

BRBC Policy and Legislation Committee
Spring Workshop

Gravel Pit Impacts on Watershed Resilience- Approval Processes

Friday, March 12, 2021

9:00 am – 12:00 pm



Summary

The Policy and Legislation spring workshop about *Gravel Pit Impacts on Watershed Resilience – the Approval Process* was well attended by over 75 participants.

On behalf of the Board of Directors, Shirley Pickering welcomed everyone to the TEAMS call, and explained that the morning would introduce participants to the provincial and municipal gravel pit approvals processes from an operator’s perspective. Shirley said that another workshop in April would address the science regarding impacts of gravel operations on watershed resilience. She invited all participants to join the second workshop and to ask as many questions of the presenters as possible.

Shirley’s welcome was followed up by an overview of the issues and structure of the workshop by the Chair of the Policy and Legislation Committee. At this juncture, participants were invited to listen to the presentations by representatives from Alberta Environment and Parks, Regulatory Approvals, and from the Alberta Sand and Gravel Association and ask their questions through chat. At the end of the workshop, time permitting the questions would be posed to the presenters. If time ran out, we would circulate the questions to presenters and invite them to provide their responses after the workshop. The municipal approval process would be covered off briefly by the workshop Chair because the intended speaker was unavailable. Participants

were reminded that a follow-up workshop in April would address the science regarding gravel pit impacts, with invited speakers, Jon Fennell, Harvey Locke and a representative from the federal Department of Fisheries and Oceans.

First up were Julie Self and Terrina Perley from Alberta Environment and Parks, who provided an *Introduction: Gravel Pits Approval Process on Private and Public Land*. This included information about the emerging Regulatory Assurance Framework, as well as how an operator of a pit would plan for, apply for and operate a pit on both private and public land.

The Regulatory Assurance Framework being developed will modernize AEP's environmental regulatory system, and provides a foundation for enabling economic development while ensuring environmental outcomes. The five stages of the system are Discovery, Application, Review, Decision, Operate and Report and Closure. The strategic shift will have more focus on accurate and complete applications and operation and reporting phases than in the past.

The Digital Regulatory Assurance System (DRAS) will be the technological backbone of the transformed regulatory system, enabling clear application expectations, expedient decision making and straightforward environmental monitoring. Expectations and processes for applications will be laid out clearly for proponents in a digital system that is data and geo-spatially driven. Data provision and collection during application and operation will provide understanding of the activity and environmental context throughout the lifetime of a project.

Collection of information specific to identified outcomes and requirements occurs during application and throughout the Operate and Report phase. Where a proposed activity hits triggers, further risk assessment and review are required. Additional monitoring and reporting requirements may be **required** throughout lifetime of the activity. Closure and reclamation processes were also discussed briefly.

Terrina provided an overview of the laws, regulations, guidelines and codes of practice that are applicable to pits on both private and public lands. This included highlighting differences in regulation between public and private lands, and where the rules are applicable regardless of the type of land, such as in the case of floodplains and the *Water Act*. As well, she provided a link to the Authorization Viewer that citizens can access to find approval documents for *Water Act* and *EPEA* approvals: <https://www.alberta.ca/authorizations-issued-under-the-wateract-or-epea.aspx>, and noted that there is also a tab that provides information on Public Notices under the *Water Act*. Of particular interest to participants, Terrina explained that while a draft guide for the Surface Water Body Aggregate Policy has been developed, approval to release the draft is underway.

Judy Stewart then provided a brief overview of a paper she wrote for the Canadian Institute of Resources Law in 2019 entitled *A Citizen's Guide to Aggregate Extraction in Alberta*. The paper is available online and is written for Albertans who are trying to navigate through the complex regulatory system for gravel pit approvals. Judy covered off some of the

more common issues faced and municipal councils when deciding to approve gravel pits on private lands where adjacent landowners may be impacted by gravel pit operations. She explained that ‘generally, municipalities do not address the proximity to water issues when reviewing applications for development permits for gravel pits unless they have specifically created policies and procedures in that regard such as aggregate development policies, development setbacks from water, policy overlays or other similar planning documents.’ Alberta Environment and Parks is the regulatory body that approves disturbance of water bodies and use of water in gravel operations. She explained that there are many gaps in the approval system and that it is difficult for citizens to navigate through the complexity and overlapping laws, regulations, bylaws, codes of practice and policies, such as the *Surface Water Body Aggregate Policy*.

Finally Lesley Foy from the Alberta Sand and Gravel Association presented about *Applying to Operate a Pit - The Process and Considerations When Near a Water Body*. Lesley explained that applicants for gravel pit approvals follow the processes provided by provincial regulators and municipal development authorities where the land is located, as well as their own company process policies and procedures. Lesley’s presentation provided many insights into the timelines and rigor used by gravel pit companies to determine if there are sufficient gravel deposits to make an application worthwhile from an economic standpoint. Lesley also went through the complex application process that they must follow when applying to develop and operate a pit near a water body. Lesley’s information included the consultation process both before and after approvals have been issued. She also explained the reclamation and closure process from an operator’s perspective.

Participants asked over four pages worth of questions and we ran out of time to receive all the answers. The questions were then compiled and circulated to the presenters and the responses received are attached to this summary.

The BRBC Policy and Legislation Committee invites you to participate in the second workshop in the afternoon of April 13, 2021. The workshop is listed on Eventbrite and we are hoping you will all register.