell public land

An application to acquire public land does not equate to a right to acquire fee simple title to public land. The Crown cannot be compelled to sell land unless agreed to by contract.

B. Public Land is a valuable public asset that benefits all Albertans

Public land supports a variety of social, economic, and environmental values and benefits. The Crown manages these lands for the benefit of all Albertans often involving a balancing of land use interests. Public land provides public access for recreation, supports biodiversity, and sustains the economy through rents and royalties received from the sustainable use of resources. The sale of public land removes the ability for Albertans at large to benefit in the future from the values received from publicly accessible land. There are limited reasons under which it is in the public interest to divesting this public resource to private ownership. Careful consideration must occur when considering the sale of any public land.

C. Constitutionally protected rights are recognized and considered prior to any sale

Alberta's public land base contains land on which constitutionally protected rights such as treaty rights to hunt, fish, and trap are exercised. Alberta is committed to meaningful consultation with First Nation's and Metis with credible assertions of aboriginal rights prior to any public land being sold.

D. Public land sale decision-making considers the broader public interest

Alberta's Land-Use Framework² states that land-use decisions will be sustainable and supported by a land stewardship ethic. Contemporary land-use decisions, including the sale of public land, should not compromise future generations to meet their own needs. Land use decisions seek to balance current economic, environmental, and social interests while considering urban planning, forestry and agriculture, habitat and wildlife, recreation, watersheds and riparian area values.

The sale of public land serves the public interest when the sale supports municipal growth or public infrastructure needs over individual applications. A sale of public land that benefits a private interest is supportable when the detriment to the public good does not exceed the benefit to the private interest.

E. Equitable opportunity to acquire saleable public land

If a decision is made to sell a parcel of public land, all Albertans, except where a direct sale is applicable, will have an opportunity to participate in the sale of public land on a competitive basis.

F. Fair return for asset

When public land is sold, Albertans are to receive the best value for that land as possible. Legislation requires that public land be sold at fair value, which is achieved primarily through competitive sales to the public.

G. Public land sales are transparent

To ensure there is accountability governing the sale of public land, decision-making is transparent, free from conflict of interest, and reportable. Processes used should be clearly explained, well documented, and communicated. Decision-making roles should be clearly defined.

H. Accountable

The roles and responsibilities (the duties, obligations, and related authorities) of the delegated decision-maker and other authorities involved in the sale of public land should be clearly defined.

² Government of Alberta, (2008), Land Use Framework, p.15-16, ISBN 978-7785-7713-3.

3.2 Strategic and Preferential Approach to Land Sales

Guided by the principles established in Alberta's Land Use Framework, the sale of public land and its conversion to private land reduces the reserve of Crown land available for future generations to derive ongoing benefits and values for the use of that land, therefore careful consideration must be given to ensure the conversion of public land into private ownership occurs in support of broader public needs.

A. Strategic Approach

A strategic approach will be applied to public land sales to ensure that land requirements are consistent with municipal needs and their capacity to regulate and support infrastructure and the servicing requirements of the land. Public land sales should be primarily guided by and aligned with provincial and municipal land use planning as follows:

- An approved Regional or sub-regional Land Use Plan developed under the *Alberta Land Stewardship Act* identifies and allows for the sale of public land to meet land use needs that cannot be achieved through a disposition; or
- An approved provincial land use plan identifies public land suitable for sale; or
- A municipal development plan identifies public lands required for municipal growth and development to support new residential, commercial, industrial or infrastructure development.

B. Preferential Approach

In general, if public lands are sold, lands with low public values will be sold preferentially over others. When public land is considered for sale, municipal requirements for acquiring public land will be considered over individual requests for the sale of public land. Public land sales to individuals may be considered when a desired land use cannot be met by issuing a disposition and the following circumstances exist:

- The public land is developed to a degree that it no longer holds any or very limited public land use values; or
- The public land parcel has been deemed surplus and not required for provincial programs; and
- The sale is aligned with Government of Alberta policy; and
- The sale is aligned with and meets local municipal land use zoning and development requirements.

3.3 Evaluation of Land

Public land sales may be triggered for various purposes and by various means. These include

- a direct request by a private individual, corporation, or municipality,
- enabled through an approved land use plan, or
- by a Cabinet decision.

In some situations, the suitability of the land for sale purposes may already have been determined through a planning process or field review. Where this has not occurred, determination on whether or not the land is surplus to government program needs, including the suitability of the land for sale, must first be assessed.

3.3.1 Physical Constraints

Regional staff responsible for the operational delivery of public land programs are responsible for evaluating the suitability for sale based on the physical qualities of the parcel, and to determine whether additional referrals are needed to determine if the lands are required for other government programs.

Assessing the physical land suitability may include the following:

- Developed or non-developed legal access to the parcel;
- Risk of isolation of the sale parcel(s) as either private land or other public land if the subject parcel is sold;
- Adjacency to a large watercourse or within the valley break;
- Parcel borders a waterbody or contains waterbodies, including highly valued wetlands;
- Geophysical or geotechnical constraints of the parcel including hazards such as high potential for landslides, sinkholes, erosion or susceptible to flooding (i.e., is the parcel in a floodplain?);
- Soil characteristics of the parcel relative to the proposed land use (i.e., adverse soil characteristics or limitations for growing crops or forage, irrigation);
- Drainage characteristics of the parcel and potential impact of altered drainage at the parcel on surrounding drainage. Is significant drainage required to support the intended use and are the soils thereafter likely to support sustained use?

- The possibility of contamination (prior uses, requiring further investigation);
- Vegetation and plant community types (including regional, provincial, or of national significance, e.g., native grasslands), and the carrying capacity of the parcel relative to the proposed land use, if applicable;
- Existence of marketable resources in commercial volumes (e.g. timber, surface materials such as commercial volumes of sand, gravel, clay, or marl);
- Presence or absence of archeological resources at the parcel, or historical or cultural value of the parcel as a whole.

3.3.2 Constraints Due to Existing Uses, and Other Agency or Program Requirements

The assessment of land suitability, based on referral advice and evidence, should include consideration of the following:

- Location of the parcel
 - Does the proposed land use of the subject parcel align with regional land use plans, integrated resource or sub-regional plans, other government land management plans (e.g. caribou range plans, species at risk recovery plans, or other management frameworks), municipal land use zoning or area structure plans, and other local land uses?
- Any structures on the parcel and their condition, including an evaluation of cost and risk associated with continued ownership by the department (e.g., for ongoing maintenance or cost of demolition and disposal);
- Known areas of importance or value to Indigenous communities;
- Is the parcel subject to a regional grazing plan?
 - What are the implications to the regional grazing plan if the parcel were to be disposed?
- Historical public recreational use of the land parcel:
 - Would sale have implications to regional access for public recreation?
- Alignment with fish and wildlife objectives;
- Existence of subsurface resources and rights;
- Extractive resources forming part of a disposition:
 - Would a sale of the parcel materially affect the value of an existing disposition?
- Is the parcel required for other departmental program purposes such as:
 - Fish and wildlife management needs?
 - Biodiversity/ecosystem management needs?
 - Intra-provincial transportation development?
 - Land or range management needs?
 - Water conservation management program needs?
- Any other known program purpose identified by any department of the Government of Alberta;
- Other policies that may be applicable to the parcel.

3.4 Public Land Sale Criteria for Decision-Maker Consideration

3.4.1 Sale of Public Land for Residential Purposes to be Limited

The government limits new residential activity on public land for the following reasons:

- It does not wish to compete, or be perceived as competing with private sector by approving new residential activity on public land;
- Residential development on public land is a permanent activity that produces few public resource management benefits. In turn, this reduces the need for long-term government ownership of these lands;
- Municipalities have responsibility to regulate residential development on public land as part of their jurisdiction over land use planning and development. The department does not wish to duplicate or interfere with municipal jurisdiction in this area;
- Permanent residential development, outside established/registered subdivisions, can fragment land bases and increase management costs for fire protection and resource utilization.

3.4.1.1 Sale of Vacant land for New Residential Development

Sale of public land for new residential development will be limited to areas identified in municipal statutory plans (e.g. Area Structure Plans, Municipal Development Plans) for municipal expansion and/or annexation which have been reviewed and agreed to by government.

Lands outside of areas recognized in approved statutory planning documents may be considered suitable for sale if they meet the following criteria:

- The lands are not required to meet the needs of government programs;
- The lands comprise fractional areas (i.e. severed by natural features such as rivers, streams, etc., or man-made features such as roads, railways) causing minimal resource management and conservation concerns;
- The proposed use conforms with government land use plans and policies;
- The proposed use is compatible with existing and adjacent land uses; and
- The local planning and development authority approves the proposed use.

Vacant lands that are deemed suitable for sale will be sold by auction/tender unless required by a municipal authority for urban expansion or annexation purposes. In those cases, lands may be sold on a priority basis to the municipality.

3.4.1.2 Sale of Approved Residential Sites Under Disposition

Lands used for residential purposes that are under disposition can be considered suitable for sale subject to the following:

- The lands are not required to meet the needs of government programs;
- There are no resource management/conservation concerns;
- The existing use conforms with departmental land use plans and policies;
- The existing use is compatible with existing and adjacent land uses; and
- The local planning and development authority approves the use and has no concerns with sale.

For these lands, the following guidelines should be considered to evaluate sale applications:

- Except for lots within existing subdivisions that have been previously approved by the municipality, the department will refer the application to purchase to the local planning authority and to other resource management agencies with an interest in the lands;
- Public lands containing a number of existing residential developments (3 or more) may be sold subject to a plan of subdivision prepared by all the disposition holders (at their cost) to the satisfaction of the government and local subdivision authority;
- Lands may be sold if the disposition holder is in good standing with the government (i.e. rental paid up) and with the local taxing authority (taxes not in arrears);
- Lands approved for sale will be sold at market value as determined by appraisal;
- Lands may be sold to the disposition holder on a priority basis subject to:
 - The residence and other related developments are substantially completed to the satisfaction of the land manager,
 - The disposition holder has demonstrated due diligence in completing the required developments to the satisfaction of the land manager, and
 - The disposition has been issued for a minimum of 10 years.

Land exchanges can be considered if requested by the purchaser. Where the applicant is not the disposition holder, written consent of, and assignment by the disposition holder is required.

3.4.1.3 Residential Sites Associated with Commercial/Industrial Uses

For some commercial, tourism and industrial dispositions, the government has permitted caretaker residences as part of that day-to-day operation of that disposition. Caretaker residences allow the operator to protect their improvements from vandalism.

All secondary residential uses approved by the government will remain part of the main disposition, and will not be separated out. Lands no longer needed for residential purposes should be reclaimed and remain part of the larger disposition, or cancelled along with the larger disposition if the lands are no longer needed for the purpose they were approved for.

3.4.1.4 Sale of Land Containing Unauthorized Residential Development

All residential development on public land requires prior written authorization. Unauthorized residences should be dealt with in accordance with established compliance and enforcement policies.

The government has a number of options to deal with unauthorized residential use of public land:

- Require that the residence be removed and the site reclaimed.
- Authorize the activity by disposition if:
 - The use is compatible with adjacent land uses and with existing dispositions, and
 - The use is approved by the local municipality.
- If the residence is vacant/abandoned, sell the land by auction/tender.

3.4.2 Suitability for Sale Determination

Once it has been determined that the land is generally suitable for the intended use, it may be suitable for sale and declared surplus if the land:

- Is adjacent to a hamlet, town or city and is required for municipal growth and orderly urban expansion provided that the land is sold at fair market value as established by an appraisal;
- Is required for public infrastructure or Public Works;
- Is not required to support a government program;
- Has been converted to another use and the land no longer has any natural resource or public values associated with it;
- Is identified and permitted in accordance with an approved provincial or municipal Land Use Plan;
- Is a Farm Development Lease whose use has resulted in the conversion of the land into agricultural use and no further resource values remain;
- Is a surplus parcel within a town site or urban area or no longer needed for the purpose of public green space or other public purpose;
- Is a fractional parcel of public land to be consolidated with adjoining private lands;
- Is a White Area grazing lease up to one section (640 acres) located north of highway 16 that is suitable for sale;
- Is an isolated parcel that is under cultivation or seeded to tame pasture;
- Is a parcel under long-term commercial, industrial or commercial recreational disposition where the impact of the landscape is irreversible.

A parcel will not be sold if it is unsuitable for the intended purpose (e.g. with respect to soil characteristics, vegetation), or if the parcel has geophysical or geotechnical constraints, or the parcel is knowingly contaminated and requires remediation, or the parcel has historical or cultural significance, or the parcel has high conservation value.

Lands not generally suitable for sale include, but are not limited to:

- lands with rough topography or erosion hazards / erodible slopes, including lands susceptible to flooding.
- the beds and shores of water bodies;
- environmentally sensitive lands adjacent to rivers including associated breaks, water bodies or coulees, including waterfront parcels;
- environmentally significant, high valued wetlands;
- lands that provide sustainable habitat to support productive fish and wildlife populations;
- native prairie for irrigation development;
- critical habitat for species at risk – habitat is required to be sustained as part of programs for species recovery including lands that are subject to emergency protection orders;
- extensive recreational use is a current use of the land;
- the presence of Heritage Rangelands and other protected areas in the vicinity of the lands;
- lands containing existing gravesites;
- lands for personal residential use.

Quarter-sections of public land may be sold if lands listed above can be subdivided from the larger sale parcel and retained in public ownership.

3.4.3 Government Policy or Program Need

Generally, a parcel is unlikely to be sold if any department requires or may require the parcel for any purpose; the sale of the parcel would impact critical land, range, or fish and wildlife values; or the sale of the parcel may result in inefficient or ineffective land use planning for either the department or the municipality.

Lands not likely available for sale include, but are not limited to:

- lands that are required for public uses, including roads or future urban development;
- the sale of land would adversely impact mineral tenure and the long-term management and extraction of resources, including minable oil sands;
- land allocated for long-term economic use of a renewable resource such as timber production;
- lands where the department is required to implement enhanced management measures in order to maintain the quality and sustainability of the land resource such as native grass rangelands, or habitat for endangered species;
- land for the purpose of residential development, except where the applicant is a municipality and the parcel is included in approved municipal statutory plans (e.g., Area Structure Plans, Municipal Development Plans) for municipal expansion;
- lands for residential purposes, except areas within an approved subdivision or identified in a municipal statutory plan;
- lands subject to Treaty Land Entitlement;
- the sale of land would adversely impact adjacent land users – for example, cut off access to existing private land or neighbouring dispositions.

3.4.4 Access

For lands to be saleable, they should have means of public access to the parcel. Legal access provisions are necessary to prevent random settlement patterns and subsequent demands for costly roads and service.

If the land is a vacant parcel:

- there must be developed legal access within 0.8 km of the parcel, the remainder of the access to the parcel is physically feasible, the applicant has or will be able to obtain a legal right of way along the remainder of the access, and the cost of construction of the remainder of the access is economical; or
- the land is part of a unit which has access; or
- the land adjoins private property which has access, provided upon sale the subject parcel is consolidated with the adjoining property.

If the land is a fractional parcel, the subdivision must not create an immediate or potential access problem. All subdivided parcels must have legal, physical access to a road allowance, registered road or easement according to existing policies on access.

When large blocks of land are considered for sale for the first time, the affected municipality and Alberta Transportation (the regional director) are consulted to inform the configuration of the sale parcels. Long-range highway planning for the area should be reviewed to determine if there is a potential impact to future land requirements to accommodate highway expansion.

3.4.5 Direct Sale of Land Parcel

For parcels of public land that may be suitable for sale in accordance with sections 3.4.1 through 3.4.3, the department **may sell the parcel to the current disposition holder** (i.e., conduct a direct sale to the current disposition holder) if the parcel is:

- An isolated parcel of Crown land under a Farm Development lease surrounded by private land that is under cultivation or seeded to tame pasture; or
- A surplus parcel of public land within a town site or urban area, or a recreational cabin under long-term disposition located within an approved subdivision; or

- A bed and shore infill located on lands owned by private parties that potentially fall under section 3 of the *Public Lands Act*, when the public land has been so altered and converted into private use through an approval, or by unauthorized means and restoration is not possible (all non-compliance issues may need to be resolved prior to such a sale); or
- A White Area grazing disposition (up to one section of land) north of highway 16 that is suitable for sale; or
- An approved residential site that has been under a disposition for a minimum of 10 years; or
- Under a long-term commercial, industrial or recreational disposition, or a farm development lease, where the lands have been intensively developed such that there are no remaining public land values associated with them requiring direct management (i.e., natural resource values and benefits such as wildlife or conservation) and the impact on the landscape is irreversible; and
- Approved by the local planning and development authority for the proposed use, and provided:
 - there are no adverse impacts to government programs,
 - there are no compelling environmental impacts,
 - the disposition is in full compliance,
 - there are substantial improvements on the land,
 - there is no benefit to the department to continue to lease the land under long-term disposition, and
 - identification and appropriate measures are taken to address Treaty Land Entitlement areas affected by the proposed sale area.

Consideration may be given to whether a portion of the area under disposition or entire disposition area is suitable for purchase depending on the location, type, and extent of development, or if portions can be excluded such as areas of rough topography or erodible slopes, large watercourse areas (and associated valleys, breaks, etc.), lakes and muskeg, or areas suitable for wildlife and fisheries habitat or other conservation reasons in a manner different from the rest of the area.

3.4.6 Public Land Sales are at Fair Value

Public land when sold is sold at fair value. One or more independent, certified appraisers (accredited appraiser with the Appraisal Institute of Canada) establish fair value inclusive of all known, marketable resources on the parcel (e.g., timber, surface materials).

Valuation of land is established based on the highest and best use of the land and may also consider the purpose for which land will be used in the future, taking into account the current use of the public land, whether authorized or unauthorized.

The department may dispose public land at less than fair value if all of the following are true:

- the proposal is supported by an approved business case,
- the land is appraised at fair value,
- the proposal receives approval of the President of the Treasury Board and Minister of Finance, and
- the proposal is subsequently approved by Cabinet.

Appraisal instructions and processes will be guided by Department procedures.

3.4.7 Non-routine Public Land Sales

Non-routine public land sales typically involve large blocks of land, lands of significant economic value, or where the sale of public land would represent a shift in the previous approach to the management of public land, including the need to obtain a formal variance from an approved regional land use plan created under the *Alberta Land Stewardship Act*.

Sale of large blocks of public land or those lands that are intended to serve important public objectives are normally authorized by Cabinet such as those required for:

- Urban expansion. In limited instances public land is made available to support municipal growth e.g. expansion of towns or cities. Sale of vacant public for new residential development will be limited to areas identified in municipal statutory plans for municipal expansion and/or annexation.
- Sale of public land to municipalities at a value less than fair value.

Public lands required by the federal government for the creation of a national park or other conservation area, for military purposes, or for the creation of First Nations reserve lands are normally provided as transfers or grants.

3.5 Consultation Requirements

3.5.1 First Nations and Metis Consultation

When the Crown contemplates a decision on public land that has the potential to adversely affect First Nations' Treaty rights or traditional uses, or Metis members' harvesting and traditional use activities, the Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013 and Metis on Land Natural Resource Management, 2015 is applied.

Depending on the intent leading to the land sale application, consultation may be the responsibility of the applicant to fulfill, or to a land planning agency and their objectives, to inform the land use plan decision.

Public land, which is the subject of ongoing treaty land entitlement negotiations, is excluded from consideration for sale until the final boundary of the entitlement is settled.

3.5.2 Other Consultation:

Engagement with the public can be an important tool in informing the Department on the use of public land under its management including when determining if public land should be sold.

Generally, the Department assesses the need for public involvement based on the following:

- The intensity or extent of the proposed use/development.
- The degree of change to the use of land.
- The proximity of other forms of land use (e.g., residential uses).

4.0 Public Land Boundary Changes

When public land is sold, it becomes privately titled land. Adjustments to the boundaries between private land and public land must be made to ensure that there is an accurate depiction of the land base that the Department administers under the *Public Lands Act*. Boundary adjustments also need to be made when public land sales occur as they could have an effect on other regulatory processes including timber dispositions and municipal taxation.

Public land sales should be planned with sufficient lead-time to allow adjustments to other regulatory processes prior to the sale of public land, such as forest management planning. Ideally, changes to land designation and the associated boundary changes should occur prior to any land being sold. The following are to be considered:

- Embedded parcels of privately titled land surrounded by forested public land are undesirable.
- Embedded parcels of public land within privately titled land may be equally undesirable.
- If the parcel consists of dominantly productive forestland, it should be retained as public land.

5.0 Decision Maker

The decision to sell public land is delegated by Ministerial Order to senior managers in Forestry Parks and Tourism responsible for the administration of public land sales. Divesting of provincial crown lands requires province oversight to ensure a final decision is made with awareness of all land sale applications and considers any larger provincial-level context. Regional and District staff are instrumental in informing the decisions based on their local knowledge and subject matter expertise.

Prior to a decision to sell public land, the decision-maker should consider all facts collected during the land sale file review and the totality of all other available evidence.

For large or strategic land sales, the Minister of Environment and Protected Areas (or their delegate), must be in agreement and approve of the sale strategy prior to implementation. Examples include sales such as the Mackenzie Land Sale,

expansion of Fort McMurray (Urban Development Sub-Region Initiative), and the Tri-Municipal project in the region south of Grande Prairie. Such initiatives should be vetted through a regional or sub-regional planning process where explicit trade off decisions are made at a larger scale.

6.0 Rescinded Documents

For greater clarity, this directive supersedes the following documents, which should no longer be used:

- Legal Access to Public Lands Being Advertised/Posted (GEN 1975.3)
- Posting of Land for Agricultural Uses (GEN 1977.2)
- Sale of Crown Land in the Green Area (IND 1978.1)
- Partitioning of Non-Saleable Public Land. Use of Restricted Development Sketches (LMD 1990.2)
- Green/White Area Boundary Changes (LMD 1994.2)
- Sale of Public Land Used for Residential Purposes (RES DIS 1999.1)
- Plan Requirements for Sale of Partial Quarters (GEN 2001.1)
- The sale of public land to municipalities, including cities, towns and villages having local self-government (COM DIS 2005.1)
- Sale of Public Land Under Disposition (ID 2010-03)
- Sale of Public Land under Disposition (IL 2010-03)

7.0 Approval

Original signed by

30 January 2023

Date: _____

Scott Milligan
Executive Director
Lands Division/Land Policy and Programs
Environment and Protected Areas