

November 10, 2014

Ms. Donna Mendelsohn  
P.O Box 98  
Fort Assiniboine Alberta T0G 1A0

Fax: N/A

Access Request: E13-G-0559

Dear Ms. Mendelsohn,

**Re: Freedom of Information and Protection of Privacy Act Request for records pertaining to the development and implementation of Surface Water Body Aggregate Policy.**

I would like to express my sincere apologies for the time it has taken to process this request. I am replying to your request of May 3, 2013, for access to the subject records under the *Freedom of Information and Protection of Privacy (FOIP) Act*. Alberta Environment & Sustainable Resource Development located records and is pleased to provide you with access to these records. This decision was made by Matthew Machielse, Assistant Deputy Minister, Operations Division, Environment & Sustainable Resource Development. A package consisting of 490 pages is enclosed. Please note that you may also want to make FOIP requests to the Department of Fisheries and Oceans, and Alberta Transportation for the missing attachments.

Please note:

- On page(s) 6, 40, 47, 83, 88 and 89 personal information was severed (removed), applying Section 17 of the FOIP Act.
- No-responsive information was removed from page(s) 1,5,7,38,43,47,52-55,61-62,74,89-91,95,102,141-142,144-146,176-177,179,181-184,188,190,193-195,207-208,249,342,345,371,388,390,408 and 452-453. Most of these pages consisted of duplicate information.
- Section 24(1)(a)(b) of the *Freedom of Information and Protection of Privacy (FOIP) Act* provides that a public body may refuse to disclose information if the disclosure could reasonably be expected to reveal advice, proposals, analysis, recommendations developed by or for a public body or a member of the Executive Council. Information was also removed under the above noted section on pages 86-87, 179, 181 and 182.

If you have any concerns about the processing of your request, please write or call me at (780) 422-7502, so that we can look at ways to address your concerns. If, however, we are unable to resolve your concerns, under section 65(1) of the Freedom of Information and Protection of Privacy Act, you may ask the Information and Privacy Commissioner to review [this decision]. To request a review, you must complete and deliver a Request for Review form within 60 days from the date of this notice to the Commissioner at 410, 9925 – 109 Street, Edmonton, Alberta, T5K 2J8. The form is available under the Resources tab on the Commissioner's website [www.oipc.ab.ca](http://www.oipc.ab.ca) or you can call 1-888-878-4044 to request a copy of the form.

If you request a review please provide the Commissioner with a copy of your original request, any letter(s) of clarification, a copy of this letter and provide the Commissioner with the reasons why you are requesting a review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carol Hamelin". The signature is fluid and cursive, with a large loop at the end.

Carol Hamelin,  
Access & Privacy Advisor

Enclosure (Record Package consisting of 490 pages and section 17 & 24 of the FOIP Act)

**s.17 Disclosure harmful to personal privacy**

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and written notice of the disclosure is given to the third party,

(c) an Act of Alberta or Canada authorizes or requires the disclosure,

(d) repealed,

(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) the information is about a licence, permit or other similar discretionary benefit relating to

(i) a commercial or professional activity, that has been granted to the third party by a public body, or

(ii) real property, including a development permit or building permit, that has been granted to the third party by a public body,

and the disclosure is limited to the name of the third party and the nature of the licence, permit or other similar discretionary benefit,

(h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body,

(i) the personal information is about an individual who has been dead for 25 years or more, or

(j) subject to subsection (3), the disclosure is not contrary to the public interest and reveals only the following personal information about a third party:

(i) enrolment in a school of an educational body or in a program offered by a post-secondary educational body,

(ii) repealed,

(iii) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(iv) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under subsection (2)(j) is an unreasonable invasion of personal privacy if the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment or educational history,

(e) the personal information was collected on a tax return or gathered for the purpose of collecting a tax,

(e.1) the personal information consists of an individual's bank account information or credit card information,

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party,

or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable,

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant; and

(i) the personal information was originally provided by the applicant.

1994 cF-18.5 s16;1999 c23 s9;2003 c21 s5

## **Section 24 Advice from officials**

24(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,

(b) consultations or deliberations involving

(i) officers or employees of a public body,

(ii) a member of the Executive Council, or

(iii) the staff of a member of the Executive Council,

(c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,

(d) plans relating to the management of personnel or the administration of a public body that have not yet been implemented,

(e) the contents of draft legislation, regulations and orders of members of the Executive Council or the Lieutenant Governor in Council,

(f) the contents of agendas or minutes of meetings

(i) of the governing body of an agency, board, commission, corporation, office or other body that is designated as a public body in the regulations, or

(ii) of a committee of a governing body referred to in subclause (i),

(g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision, or

(h) the contents of a formal research or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on the report for at least 3 years.

(2) This section does not apply to information that

(a) has been in existence for 15 years or more,

(b) is a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function,

(c) is the result of product or environmental testing carried out by or for a public body, that is complete or on which no progress has been made for at least 3 years, unless the testing was done

(i) for a fee as a service to a person other than a public body, or

(ii) for the purpose of developing methods of testing or testing products for possible purchase,

(d) is a statistical survey,

(e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal, that is complete or on which no progress has been made for at least 3 years,

(f) is an instruction or guideline issued to the officers or employees of a public body, or

(g) is a substantive rule or statement of policy that has been adopted by a public body for the purpose of interpreting an Act or regulation or administering a program or activity of the public body.

(3) In this section, "audit" means a financial or other formal and systematic examination or review of a program, portion of a program or activity.

1994 cF-18.5 s23;1999 c23 s14

**From:** Dave Prescott  
**Sent:** Friday, April 24, 2009 9:40 AM  
**To:** Richard Quinlan; David Park  
**Cc:** Brett Boukall; Terry Kosinski; Terry Clayton; Jeff Kneteman; Jon Jorgenson; Greg Hale; John Taggart(MDH)  
**Subject:** RE: Aggregate Extraction

Folks = I will add one species to the list... Piping Plovers. This is not a riverine species, at least not in Alberta. However, they occur in areas with gravelly shores, and we have had a few referrals over the years concerning gravel extraction on or around plover lakes. In a recent case, Alberta Environment rejected a proposal on a lake SE of Bashaw because of the potential for that lake to hold plovers (there are birds within 10 km or so, but not right on that lake).\*

I can think of at least 2 other plover lakes that have gravel extraction within earshot of plover habitat. However, there have not been any impacts to my knowledge. I recall seeing a map a couple of years back of minable gravel deposits in Alberta... the map was quite similar to the range of the piping plover in the province.

I will also point out that in northern leopard frogs, some of our best provincial populations occur in and around old gravel pits along the bow river. Because these impacts are very old, it is difficult to say what the frogs were doing before the extraction, but they sure like it now. The message here is that extraction can create habitat, at least for this species, if it is done properly.

Dave

\* non-responsive  
information removed.

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**From:** Richard Quinlan  
**Sent:** Wednesday, April 22, 2009 11:50 AM  
**To:** David Park  
**Cc:** Brett Boukall; Terry Kosinski; Terry Clayton; Jeff Kneteman; Jon Jorgenson; Greg Hale; John Taggart(MDH); Dave Prescott  
**Subject:** RE: Aggregate Extraction

Dave

I have not been involved in the issue of gravel extraction in rivers and floodplains since I left the Edson Habitat Biologist position in 1993. During my 11 years there I had been quite involved, and whereas there were some existing approvals from AE in the Macleod River, we had been advising AE against it (citing Can Fish Act) and they had not been approving instream during the late 1980s/early 1990s. But they sure took them close (a couple of steps away!). Even then people were unwilling to designate what was the active river channel, and some operations "outside" the channel were subsequently flooded when high flows occurred. Sometimes these resulted in long-term alterations of the river channel - either diversions into side channels or establishment of wide shallow riffles in the main channel.

As for my current species at risk responsibilities, there are concerns. Those related to SAR fish species I will leave for Clayton and Co to describe. The most notable of our non-fish *Endangered* or *Threatened* and Sensitive species with river or floodplain habitat associations include:

- Northern Leopard Frog (prairie, parkland, some boreal and foothills), Long-toed Salamander and Columbia Spotted Frog (mountain, some foothills): in oxbow ponds, springs, shorelines, and in some cases mainstem rivers. Gravel extraction, whether



in active channel or not, could impact these species. In areas in or near their known distribution, our wildlife staff would generally require pre-development surveys for species presence and habitat availability, and if there is potential for impact they would either recommend against the project or else request an experienced consultant to be retained by the applicant to design mitigation measures. This would likely include monitoring during the life of the project. There would likely also be a request for special design at the reclamation stage to maintain or improve habitat.

- Loggerhead Shrike: in the south, associated with extensive riparian shrublands, which could be disturbed or eliminated with development of aggregate extraction projects on the floodplain. Similarly, in these areas (which would probably be flagged through a FWMIS search or through use of the HSI tool) we would ask for pre-development surveys, and avoidance or mitigation/monitoring.
- Harlequin Duck (Mountain Riparian and Riverine): Nesting on vegetated floodplain, Brood rearing on high gradient streams and rivers, sensitive to disturbance, and direct habitat loss that would occur through gravel extraction on certain reaches of these rivers and streams. Our staff would recommend avoidance of nesting habitats. Development proposals along the rearing reaches would require engagement by the applicant of a qualified consultant to determine mitigation and reclamation measures.
- Riparian cliff and tree nesters (including Prairie Falcon, Ferruginous Hawk, Peregrine Falcon, Golden Eagle): Along some rivers there is high likelihood of these disturbance-sensitive species nesting on valley cliffs, or in the large trees found on the floodplains. Depending upon the species in question, our recommended setbacks may be as large as 1000 metres, so river and floodplain aggregate operations may fall within these recommended setbacks. Under such circumstances our staff would recommend avoidance, or in some site-specific situations might allow minor reductions of the setbacks associated with mitigation and monitoring by a qualified consultant engaged by the applicant.
- General Riparian Concerns: Regardless of the natural subregion, riparian floodplains always represent areas of relatively high biodiversity, and this is reflected in the wildlife associated with these areas. In the grassland and parkland natural regions it is blatantly obvious that these green strips provide otherwise unavailable habitat for many tree/shrub, and water-associated wildlife species. But similar high wildlife habitat values exist on our western and northern landscapes as well, often due to the presence of high landscape diversity, water, large trees, cliffs and other features. My main point here is that even where aggregate projects are OUTSIDE the channel, wildlife staff have concerns, and would need involvement.

Dave, I'm copying some others who may provide additional insight on this subject.

Thanks  
Richard

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**From:** David Park  
**Sent:** Wednesday, April 22, 2009 10:19 AM  
**To:** \_SRD-FWD-FW Program Managers  
**Cc:** Terry Kosinski; Brett Boukall  
**Subject:** Aggregate Extraction

Good morning,

This is just a quick message to inform you that I am dealing with the topic of aggregate extraction, from an aquatic perspective (within the Joint Technical Issues Working Group, JTIWG) and to ask you a couple of questions.

Recently, the working group did a scan of important issues, and identified the need to review agg. extraction guidelines, particularly as they relate to the mining of gravels from within river valleys and channels. We are in the early stages of dealing with this matter, and I am leading the development of the group's strategic plan (desired outcome, goals, measures, steps, etc.). I understand, in talking with Brett Boukall, that this topic is being discussed within the Wildlife Branch, on the terrestrial side of the equation. Obviously, there is a need to integrate the issue from both aquatic and terrestrial realms, and Brett and I will be keeping each other informed of goings-on.

I'm reviewing old files here at HQ to get the background on this issue. The most important pieces of info I've found indicate that FMB (or DFO, circa 1998) does not support these activities within active river channels, as they are considered a HADD. Guidelines I've found indicate that an unofficial GoA "moratorium" is in place on accepting such applications, and has been for a decade or so. Does this mesh with your understanding? Are any of you aware of in-channel activities that have been approved in recent years?

Related to this, a key piece of business will be to know or determine what the "active channel" is defined as. I've found indications that everything within the 1:100 year flood elevation zone is active channel, although this appears to be a soft distinction. Does this also correspond with what you know? My thinking is that we need to push AENV and DFO to define this boundary with clarity.

In terms of where this issue should go, I would like to see the JTIWG reinforce the FMB position and the moratorium, and subsequently support whatever evolves on the terrestrial side, particularly in the riparian zone. Your thoughts?

I'll keep you informed as things progress. Please inform your area fisheries staff about this matter, and encourage them to contact me to discuss the topic. If you have other info to share, please do likewise.

Regards,

*David Park, M. Sc.*

Provincial Aquatic Habitat Specialist  
Alberta Sustainable Resource Development  
Fisheries Management  
Edmonton

**From:** Rocklyn Konynenbelt  
**Sent:** Wednesday, April 29, 2009 4:34 PM  
**To:** David Park  
**Cc:** David Christiansen; Isabelle Girard  
**Subject:** RE: Aggregate Extraction

**Attachments:** RDKinput22Feb05.rtf; RDKinput18Feb05.rtf; RejectionBriefApr99.docm;  
S&Gannotbiblio.doc; DaveC&KenCmar00.rtf; DFOletter12oct00.doc;  
F&WbufferCommentsAug03.rtf; KenWayneRockyDec98.rtf;  
RockyPositionDec98.doc; RockyPositionNov98.doc \*section 17(1)(4)(g)(ii)



Dave,

Dave C. asked me to respond to you on this. Up until DFO arrived inland, Dave C and I had been diligently working on this matter regarding the NSR between RMH and the d/s end of our Mgmt Area. That involved meeting with AENV and proponents to explain Fisheries concerns with the activity, and generally trying to put an end to the instream mining of aggregate. I believe this resulted in an unofficial moratorium on the activity around 10 years ago. I'm not aware of any instream approvals in our Area since then.

So, I have not been involved much in recent years, but can provide you with quite an exhaustive history if you are interested in that. I'll start with some comments and attachments to give you some scope, but believe me, I have MUCH more on file.

A committee was struck around 1997 to start dealing with Fisheries concerns with the activity. D. Borutski and me were part of that Committee. I think it was formed partly out of the private action under the Fisheries Act by re: an operator on the NSR near Alder Flats (circa 1996). The judge acquitted the operator due to "officially induced error", but from my memory, he admitted there was HADD, but felt he couldn't hold the operator accountable due to conflicting positions of provincial and federal governments. AENV was essentially squeezed to take the activity more seriously. Anyway, that Committee struggled with how to handle the activity, things fizzled, then resurrected again in the early 2000's, fizzled, and now appears to be rising up again. DFO was involved to some degree, and took a fairly strong position (see DFO letter).

The annotated bibliography may be a bit dated, as I composed it in the late 1990's, but I'd be surprised if the general concerns have relaxed at all ... there may in fact be more concern in the last decade. I realize that the problem with moving extraction out of the active channel moves it up into sensitive riparian wildlife habitat ... that will have to be wrestled with.

  
RDKinput22Feb05.rtf (13 KB) RDKinput18Feb05.rtf (135 KB) RejectionBriefApr99.docm (19 KB) S&Gannotbiblio.doc (59 KB) DaveC&KenCmar00.rtf (25 KB) DFOletter12oct00.doc (157 KB)  
  
F&WbufferCommentsAug03.rtf (19 KB) KenWayneRockyDec98.rtf (80 KB) RockyPositionDec98.doc (52 KB) RockyPositionNov98.doc (38 KB)

I think that my thoughts on the "active channel" definition are in one of the attachments. If you don't see it there, I'll dig a bit deeper into the files as I know I put forth a recommendation on that once. I agree with your thoughts on where the issue should go, but I know from experience that it will be an uphill battle.

Lots more I could say, but peruse this material and call me if you have questions or would like to discuss the matter.

Rocky Konynenbelt

Fisheries Technician

Alberta Sustainable Resource Development - Clearwater Area

P.O. Box 1720, Rocky Mountain House AB T4T 1B3

Tel: (403) 845-8268, Fax: (403) 845-4750 Duplicate of email Apr. 22, 2009 10:19 AM, removed as non-responsive.

E-mail: rocklyn.konynenbelt@gov.ab.ca

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**From:** David Christiansen  
**Sent:** Tuesday, April 28, 2009 7:54 AM  
**To:** Rocklyn Konynenbelt  
**Cc:** Isabelle Girard  
**Subject:** FW: Aggregate Extraction

Rocky:

Was there ever a document that we drafted up to state our position on gravel extraction when we were dealing with the NSR and met with the County of Brazeau and others?

If so we should send everything we can to Dave, as it looks like folks may be forgetting about the stand that was previously take.

Give me a shout to discuss.

Thx

Dave

**From:** Rocklyn Konynenbelt  
**Sent:** Tuesday, February 22, 2005 11:18 AM  
**To:** Dave Borutski; Dave Walty; Paul MacMahon; David Christiansen; Trevor Rhodes  
**Cc:** Hugh Norris; Ken Crutchfield; 'LoweDo@DFO-MPO.GC.CA'  
**Subject:** RE: Draft Aggregate Extraction Policy  
Dave,

The term "natural boundary of a waterbody" is used in the table, which needs to be defined. Does it mean wetted area, annually active area, or where large diameter woody vegetation starts? I recommend the latter. Good to see that there is a general prohibition from operating in the watercourse. The concern with possible exceptions allowed for Class C & D waterbodies is that regulators must decide what is acceptable "mitigation or compensation" for an activity which is very difficult to determine acceptability. Much cleaner for both clients and regulators to adhere to a clearly drawn line of what is acceptable or not, like timber harvest buffers.

With respect to the second category (extractions in the 1:100 floodplain), it occurred to me that this policy needs to be at least as restrictive as provincial timber harvest buffers, as aggregate extraction is much more invasive, and with long term affects.

I would view the matter of islands as within the "natural boundary", and therefore not available for aggregate extraction.

-Rocky

-----Original Message-----

**From:** Dave Borutski  
**Sent:** Friday, February 18, 2005 4:02 PM  
**To:** Rocklyn Konynenbelt; Dave Walty; Paul MacMahon; David Christiansen; Trevor Rhodes  
**Cc:** Hugh Norris; Ken Crutchfield; 'LoweDo@DFO-MPO.GC.CA'  
**Subject:** RE: Draft Aggregate Extraction Policy

Rocky - Thanks for the comments... The policy committee met yesterday and made further revisions to the draft. Some of the revisions include:

- existing activities will be subject to the same prohibitions and requirements as new activities
- the table in the policy has been revised to say that instream operations are prohibited in all Classes of water bodies - exceptions may only be considered for Class C and D if adverse impacts can be readily mitigated or compensated
- new or existing floodplain operations are proposed to be handled as follows:
  - Class A - may be considered on large mainstem rivers (to be identified), buffer width to be determined - Rocky's comment below is relevant to this
  - Class B - as before but with a proposed minimum buffer of 50m - the committee discussed buffers at length and felt that buffer width should be determined by site characteristics, hydraulic/hydrology characteristics and fish/wildlife values but wasn't able to get more specific than this
  - Class C, D - as before but with a proposed minimum buffer of 30m

Doug Lowe was very clear about DFO's position related to in-channel extraction which influenced what appears in the re-draft (see attached re-draft). Thanks Doug...

Please review and provide your comments to me by March 2nd. Thanks.

<< Message: AGGREGATE Policy rev feb 1705.doc;SWOT-02-2005 Analysis.doc >>

*Dave Borutski*

Fish and Wildlife Division  
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Facsimile: 780-422-9559  
OFFICE: 2nd Floor, 9920 - 108 Street

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9920 - 108 Street  
Edmonton, Alberta T5K 2M4  
E-mail: <<mailto:Dave.Borutski@gov.ab.ca>>

-----Original Message-----

**From:** Rocklyn Konynenbelt  
**Sent:** Friday, February 18, 2005 10:04 AM  
**To:** Dave Borutski; 'LoweDo@DFO-MPO.GC.CA'; Dave Walty; Paul MacMahon; David Christiansen; Trevor Rhodes  
**Cc:** Hugh Norris; Ken Crutchfield  
**Subject:** RE: Draft Aggregate Extraction Policy

Guys,

In doing a cursory review of this, several things come to mind:

- need to define "active channel" and "aggregate", as well as the other terms needing definition.
- if extraction is allowed in active channels, any work adjacent to Class A & B designations should respect a prohibited zone both upstream and downstream, as works downstream tend to "headcut" back upstream and affect those areas.
- "floodplain" extractions on large rivers need more than a 30m buffer, in fact it may be best to have a graduated buffer scheme according to stream order. Remember that some of the literature on this subject encourages regulators to consider works on the floodplain as "instream" when viewing the activity in the long term.
- as questioned at the end of the draft, the committee might as well tackle the issue of aggregate extraction adjacent to standing water bodies at this time, so that the entire matter is addressed now in relation to effects on water bodies and aquatic biota.

At the risk of being repetitive (as I know you've seen this before), I've attached the annotated bibliography that I prepared a few years back, as a reminder of what the literature at that time had to say about the effects of aggregate extraction on streams and resources. To summarize, the removal of sand and gravel from active stream channels causes an upset in the physical function of streams, and in the various biological processes within streams. A number of the authors recommended that the activity be ceased in active stream channels. Measures of mitigating the effects of this activity, both short term/long term and in-channel/adjacent, appear to be very limited. The type of gravel bar skimming suggested in the Woodward-Clyde report would yield very low volumes in comparison to past active channel extraction practices, and is therefore not much of an answer. Tough issue, this one.

<< File: S&Gannotbiblio.doc >>

Rocky Konynenbelt  
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Tel: (403) 845-8268, Fax: (403) 845-8282  
E-mail: [rocklyn.konynenbelt@gov.ab.ca](mailto:rocklyn.konynenbelt@gov.ab.ca)

-----Original Message-----

**From:** Dave Borutski  
**Sent:** Wednesday, February 16, 2005 12:19 PM  
**To:** 'LoweDo@DFO-MPO.GC.CA'; Dave Walty; Paul MacMahon; David Christiansen; Trevor Rhodes  
**Cc:** Hugh Norris; Ken Crutchfield; Rocklyn Konynenbelt  
**Subject:** Draft Aggregate Extraction Policy

All - As we discussed at our DFO/AB Fisheries Managers meeting last month, attached is my attempt at a revised draft of the aggregate extraction policy. I have largely re-organized earlier drafts to more clearly define where aggregate mining would be prohibited. Applications for activities in Class C waters would continue to be based on a site-by-site basis and would require appropriate information and assessment of impacts. The information and assessment requirements for extraction applications would be described in a Guide which is yet to be developed - I see the guide also providing guidelines and constraints for activities in Class C water bodies. I have also included a provision to prohibit aggregate extraction where a sensitive/critical fish and wildlife habitat or sensitive site has been identified in a FMO or Wildlife Management Plan, a Water Management Plan, or "critical habitat" identified under SARA.

This will be discussed at tomorrow's meeting of the Aggregate Extraction Committee...

<< File: AGGREGATE Policy db rev feb 1605 cln.doc >>

*Dave Borutski*

Fish and Wildlife Division

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NRS99-LL-0001

**ENVIRONMENTAL PROTECTION**

Natural Resources Service

Prepared Date: September 14, 1998

Update: April 21, 1999

MLA: Honourable Walter Paszkowski,

Grande Prairie-Smoky

Mr. Tom Thurber, Drayton Valley-Calmar

Mr. LeRoy Johnson, Ponoka-Rimbey

**MD OF BRAZEAU # 77 – GRAVEL EXTRACTION FROM THE  
NORTH SASKATCHEWAN RIVER**

**ISSUE**

As outlined in your request of December 31, 1998, the following is a briefing on gravel removal from the North Saskatchewan River by the Municipal District of Brazeau #77, which appeared in the Drayton Valley Western Review newspaper on December 22, 1998.

**BACKGROUND**

In the past several months, the department has received four applications for permits under the *Water Resources Act* from the Municipal District (M.D.) of Brazeau, to extract gravel from bars in the North Saskatchewan River. Approvals under the *Water Resources Act*, as it relates to the management of water, are required.

The federal government, under the *Fisheries Act*, may have to issue an authorization as the project has been determined by the Department of Fisheries and Oceans (DFO) as altering fish habitat.

In late June and early July of 1998, the Leduc Natural Resources Service (NRS) office received applications to extract gravel from bars in the river at the Smithinsky Site in 9-34 & 5,12-35-46-9-5 (File 52360) and the Buck Creek Site in 10, 11, 15-32-47-7-5 (File 31144).

On August 24, 1998, NRS issued a permit under the *Water Resources Act*, to the municipality, to extract gravel from a bar in the river at the Berrymoor Site in the N 13-50-6-5 (File 45653).

Prior to NRS making a decision on the municipality's application, Mr. Terry Fleming from the M.D. of Brazeau advised department staff in Leduc, that the municipality decided to proceed with obtaining federal *Fisheries Act* approval for the Buck Creek Site, and presumably the other sites prior to receiving a response to their application for a provincial licence. On September 4, 1998, NRS Leduc received another application to extract gravel from bars in the river (Westbank Site in W 30-49-6-5). Mr. Fleming asked Leduc NRS staff to make a decision on this application, as it relates to the *Water Resources Act*.

.../2



A copy of an August 26, 1998 letter, sent by DFO, Winnipeg, to a consultant working on behalf of the M.D. of Brazeau #77, was received by department regional and headquarters offices. The letter outlines DFO's views on "...gravel extraction projects in or adjacent to watercourses" as "...DFO will not normally provide authorization unless it can be demonstrated that no reasonable upland source for the required gravel is available. If no reasonable upland source exists, DFO will consider an authorization provided the appropriate compensation is proposed and undertaken by the project proponent." The letter went on to say "...DFO would not consider issuing an authorization as it has not been demonstrated that the required aggregate is unavailable from a reasonable alternate upland site."

The department has received copies of October 1, 1998 correspondence between the M.D. of Brazeau and DFO. In the correspondence, DFO outlines their dissatisfaction with the information provided by the municipality. DFO has indicated that even if the municipality can demonstrate the lack of upland gravel sources, the municipality would still have to provide DFO with information that addresses site specific impact on fish and fish habitat, including the potential cumulative impacts. In addition to meeting the DFO "no net loss" policy, the municipality would have to provide an acceptable plan to DFO to compensate for the fish habitat harmfully altered, disrupted, or destroyed.

All applications for gravel removal within the M.D. of Brazeau #77 are being reviewed on a site by site basis.

#### KEY MESSAGES

- Gravel extraction operations in watercourses require approvals from the department and may also require approvals from the Department of Fisheries and Oceans.
- Issuance of a provincial permit would present an enforcement situation for provincial fisheries officers/guardians, if the municipality chose to initiate gravel extraction without federal direction under the *Fisheries Act*.
- **FOLLOWING A LENGTHY REVIEW OF THREE OF THE M.D. OF BRAZEAU #77'S GRAVEL APPLICATIONS, NRS STAFF HAVE CONCLUDED THAT EACH WOULD RESULT IN HARMFUL NON-MITIGABLE ALTERATION OF THE AQUATIC ENVIRONMENT. CONSEQUENTLY, NRS STAFF ADVISED THE M.D., BY LETTER ON APRIL 19, 1999, THAT THE THREE APPLICATIONS HAVE BEEN DENIED.**

**CONTACT:** Terry Wendland, Parkland Region, (403) 845-8230

## **Annotated Bibliography of Sand and Gravel Mining Effects on Streams and Fisheries Resources**

- Bull, W. B. and K. M. Scott. 1974. Impact of Mining Gravel from Urban Stream Beds in the Southwestern United States. *Geology* 2 (4): 171-174.
- Report of the general impacts of the activity.
  - Local lowering of stream bed, resulting in headcutting upstream.
  - Increased potential for undermining bridge piers.
  - Increase in channel capacity allowing more flood flows to remain in channel as opposed to spreading out on floodplain, but also resulting in bank susceptibility to erosion.
  - May reduce recharge of groundwater table.
  - Allow for the deposit of clayey sediments in mined areas.
- Crunkilton, R. L. 1982. An Overview of Gravel Mining in Missouri, and Fish and Wildlife Implications. Pages 80-88 in W. D. Svedarsky and R. D. Crawford, editors, *Wildlife Values of Gravel Pits*, Crookston, MN.
- Report of general effects of the activity.
  - Alteration of stream habitat, bed load transport, and flow characteristics.
  - Increased head cutting and bank destabilization.
  - Increased turbidity, stream temperature and oxygen demand.
  - Reduced light penetration and photosynthesis.
  - Resuspension of toxic materials associated with sediments.
  - Physical elimination of naiades, and other benthic macroinvertebrates.
  - Destruction of spawning beds and nursery habitat.
  - Reduction and/or elimination of silt intolerant organisms.
  - Enhancement of silt tolerant organisms.
  - Alteration of the food web.
  - Change in fish species composition and reduced fishing success.
  - Aesthetic concerns.
  - Any benefits of the activity (i.e. deepening of pools) are far outweighed by the detrimental aspects.
  - Recommended that offstream mining be encouraged, using adequate riparian buffers.
- Forshage, A. and N. E. Carter. 1973. Effects of Gravel Dredging on the Brazos River. *Proceedings of the Annual Conference of Southeastern Associations of Game and Fish Commissions* 27: 695-709.
- Study of the longitudinal effects of gravel dredging on physiochemical and biological conditions.
  - Dredged area changed from sand-gravel-organic complex to a shifting sand-inorganic-silt condition.
  - Turbidity increase for 7.5 miles downstream.
  - Settleable solids were deposited on the river bottom within 1 mile.
  - No significant changes in water temperature, pH, specific conductance, dissolved oxygen, free carbon dioxide, silica, chlorides or hardness.
  - Significant variability in total alkalinity.
  - Reduction in quantity of organisms and species of benthic macro-invertebrates.
  - Rough fish species increased; some sport fish species decreased, other sportfish increased, while some remained unchanged.
  - Most affected were minnows; reduction in quantity and species.
  - Aesthetically displeasing.
  - Recommended that instream dredging of gravel be halted in Texas in order to prevent gradual but definite biological deterioration of streams.

- Herricks, E. E. 1982. Development of Aquatic Habitat Potential of Gravel Pits. Pages 196-207 in Wildlife Values of Gravel Pits Symposium, University of Minnesota, Crookston MN.
- Involves floodplain and upland pits, not active channels.
  - Discusses the necessary planning, design and development of gravel pits toward end use as an aquatic habitat.
  - Recommends habitat enhancement and gravel pit fish management.
- Kanehl, P. and J. Lyons. 1992. Impacts of In-Stream Sand and Gravel Mining on Stream Habitat and Fish Communities, Including a Survey on the Big Rib River, Marathon County, Wisconsin. Wisconsin Dept. of Natural Resources Research Report 155. 34 pp.
- Conducted a literature review, and summarized that the primary physical and biological effects of in-stream sand and gravel mining are:
    1. Stream channel modifications including alterations of fish habitat, flow patterns, sediment transport, and increased headcutting.
    2. Water quality modifications including increased turbidity, reduced light penetration, and increased water temperatures.
    3. Changes in aquatic plant communities through channel clearing and changes in substrates.
    4. Changes in aquatic invertebrate populations through direct removal, disruption of habitat, and increased sedimentation.
    5. Changes in fish populations through the alteration and elimination of spawning and nursery habitat, and through alterations in the food web, which can affect the nutrition, health and growth of fish.
  - This study involved six in-stream sites; 4 mined or influenced by mining, 2 unmined.
  - Used the Index of Biotic Integrity (IBI) to rate the quality of fish communities.
  - Sites mined or influenced by mining rated poorer than unmined.
  - Suggested that gravel mining had a negative impact on fish communities and fish habitat.
  - Recommended the activity be banned in Wisconsin.
- Kondolf, G. M. 1994. Geomorphic and environmental effects of instream gravel mining. Landscape and Urban Planning 28 (1994): 225-243.
- Report to summarize effects and review approaches to environmental impact analyses.
  - Destruction of aquatic and riparian habitat through large changes in channel morphology.
  - Undermining of bridges, pipelines and other structures.
  - Bed degradation, bed coarsening, lowered water tables, and channel instability.
  - Floodplain pits should be considered instream when viewed in the long term.
  - Disrupts the balance between sediment supply and transport power, requiring the stream to make adjustments, known as headcutting.
  - Headcutting moves upstream, and can affect tributaries.
  - Bar skimming can create wide, flat stream cross sections, and expose finer materials to entrainment at low flows.
  - Impacts on benthic invertebrates requiring gravel substrates.
  - Extractions tend to exceed sediment transport budgets.
  - Effects on some systems expected to persist for centuries.
  - Recommended historical analysis for a specific stream, rather than using a computer model to evaluate sediment transport.

- Kondolf, G. M. 1997. Hungry Water: Effects of Dams and Gravel Mining on River Channels. *Environmental Management* 21 (4): 533-551.
- Dams and gravel mining interrupt the longitudinal continuity of sediment transport, leading to "hungry water", or water prone to causing erosion.
  - Results in channel incision (downcutting and headcutting), coarsening of bed material, lateral instability, and loss of spawning gravels for salmonids.
  - Lowering of alluvial water tables.
  - Reduced sediment delivery to coastal areas, leading to accelerated beach erosion.
  - Floodplain gravel pits may become wildlife habitat upon reclamation, but are eventually captured by the river.
  - Undermining of bridges, and exposure of pipeline crossings.
  - Removal of gravel bars can eliminate hydraulic control for upstream reaches, affecting incubating embryos.
  - Bar skimming results in wider, shallower streambed, leading to increased water temperatures, modification of pool-riffle distribution, alteration of intergravel flow paths, and thus degradation of salmonid habitat.
  - Reduced loading of coarse woody debris in the channel.
  - Strategies for management include: a) defining a "redline" according to thalweg elevation, or b) estimating sediment transport rates and limiting extraction to a fraction thereof.
  - Recommends that the environmental costs of instream mining be incorporated into the price of the product, and that instream mining should not be permitted in rivers downstream of dams.
- Li, R. M. and D. B. Simons. 1979. Mathematical Modelling of Erosion and Sedimentation Associated with Instream Gravel Mining. Pages 420-429 in proceedings of the Specialty Conference on Conservation and Utilization of Water and Energy Resources. San Francisco, CA.
- Paper emphasizes application of the developed and calibrated model for analysis of stream erosion and deposition problems associated with a gravel mining operation.
  - Four rehabilitative alternatives are compared, and a series of check dams are recommended.
- Matter, W. J., and R. W. Mannan. 1988. Sand and Gravel Pits as Fish and Wildlife Habitat in the Southwest. U. S. Dept. of the Interior, Fish and Wildlife Service. Resource Publication 171. 11 pp.
- Paper on the reclamation of floodplain gravel pits to provide fish and wildlife habitat.
  - Discusses design, management and monitoring.
- Meador, M. R., and A. O. Layher. 1998. Instream Sand and Gravel Mining: Environmental Issues and Regulatory Process in the United States. *Fisheries* 23 (11): 6-13.
- Provides an overview of information presented at a 1997 symposium.
  - Extraction can significantly alter the physical, chemical and biological characteristics of mined streams.
  - Results in channel degradation and erosion, increased gradient, thalweg relocation, width to depth ratios.
  - Headcutting may affect instream flow, water chemistry and temperature, bank stability, available cover, and siltation.
  - Can reduce property value, recreational value, fish and wildlife value, and contribute to the extirpation and extinction of stream fauna.
  - Can significantly affect fish habitat and abundance, as well as benthic macroinvertebrates.
  - May favor non-sight feeders at the expense of sight feeders.

- Recommended comprehensive, integrated multidisciplinary studies to evaluate links between physical and biological responses to instream mining.

Rivier, B. and J. Segulier. 1985. Physical and Biological Effects of Gravel Extraction in River Beds. Pages 131-146 in J. S. Alabaster, editor, Habitat Modification and Freshwater Fisheries. Food and Agric. Organ. U. N., Rome.

- Study in France, illustrating effects, and suggesting management options.
- Alteration of the natural streamflow pattern as a result of the modification of the longitudinal and cross-section profiles, and caused by over-deepening of the bed leading to intensive erosion.
- Over-loading of suspended sediment directly by wash water, from extraction itself, and indirectly by the resulting erosion.
- Extractions exceed the amount the river can deposit.
- Slow down in rate of flow allows mineral and organic fines to settle at extraction sites.
- Reduction in flora, invertebrate fauna, fish, and changes their habitats.
- Causes imbalance in the river's sediment transport capacity.
- Regressive erosion (headcutting) upstream; even into tributaries.
- Progressive erosion downstream, leading to destabilization.
- Suspended sediment leads to siltation of gravel interstices important to invertebrates and fish, affects aquatic plants, and leads to reduced light penetration.
- Documents reductions in invertebrates downstream of gravel operations.
- Effects on fish reproduction and development of fish eggs.
- Reduced invertebrates and increased turbidity affects fish feeding.
- Decreases in fish biomass downstream of gravel mined areas.
- Regression of salmonids, and extension of still-water species.
- Recommend that extractions from river beds be banned, and orient the industry to upland sources, even if rock masses (i.e. crushing required), or low-risk floodplain sites.
- Where allowed, there should be strict limitations on the number of authorizations and quantity of gravel removed, avoidance of sensitive stream zones, and obligations for environmental impact assessment.

Starnes, L. B. 1983. Effects of Surface Mining on Aquatic Resources in North America. Fisheries 8 (6): 2-4.

- Paper primarily dealing with upland mining sites.
- Mining drastically alters soil and subsurface geologic structure, and disrupts surface and subsurface hydrologic regimes.
- Can impact fish and aquatic resources through erosion and sedimentation, dewatering of wetlands, diverting and channelizing streams, and contaminating water with toxic substances, resulting in loss of critical habitat, changes in fish fauna, loss of sensitive species, accumulation of contaminants in fish, changes in productivity of aquatic ecosystems through effects on reproduction, growth, behavior and migration.
- Sand and gravel extractions from river beds can increase sediment loads by resuspension, physically eliminate benthic organisms, and destroy fish spawning and nursery areas.
- Recommend research on the effects of mining on fish and aquatic resources, toward better management practices.

Sutek Services Ltd. and Kellerhals Engineering Services Ltd. 1989. Assessing Gravel Supply and Removal in Fisheries Streams. Prepared for the Department of Fisheries and Oceans, and B.C. Ministry of Environment.

- Report to assist fisheries personnel evaluate proposals for instream gravel removal.
- Instream gravel mining interferes with the sediment transport regime of a stream, likely resulting in some corresponding fish habitat changes.

- Channel degradation at, above and below mining sites.
- De-watering of side and back channels.
- Development of coarse lag armors on stream beds, affecting spawning.
- Lowering of groundwater tables affecting spawning and back channel habitats.
- Without noticeable effects on fish habitat, conservative estimates of gravel quantities can be mined from streams having active bedload movement, and where those bedload volumes can be estimated.
- Present seven methods of estimating bedload budget and gravel supply, based on drainage area, stream slope, hydrologic characteristics, flood flows, aggregate grain size, and aerial photos.
- Recommend using two or three approaches to come up with an average yield, then establishing a portion of that amount for allowable extraction, which is variable depending on whether the mining will be a one-time removal or a long-term operation.
- Generally, braided gravel-bed rivers exhibit the highest gravel transport rates, while straight channel rivers with few islands and limited evidence of lateral erosion exhibit the lowest gravel transport rates.

Townsend, H. R. and R. D. Peel. 1994. Sand and Gravel ... Where a River Runs Through It: A Report on Sand and Gravel Extraction in River Valleys. Alberta Environmental Protection, and Agriculture, Food and Rural Development.

- An AEP report focussing on the resource manager's approval process, to reduce discrepancies in the handling of sand and gravel referrals.
- Operating conditions are variable and rarely substantiated.
- Existing guidelines are often out of date, are not available, underused, unknown, and not substantiated by field data or applicable research.
- The industry must deal with multiple agencies and duplication for approvals.
- Considerable evidence exists to substantiate the position that extraction activities in rivers and riparian areas can lead to serious environmental damage.
- Recommendations include a one-window application process, and better consistency by resource managers regarding review of applications.
- Recommended no additional authorizations from rivers, unless sound scientific data supports that decision. This should include a cumulative environmental assessment involving the public and stakeholders. Industry should be formally advised of this aspect.

Walker, H. J. 1994. Environmental Impact of River Dredging in Arctic Alaska (1981-89). Arctic 47 (2): 176-183.

- Study on the suction dredging in the thalweg of a river, which nearly tripled the depth of the thalweg.
- Headcutting observed, and gradually filled the mined area.
- Deposited sediments were primarily silt and sand, with very little gravel.
- Dredging did not seem to contribute to bank erosion in the short term.
- Dredging did not adversely affect fish populations.
- Project was deemed an unqualified success, especially after considering the very limited options available.

Wilson, H. 1993. Sand and Gravel: The New Klondike? Mining Engineering, June 1993: 591-592.

- Magazine article on the current value of sand and gravel.
- High demand for aggregates; North American demand highest in world.
- Aggregate sector is at least as profitable as other mining, and perhaps marginally more so when low risk and low capital investment is considered.

- The increasing environmental protection standards will increase the capital requirements.
- The nature of the industry must slowly and inexorably change.

Woodward-Clyde Consultants. 1980. Gravel Removal Studies in Arctic and Subarctic Floodplains in Alaska. U. S. Dept. of the Interior, Fish and Wildlife Service. Technical Report FWS/OBS-80/08. 214 pp.

- A 5-year study of the effects of gravel removal at 25 sites, to assist resource managers in minimizing detrimental environmental effects resulting from floodplain gravel mining.
- Considered river hydrology and hydraulics, aquatic biology, terrestrial ecology, water quality, aesthetics and geotechnical engineering.
- Proper site selection and design facilitate gravel mining with minimal effects on the habitats and fauna of floodplains.
- Gravel removal operations can be expected to have the least effect on large braided rivers, and the greatest effect on small straight rivers.
- Location of a floodplain pit is very important, with a broad undisturbed buffer between it and the active channel.
- Scraped sites (gravel bar skimming) have minimal effects on the floodplain environment only when exposed gravel bars are excavated above the water level, and when slope and contours are maintained to prevent fish entrapment.
- Removal of vegetated areas or banks can result in lateral instability, allowing water to spread over a larger area, resulting in decreased water depth and velocity increases sedimentation rates, altering water temperature and dissolved oxygen. These changes in aquatic habitat usually affect the local distribution and community structure of benthos and fish.
- Recommended the study of cumulative effects and sediment budgets.
- Also recommended that mining of active channels be avoided, and that where it occurs, mine only above the water table.

**Rocklyn Konynenbelt**

**From:** David Christiansen  
**Sent:** Monday, March 20, 2000 2:38 PM  
**To:** Rocklyn Konynenbelt  
**Subject:** FW: Gravel Extraction Within River Channels.....RE: Draft Minutes Meeting # 5, and Other Input

**Importance:** High  
Ken's response.

-----Original Message-----

**From:** Ken Crutchfield  
**Sent:** Sunday, March 19, 2000 10:13 AM  
**To:** David Christiansen  
**Cc:** Dave Borutski; Duane Radford; Ken Ambrock; Allan Locke; Lorne Fitch; Kasey Clipperton; Brian Lajeunesse; Brian Makowecki; Cam Wallman; Chris Davis; Daryl Watters; Daryl Wig; Dave Walty; David DeRosa; George Sterling; George Walker; Jim Stelfox; John Mahoney; Larry Rhude; Paul MacMahon; Rudy Hawryluk; Wayne Nelson; Stephen Spencer; Travis Ripley; Trevor Rhodes; Vance Buchwald; Wes English; Ed Hoyes  
**Subject:** RE: Gravel Extraction Within River Channels.....RE: Draft Minutes Meeting # 5, and Other Input  
**Importance:** High

Dave.....with reference to the "allocation", "approvals" and "guideline" elements of your response.....

1. "allocation" - it may appear like hair splitting, but there is an increasing amount of correspondence coming from DFO that defines their authority and interest as resting on the occurrence or likely occurrence of a domestic, sport or commercial fisheries (fisheries = business of catching fish). To that end Alberta is "owner" of the fish resource, Alberta is "manager" of the fish resource, and Alberta "establishes" the fish management objectives for "fish resources in the province of Alberta". DFO administers their responsibilities in "direct support" of these fish management objectives. Consequently, area fish biologists in "conserving fish stocks" are the primary source of defining fish management objectives for fish bearing waters in their area. The establishment of these fish management objectives can involve a variety of processes, e.g., consultation, and parties, e.g., DFO, sportsmen groups etc. , but at the end of the day the area fish biologist recommends/establishes and is accountable for the fish management objectives in their area. I was trying to make the point that the DFO interest in gravel extraction is limited to how it may or may not affect an "existing or probable fishery".
2. "approvals" - it may be that one of the options Alberta regulators may exercise to achieve the "cooperation, minimize duplication" objective set by the Alberta government would include the abeyance of a decision pending federal decision. I expect this will be one of the points raised at the March 22nd meeting.
3. "guideline" - I am well aware of the need to update this guideline and others. This is a priority item and in part the contract work that Dave Borutski is overseeing on this matter is a lead-up to not only update the FHP Guideline, but to advance a Service and hopefully a Departmental level direction on the matter. I am just sorry that it seems to take so long to get things accomplished, but that also comes as a result of a very full agenda.

As always your comments are thoughtful, supportive of corrective action and appreciated.

***Ken Crutchfield***

Head, Conservation and Planning Branch  
Fisheries and Wildlife Management Division  
2nd. Flr 9920 - 108 Street Edmonton  
Ph: **780-427-7763 FAX 780-422-9559**  
Mailing Address: 9915-108 Street T5K 2G8

-----Original Message-----

**From:** David Christiansen  
**Sent:** Friday, March 17, 2000 11:30 AM  
**To:** Ken Crutchfield; Ed Hoyes  
**Cc:** Dave Borutski; Duane Radford; Ken Ambrock; Allan Locke; Lorne Fitch; Kasey Clipperton; Brian Lajeunesse; Brian Makowecki; Cam Wallman; Chris Davis; Daryl Watters; Daryl Wig; Dave Walty; David DeRosa; George Sterling; George Walker; Jim Stelfox; John Mahoney; Larry Rhude; Paul MacMahon; Rudy Hawryluk; Wayne Nelson; Stephen Spencer; Travis Ripley; Trevor Rhodes; Vance Buchwald; Wes English  
**Subject:** RE: Gravel Extraction Within River Channels.....RE: Draft Minutes Meeting # 5, and Other Input



Ken:

My comments on your statements are imbedded in black.

Dave C.

-----Original Message-----

**From:** Ken Crutchfield

**Sent:** Thursday, March 02, 2000 6:11 PM

**To:** Ed Hoyes

**Cc:** Ernie Hui; Dave Borutski; David Christiansen; Duane Radford; Ken Ambrock; Allan Locke; Lorne Fitch; Kasey Clipperton; Brian Lajeunesse; Brian Makowecki; Cam Wallman; Chris Davis; Daryl Watters; Daryl Wig; Dave Walty; David DeRosa; George Sterling; George Walker; Jim Stelfox; John Mahoney; Larry Rhude; Paul MacMahon; Rudy Hawryluk; RWayne Nelson; Stephen Spencer; Travis Ripley; Trevor Rhodes; Vance Buchwald; Wes English

**Subject:** Gravel Extraction Within River Channels.....RE: Draft Minutes Meeting # 5, and Other Input

**Importance:** High

Ed.....with reference to the opening paragraph of Rocky's letter.....some points of clarification:

1. In accordance with a "regulatory cascade"....Alberta may be free to approve gravel extraction within a river channel under the Water Act, but it is no approval under the Fisheries Act.  
2. Provincial fish staff are aware of Federal legislation and the fact DFO have indicated in writing their GENERAL belief that "river channel" aggregate extractions require an authorization. To my knowledge DFO HAVE NOT said they would not consider issuing an authorization, however they have indicated their expectation that all other sources of aggregate are to be exhausted before they might consider such a "within channel" request. Provincial staff have previously been directed to advise the proponent at the earliest appropriate opportunity of the likely need for a Fisheries Act authorization. Further, they were instructed to include this in any written communication with the proponent especially if the province approved the activity and had no formal indication of a federal decision on the proposal under review.

The written responses from DFO, on in-channel extraction applications from our Region, are not speaking in general terms, but rather specifically state that gravel extraction will not normally be considered, because DFO views these activities to be result in a HADD. I understand that recent comments from senior DFO staff, in Winnipeg, have again confirmed that view.

3. Provincial fish staff provide "advice" to provincial regulators. The water manager makes a decision on behalf of NRS. Unless provincial fish staff have been formally advised of DFO's decision on a specific disposition, they are in no position to "prejudge" what DFO will decide. By providing advice to provincial regulators, provincial fish staff are not counseling anyone to make an offence. Even when this advice is done in the full knowledge that DFO have decided that an authorization IS required the activity DOES NOT become an offence until such time as the proponent chooses to work in the channel. In such situations, especially when the province has yet to make it's decision, it would be appropriate for the province to withhold approval.

We agree that we should not prejudge what DFO's decision will be in these cases, and that when DFO will be involved it would be appropriate for the province to withhold approval, or at least indicate the approval has not considered fisheries habitat issues. The rejection of an application, could however proceed irrespective of DFO's involvement.

4. DFO involvement is limited to application of the Fisheries Act. Provincial fish staff are expected to CONSERVE fish stocks and establish fish management objectives. Conservation takes precedence over allocation. To this end, a fishery cannot occur unless the conservation needs of a fish stock are met. Application of the Fisheries Act concerns the "allocated stock". Consequently, provincial fish staff are obligated to provide their professional advice to the provincial regulator on what is best for the conservation of fish stocks. Federal involvement is no reason to become mute.

It is very difficult to understand the significance of the conservation/allocation issue relative to in channel gravel extraction.

5. Consistent with the notion of guidelines, application of Fish Habitat Protection Guidelines is left to the individual judgement of the area fish biologist. At the same time, the "blanket" disregard of a guideline is not accepted and not within the prerogative of the area/region. Area fish staff are expected to work with provincial program managers in resolving any shortcomings.

If we have given the impression of blanket disregard for Guideline # 5, that was not our intent. However, we do view certain parts of this guideline as outdated and in need of revision. Our binders still contain the 1986 version of guideline #5 as the last approved one. The need to update the guideline was identified a number of years back, and a draft was produced in 1995, but to our knowledge it was never approved. Further to that, however, we do have on file, records of requests

to provincial program managers, for revision of guideline #5 , dated Dec. 6/96, Dec 10/96 and June 15/98.

6. The FUTURE.....I have just received instruction attributed to our Minister that indicates ways are to be found to develop a coordinated working relationship with Fisheries and Oceans Canada. I expect in subsequent meetings with DFO there will be some exploration of the gravel extraction issue and the point outlined in Rocky's email may come to pass.....

I hope this has helped clarify some of the points.....

**Ken Crutchfield**

Head, Resource Conservation and Planning Branch, Fisheries and Wildlife Management Div.

Phone: **780-427-7763**, Facsimile: **780-422-9559 (note change in Area Code)**

Office: 2nd Flr. - 9920-108 Street Mailing: 9915-108 Street, Edmonton, Alberta T5K 2G6

**ken.crutchfield@gov.ab.ca**

***"..where there is nothing to obstruct the view and there is a duty to look, it is negligence not to see what is clearly visible..." (Unknown)***



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Pêches et Océans  
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Your file *Votre référence*

Our file *Notre référence*  
ABOO-518

12 October 2000

Vernon Torstensen  
849498 Alberta Ltd.  
10434 - 91 St.  
Edmonton, AB  
T5H 1S6

Dear Vernon;

**Re: Proposed gravel extraction from the North Saskatchewan River**

The Department of Fisheries and Oceans – Habitat Management Division (DFO-HMD) has reviewed your proposal for gravel extraction. The gravel extraction is designed to reduce erosion on the far bank of the river. From your application, river gravel has been removed from the site for 14 years. No authorization for this gravel extraction has previously been granted by DFO.

DFO has concluded that gravel extraction projects in or adjacent to watercourses frequently damages fish habitat and may cause fish to be killed by stranding following flood events. Stream gravels are important in establishing stream structure as well as providing valuable fish habitat. For these reasons, DFO will not routinely provide authorization for commercial gravel removal projects, as other sources of supply such as upland quarries are typically available or can be developed. The application has not demonstrated that no reasonable upland source for the required gravel is available. If no reasonable upland source exists, DFO will only consider authorization provided that appropriate compensation is proposed and undertaken by the project proponent. Habitat compensation measures are required to achieve the “No Net Loss” principle of DFO's *Policy for the Management of Fish Habitat*. To date, no compensation proposal has been received.

Although gravel removal has continued for 14 years, it appears that erosion of the far bank is still a problem. There is no evidence or expert opinion demonstrating that the proposed gravel removal would reduce bank erosion. Also, there is no documentation from the landowner of the eroding bank requesting erosion control. The application has not demonstrated the need for the project.

If you wish DFO to continue its review of your gravel removal proposal, please provide the above noted additional information. Removal of gravel from the site without DFO approval will be a violation of Section 35(1) of the *Fisheries Act*.

If you require clarification or additional information, please contact me at (403) 292-5165.

Sincerely,

Rick Courtney  
DFO-HMD, Calgary

cc: D. Majewski (DFO-HMD, Winnipeg)  
D. Christiansen (AENV, Rocky Mountain House)  
R. Lumabi (Water Resources Office, Stony Plain)

**From:** David Christiansen  
**Sent:** Thursday, August 28, 2003 5:26 PM  
**To:** Rocklyn Konynenbelt  
**Subject:** FW: Comments on 100 m buffer for S&G operations document  
**Info**

-----Original Message-----

**From:** Terry Kosinski  
**Sent:** August 27, 2003 4:46 PM  
**To:** Dave Walty; David Christiansen; Dennis Giggs; Eldon Bruns; Paul MacMahon; Ron Bjorge; Ron Millson; Trevor Rhodes  
**Cc:** Dave Borutski  
**Subject:** FW: Comments on 100 m buffer for S&G operations document

This was sent to PLD. A summary of comments received from staff. Please forward this with my thanks to those who sent me comments.

Terry

-----Original Message-----

**From:** Terry Kosinski  
**Sent:** Wednesday, August 27, 2003 4:33 PM  
**To:** Ian Hancock  
**Cc:** Dave Borutski; Dan Grahn  
**Subject:** Comments on 100 m buffer for S&G operations document

Hi Ian:

I was finally able to summarize the comments received from FWD staff. This document generated quite a bit of interest. Many staff had the same concerns

Comments are:

- The document seems more aimed at encouraging smaller buffers rather than the use of buffers as a way to mitigate or minimize adverse environment effects of S&G operations. The intent of the document should be to reinforce the importance and value of buffers in S&G operations. The 100 m buffer can be confirmed as the standard guideline.
- Recommendations for changes to standard buffers (the 100 m guideline), to account for site specific conditions on individual dispositions, needs to be based on information and expert opinion (e.g., hydrologists, engineers, land managers, resource managers, biologists), not on the presence of gravel that can be excavated. The document should indicate that there will be cases where buffers have to be larger, not just smaller, than the 100 m guideline.
- There is concern that the term "use of buffers" means using buffers for mining gravel, stockpiling topsoil, storing equipment, etc. "Use of buffers" should mean establishing buffers for protecting other resources.
- The term "point of reference" can be deleted.
- There should be a section with definitions for bank, buffer, shore, waterbody, etc. This will ensure a common understanding of these words.
- The document makes reference to waterbodies that are part of gravel operations. Waterbodies should be excluded from the disposition. Waterbodies may be adjacent to the operation (separated by a buffer) but not part of the operation.
- There should be some description of the role of DFO, especially where operations are adjacent to fish-bearing waters.
- There needs to be better coordination between lease approval and development and approval of the C&R Plan. C&R Plans should be completed and approved prior to any operations (this will remove uncertainty).
- Include a sentence or two describing the purpose of Section C. Some of the items listed are resources protected by buffers. Others appear to be factors that might be considered when

determining buffer widths. The last two bullets on the list are length of operation, short turnaround times, long tenure and timing constraints, active operations per year, reasons for timing constraints. I'm not sure how these are related to buffers. If there is no clear connection, they can be deleted from the list. Where a clear connection exists, include a sentence or two explaining the connection between the factor and buffer width.

- A few factors can be added to Section C, including:
  - siltation and sedimentation concerns related to protection of the aquatic environment, fish, and fish habitat
  - wildlife habitat (other than corridors)
  - potential to affect water quantity and quality (surface and ground water)
  - channel migration, channel sinuosity

Please give me a call or e-mail if you have any questions or want to discuss these comments.

Terry

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From: Dave Christiansen <dchristi@env.gov.ab.ca>  
Sender: dchristi@env.gov.ab.ca  
To: Rocklyn Konyonenbelt <rkonyonen@env.gov.ab.ca>  
Subject: FW: Sand & Gravel, HADDs, our responses <fwd>  
Date: Mon, 21 Dec 1998 14:26:23

On Fri, 18 Dec 1998 15:23:05 -0700 Kenneth Crutchfield  
<Ken.Crutchfield@gov.ab.ca> wrote:

Gentlemen...

As it pertains to the Fisheries Act, Alberta DOES NOT HAVE the authority to authorize a HADD. The "rules/guidelines" for AEP Fisheries Staff to FOLLOW the Fish Habitat Management Policy and its "guiding principle" of no net loss are not defined. The Fish Conservation Strategy, the Fisheries Habitat Protection Guidelines and some supplemental documents provide the most accessible direction for handling the "working guideline" from an Alberta perspective. Prior practice to this point in time has been to leave the assessment and recommendations of what is desirable for Alberta fisheries management to the "judgement/discretion" of the field biologist. Unlike DFO who are responsible for issuing approvals/authorities under the Fisheries Act, AEP fisheries staff provide ADVICE AND RECOMMENDATIONS on what they consider appropriate to achieve fisheries management objectives to other provincial regulatory processes. From a provincial regulatory perspective this advice/recommendations CAN BE set aside by the regulatory body. From an NRS perspective, a decision/approval issued by AEP-NRS under provincial jurisdiction will REFLECT a decision of NRS and become an NRS decision INCLUSIVE of Fisheries & Wildlife Management interests. What this means is that differences amongst the various divisions of NRS MUST be resolved/decided upon PRIOR to issuance of an NRS recommendation/decision/approval. A progressive and heirarchical approach to decision making within NRS is in place, i.e., successive movement of unresolved issues from field staff to area manager to regional directors to division directors etc. The described process covers the Water Resources Act (soon to be the Water Act), the Public Lands Act and the Alberta Environmental Protection and Enhancement Act.

Confusion has crept into the managment of fish habitat with the emergence of Fisheries and Oceans more actively discharging their regulatory responsibilities under the Fisheries Act. Suffice it to say, amendment of the Fisheries Act to include specific sections dealing with fish habitat, implementation of the Fish Habitat Management Policy and various court decisions, have necessitated/required DFO to become more visible in discharging their regulatory interests. AEP fisheries staff, fisheries guardians, fisheries officers NEVER had authority to issue any approval under the fish habitat provisions of the Fisheries Act. In other words, without statutory direction the Fisheries Management program embarked on a progressive effort in 1972 to address concerns with fish habitat as they pertained to achieving fisheries management objectives within Alberta. In the intervening years the Fisheries Management staff were able to achieve significant improvements in land management-use practices affecting fish/fish habitat WITHOUT having to implement additional bureaucratic processes. One could debate the effectiveness for such an approach, but I do not think the results are in question.

As it pertains to our current position, Alberta does what it thinks best for achieving its fisheries management objectives through provincial regulatory processes. This in no manner is intended or should be construed as limiting or discharging federal regulatory needs. An explanatory clause has been attached to all AEP approvals to minimize the likelihood of proponents misinterpreting Alberta fisheries staff involvement and/or conditions pertaining to the aquatic environment as covering the proponents obligations to clarify additional authorizations under the Fisheries Act or Navigable Waters Protection Act.

With reference to HADD, the considered OPINION/JUDGEMENT of AEP fisheries staff that a HADD under the Fisheries Act is likely is valuable. In these circumstances it would be appropriate for the proponent to be advised more directly/clearly of the OPINION. But clearly, the opinion/judgement is not sufficient grounds to delay/defer the province rendering its decision.

Ken

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-----Original Message-----

From: Dave Borutski [SMTP:dborutsk@env.gov.ab.ca]  
Sent: Friday, December 18, 1998 11:54 AM  
To: kcrutchf@env.gov.ab.ca  
Subject: RE: Sand & Gravel, HADDs, our responses <fwd>

On Fri, 18 Dec 1998 10:24:40 "R. Wayne Nelson"  
<rwnelson@env.gov.ab.ca> wrote:

Hi, Code Fisheries and Water Colleagues,

Several items in the last week have made it clear that I (we?) badly need further direction on how I (we) deal with HADD type referrals - especially Rocky's e-mail of Dec. 9 and Ken C's of Dec. 16. Dave B. seems to be the assigned quarterback on this. But first, Sand & Gravel. I think our team's original mandate was to work on things like FHP Guidelines, but we got sidetracked onto someone else's crisis, the Water Act Codes of Practice. We still have to deal with some of the other stuff in the interim. Hence, I'm addressing this message to this team rather than all of our fisheries colleagues.

Rocky,  
Congratulations on becoming the new chairman of the new Sand and Gravel Industry-Province-D Researching, and Ultimate Decision-Making Committee!

**Information removed as Non-responsive.**

But, seriously, a really big Thanks, Rocky! Gee, I asked into



cyberspace about sinkholes caused by directional drilling for pipelines, and Rocky sent me (us) a long e-mail on sinkholes. And I asked him for a sand and gravel article and I rambled off a few thoughts, and Rocky sent me (us) an e-mail chapter summarizing a one inch thick report and offering some profound thoughts and solutions to big problems. Wow! Thanks Rocky! (Now, Rocky, I have been wondering about the meaning of life, and why there are fisherfolk...)

Dave B., Rocky, et al.,

How to proceed with Sand and Gravel applications? The recent e-mails shed much light here. DFO appears to be saying "no", except to proven desperate supply situations when it is "prove the need, and prove no net loss". Rocky's last epistle does seem to have shifted our sand and gravel discussion a bit. Like some of the other folks who have responded to Dave B. on sand and gravel, I now think that proposing further research on sand and gravel extraction impacts is NOT the place to start. It unnecessarily lends hope to the industry, which is bad. And it allows the vested interests to invest in the research and thereby create even more hope of a favorable answer, which is bad. The information we seek probably is already out there in the literature. Let's search there first.

I suggest four steps to a decision.

1. An immediate moratorium on any new applications in or within 100m of an active channel.
2. A thorough literature review (incl. annotated bibliography; yes, thx.) of all fisheries and hydrological impacts, with a focus on resolving our Alberta questions and concerns. If the results and conclusions of the review are clearly negative, then shut the industry down. Some site-specific exceptions might be obvious/acceptable.
3. If the literature review showed that there was a reasonable chance that some Alberta stream gravels could be harvested safely, then original research might be appropriate, focused at Alberta fish concerns and local hydrological concerns.
4. Peer review of the Alberta research findings and the literature review, and consensus on recommendations. Followed by decision.

How do we deal with probable HADD situations in gravel or other applications? The second-last para of Rocky's gravel epistle is compelling. But, as I read through the last paragraph I found myself still asking, "If it is clearly a HADD, how am I supposed to proceed? How am I supposed to respond to this WR or PL referral?" And this doesn't just apply to gravel. For a year I've been dancing carefully back and forth, trying to pussyfoot around the DFO-WMD chicken-egg and No Net Loss questions on an application for a deflection berm (to sweep sand away from Lloydminster's intake) in the N. Sask. R., and the main unanswered question really boils down to Rocky's 2nd last para. about who deals with HADDs and whether we are involved at all when a HADD probably is involved. What I've been trying to do with the Lloydminster NSR referral is duplicate provincially something like the undefined procedure used by DFO in dealing with HADDs and the No Net Loss policy. (It is as if I say to the proponent - you tell me what your structure will create in terms of net losses and net gains, and tell me about any separate enhancement structures (gains) you will create, and try to quantify it all so I can understand it and explain it to others; and if I decide it clearly equates to a net gain, then I'll put appropriate

conditions onto the WR application and send it in, and we'll all live happily ever after.)

I've felt that I had to put both complete and legal conditions onto any WR application that suggests a significant HADD. I've insisted that the proponent produce reasonable information that attempts to quantify, even in a very coarse way, the net losses and net gains of the parts of the project, and that overall it must result in a demonstrable net neutral (risky, challengeable) or (preferably) net gain. I've done this for three reasons:

1. "A Fish Conservation Strategy For Alberta" suggests that No Net Loss is our mandate too, and Ken Ambrock's Oct. 29th memo re-affirms that we are to use the No Net Loss policy as a "working guideline";
2. The Province's efforts to harmonize the federal legislation with the Province's legislation probably would be better served if my fisheries requirements through the WR permit/licence were closely in parallel with federal requirements, vs. much slacker than the federal requirements; and
3. I really don't want to face a judge (in my wilder dreams) and explain why I put less than complete No Net Loss conditions on a WR permit/licence and got this developer, WR, and myself in trouble with the law.

I interpreted Ken Ambrock's (Oct. 29) two points,

- (a) that we are "to utilize existing regulatory processes to address...fish habitat concerns" and
- (b) that FWMD "uses Fisheries and Oceans No Net Loss policy as a 'working guideline'", to mean that Alberta subscribes to the No Net Loss policy and we implement it through our submissions to the WR permit/licence conditions. How we do this has not been made clear. In the Lloydminster NSR case, because I was quite uncomfortable about how to assess net losses and net gains, [as DFO also is], and because I feel it is the proponent's job to do the assessment and provide their conclusion for me to review, I hoped that DFO would spell out its NNL assessment needs, receive and circulate a report from the proponent, and, if comfortable with that report I could then nod my head to WR with appropriate conditions. But, of course, it hasn't worked out that way. WR is eager to get the application off its desk. The consultant has had difficulties dealing with the NNL assessment, but seems to now understand what I've been asking for maybe because DFO is asking for something similar - I'm not sure). The consultant may be getting it right this second time around, but nevertheless has been kept happily employed. And the proponent knows they are caught in the middle and remains remarkably tolerant of what is going on, even after a year's delay. (So far nothing has gone ballistic. I've been very fortunate!)

Clearly, I had not thought it out Rocky's way, and I came to a different conclusion. But I can see Rocky's points and wonder how far out over the edge I'm hanging on this one. I cannot comfortably provide trivial conditions to WR for their permit/licence, expecting DFO to cover the important details. I think my instructions are to do (when necessary) a full NNL assessment job, dealing with a HADD and on-site or off-site NNL mitigation as needed. My procedures in this regard did

not change a year ago when proponents were told to always contact DFO and we were told to not talk to DFO. I recognize that now, with the new procedure, DFO will be doing a thorough HADD and NNL review anyway, and that I'm largely just making sure that the provincial regulatory requirements do not mislead the applicant by being much more lenient than the DFO requirements. Maybe sometimes my provincial conditions will cover something important that DFO missed. If somebody in authority tells me that that is NOT what I'm supposed to do, then I'll handle these things differently, as instructed, and get on with other important things. I do believe that Rocky's rationalization of this has brought us to a critical decision point. It is not as simple as the Dec. 15/97 and Oct. 29/98 directives imply. Our procedures, directions, and common sense have taken us in two completely different directions.

What is a "working guideline"? How is it different from a policy? We subscribe to NNL, but how do we achieve it when dealing with a referral? Do we, within existing legislation (e.g. WR permits/licences), have the ability to require the proponent in the application stage to do a NNL assessment including on-site and off-site mitigation proposals as necessary to achieve NNL? And do we have the ability to require, through WR permit/licence conditions, on-site or off-site habitat replacement or enhancement to ensure NNL from the project as we deem appropriate based on our scientific assessment? ARE our conditions on WR permits/licences supposed to include full, detailed NNL requirements? Are we needlessly trying to duplicate DFO's habitat functions? Are we trying to do this without adequate legislative backing for our actions?

Rocky's rational conclusion in his last paragraph is diametrically opposite to what I've been doing. His conclusion appears to be that in situations with a HADD we should bail out and let DFO do it all. Legally he may be right. Operationally, I think we have been given quite different marching orders.

Please clarify.

Thx,  
Wayne

On Wed, 16 Dec 1998 15:13:45 -0700 Kenneth Crutchfield  
<Ken.Crutchfield@gov.ab.ca> wrote:

Rocky - Wayne...very good commentary and worthy of more focused discussion. I leave this to Dave Borutski to quarterback not that I am inclined to shoot from the sidelines, but I need to spread the work around [no slight intended Dave]). I suggest this go to a wider audience of area fisheries staff involved in gravel matters as well as the guys in Water Management, e.g., Ernie Hui, Paul Chaikowsky, etc.

Ken

From: Rocky Konynenbelt <rocklyn.konynenbelt@gov.ab.ca>  
Sender: rkonynen@gov.ab.ca  
To: "R. Wayne Nelson" <rwnelson@env.gov.ab.ca>  
cc: Daryl Watters <dwatters@env.gov.ab.ca>,  
Hugh Norris <hnnorris@env.gov.ab.ca>, Jim Rosin <jrosin@env.gov.ab.ca>,  
Dave Borutski <dborutsk@env.gov.ab.ca>,  
Rocklyn Konynenbelt <rkonynen@env.gov.ab.ca>,  
Dave Christiansen <dchristi@env.gov.ab.ca>,  
Ken Crutchfield <kcrutchf@env.gov.ab.ca>,  
Dave Walty <dwalty@env.gov.ab.ca>  
Subject: Re: Sand & Gravel, DFO & our response  
Date: Wed, 9 Dec 1998 14:59:45

Wayne,

Thanks for the note, and your thoughts on this issue. I will send you a good copy of the paper entitled "Hungry Water: Effects of Dams and Gravel Mining on River Channels" (Kondolf, 1997), which was the paper referred to in Garry Linsey's November 9 letter to Jim Rosin. The other publication Garry referred to is entitled "Assessing Gravel Supply and Removal in Fisheries Streams" (Sutek & Kellerhals, 1989) which is a report about one inch thick. Believe it or not, I took the time to read it the other day, and here is the essence of it:

- designed to assist fisheries personnel evaluate gravel removal proposals from streams.
- does not directly examine effects on fish habitat, but cites a number of other studies documenting negative impacts.
- effects of gravel removal from streams include:
  - o interference of sediment transport regimes (meaning the entire range of sediments from the finest silt to the largest movable rock).
  - o channel degradation at, above, and below extraction site.
  - o dewatering of side and back channels.
  - o development of coarse armors on stream bed, affecting spawning substrates.
  - o lowering of groundwater tables near the stream, which may affect back water habitats or floodplain streams.
- it goes on to say that "it appears feasible to make practical and conservative estimates of gravel quantities that can be mined from certain streams with relatively active transport without noticeable effects on fish habitat". This premise is based on assumptions that:
- gravel bed streams actively transporting significant volumes of gravel are morphologically different from stable, inactive streams and can be readily identified.
- the order of magnitude of long-term average gravel transport volumes can be estimated by various means.
- the relationship between channel morphology and gravel transport volumes is not particularly sensitive to the exact long-term average transport volume.
- there are no critical thresholds, where small changes in gravel transport volumes could result in major morphological changes.
- the report suggests seven methods of estimating gravel supply, based on drainage area, stream slope, hydrology (flow and flood records), aggregate size, and air photo interpretation. The authors strongly recommend using two or three of the seven methods at any given site, to reduce the chance of error of any one of them.
- once an annual gravel load is determined for a site, a percentage of that may be removed "without noticeable effects on fish habitat"; that percentage depends on site specifics and whether the mining will be one-time removal, or long-term harvest. Ranges from 0% to 50% of annual gravel load may be taken.

My reading on the report, is that it is geared toward the BC high gradient streams, in fact I think it said somewhere in it that it may not be applicable to the types of streams in northeastern BC; streams which would be more like ours. In reviewing the seven methods of estimating gravel supply, but without going through the actual calculations, I'm sure that the North Saskatchewan River would rate somewhere near the 0% end as far as allowable gravel removal. To do all the homework and calculations would be a fairly big job, but perhaps someone should do it. I don't believe the replenishment of gravels in the NSR is happening, as evidenced by the existing gravel bar removal operations. I've looked at air photos from 1986, and to date there is no appreciable change in the shape of the mined bars, except where there may have been additional removal. That tells you something about bedload movement in a regulated river. One of these years we may get a 1:100 flood or higher, then things may change, but essentially no change in normal years.

On to the matter of how we handle applications for active channel gravel removal. I think any applications for new dispositions should be denied. We have done this based on fisheries reasons on at least one occasion in the last couple of years. The existing operations pose the biggest challenge. In the recent Ri-Dale court decision, the judge acquitted the operator due to officially induced error, but did state that undoubtedly fish habitat had been impacted by the operation. I have not yet seen the court transcript, but presumably the judge chastised the provincial and federal governments for not handling the disposition correctly. What does that mean? Obviously there was enough confusion regarding the regulatory agencies, that the judge felt it was not fair to convict the operator. Obviously we (government) need to pull up our socks on this issue.

In our area, we have recently denied fisheries consent to referrals on one existing SML operating plan, and two Water Resources permits for existing SML's. We suggested that the operator seek authorization under the Fisheries Act before any provincial approvals were issued. I think DFO's recent letters to 1) Vern Torstenson, 2) MD of Brazeau, and 3) Jim Rosin, all essentially confirm the point that gravel removal from rivers should go through the authorization process. Provincially, however, we have "chosen to utilize existing provincial regulatory processes to address its fish habitat concerns rather than develop a specific set of regulatory requirements", and that "the province can/should/does issue decisions independently of federal positions on matters within provincial jurisdiction", and that the "issuance of provincial approvals ... will not be made conditional on federal authorizations being in place" (K. Ambrock memo dated October 29, 1998).

My concern is that authorizing a HADD is not within provincial jurisdiction. Field fisheries staff are Fishery Guardians with responsibilities under the Fisheries Act. How can we be part of a provincial approval where we believe an operation is a HADD? To me, the only answer to that question is that we cannot give consent to the approval, or in other words, the application is either rejected, or approved without fisheries consent. I doubt the latter would ever happen. The suggestion to have an SML operator hire a consultant to do a study of fish and fish habitat impacts of the proposed work and to suggest mitigation or compensation may be OK, but why would we get into that when DFO has an existing process for a potential HADD under THEIR Act; the review of which is under THEIR jurisdiction (i.e. CEAA) and the power to grant authorization is under THEIR jurisdiction (Section 35(2), Fisheries Act)?

So where does that leave us? I believe that where we learn of any work involving a fish habitat that is not reasonably and directly mitigatable (a HADD), the proponent should be steered to DFO for application under Section 35(2). DFO can and should take the lead on these types of activities involving complex mitigation or compensation.

Rocky Konynenbelt, Fisheries Technician, AEP - NRS  
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On Tue, 8 Dec 1998 15:11:08 "R. Wayne Nelson" <rwnelson@env.gov.ab.ca>  
wrote:

Rocky,

You probably have received via Ken C. a copy of DFO's Nov. 9/98 letter to Jim Rosin re gravel extraction from rivers. That letter states that DFO does not support gravel removal in streams but will consider issuance of an authorization with full mitigation?) if no other gravel sources are available. An interesting development, and very timely in view of recent NWB and HQ dealings and meetings within gov't and with industry.

Jim says that you are sending him a readable copy of the paper that DFO faxed to him (unreadable). Could I beg you to also send a hard (non-fax!) copy to me and to Daryl Watters? Thx.

In response to the question, "What do we do now if we get an application for a renewal or a new one?" we have several options. Most (all?) of us have been quite uncomfortable about these in-channel projects for a long time, but we have not had good data or arguments to make the case to reject such applications. If we provide an endorsement with the usual types of conditions on a WR or PL referral, we know now that we would be approving something that DFO would only approve with an authorization (and, presumably, a requirement for no net loss), and so that response from us wouldn't look good or be good. We could place a condition on the WR Permit that requires that the proponent adheres to the wording of the DFO approval, but that doesn't seem to be an acceptable response from us (or does the court decision suggest that it really is?). A simple prohibition might be the best solution for us, but it will be argued that there are a few cases (e.g. perhaps parts of Ft. McMurray countryside) where there are no reasonable economic alternatives and so in-channel gravel removal should be entertained.

Following a suggestion from Jim, perhaps we should simply respond that we do not support commercial sand and gravel removal from the active channel (non-top-soiled part of floodplain) or within an adequate buffer against the active channel. But, anticipating that industry will claim that that creates undue hardship and impossibilities, we could advise the industry, somewhat as DFO notes, that each application would have to thoroughly document three things:

- (a) that no alternate sources are available,
- (b) the quantity, quality, and timing of impacts to fish and fish habitat that would result from the project, and
- (c) the quantity, quality, and timing of fish habitat enhancements the proponent will create to ensure that no net loss occurs. This might put our requirements in line with DFO's.

This requirement amounts to something like a C&R Plan. Several years ago, in dealing with peat mining impacts, we asked whether C&R Plans could be required of the peat mining industry (long-term, large, permanent disturbances) and were told that that industry did not fit within the C&R mandate. So, in-channel sand and gravel almost certainly wouldn't either. For the peat industry we built our own (and Water Management's) list of criteria = a terms of reference = a guide to peat moss applications. In the case of sand and gravel, we might not have to

build the info requirements right now because there usually are alternate sources (invariably more expensive, but still available), but eventually an economic hardship situation will arise and we will have to tell them what info and results we want. Jim tells me that "the publication I sent you recently" that is referred to in the Nov. 9/98 DFO letter is actually a very thick 1989 report to DFO and B.C. Min. of Environment entitled "Assessing gravel supply and removal in fisheries streams". It seems to address some of this info that the industry would have to produce. However, what we really need is probably more like 6-10 pages that spell out the information that is required to support the gravel application.

Because DFO has provided us with a convenient and meaningful solution, we should swiftly resolve this persistent problem once and for all, not with varied regional solutions but with a provincial solution.

Wayne Nelson

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Subject: Sand & Gravel  
Message-ID: <SIMEON.9811231514.A@rky0270.env.gov.ab.ca>  
Date: Mon, 23 Nov 1998 15:10:14 -0700 ()  
Read-Receipt-To: Rocky Konynenbelt <rkonynen@env.gov.ab.ca>  
Priority: NORMAL  
X-Mailer: Simeon for Win32 Version 4.0.9  
X-Authentication: none  
MIME-Version: 1.0  
Content-Type: TEXT/PLAIN; CHARSET=US-ASCII

Dave,

Here's some information in response to your request of last Thursday.

A typical WATER RESOURCES PERMIT (WRP) has conditions such as:

- no deposit of deleterious materials.
- disturbance to bed and banks kept to a minimum/confined to site.
- all disturbed areas to be stabilized and reclaimed.
- precautions taken to prevent soil erosion and siltation.
- maintain an undisturbed buffer of \_\_\_\_\_ between the operation and flowing water.
- no activity in the waters of the stream.
- maximum depth of excavation is not to exceed \_\_\_\_\_.

The typical conditions (habitat related) in a SURFACE MATERIALS LEASE (SML) are:

- not deposit debris, soil or other deleterious material into stream.
- leave an undisturbed buffer of \_\_\_\_\_ between the operation and the stream.
- landscape, recontour, stabilize and revegetate all disturbed areas within one full growing season.
- no excavation in the flowing waters of the stream.
- a Water Permit must be obtained prior to commencement.

I checked the file on some of the gravel dispositions along the North Saskatchewan River in our area, to give you some specifics. Buffer widths and allowable excavation depths vary somewhat, and discrepancies exist between the WRP and the SML conditions for the same disposition in some cases.

For existing GRAVEL BAR OPERATIONS, there is usually a requirement to leave a "head" (upstream end of bar) buffer of 80m (some 30m), and a "side" (side of bar closest to water) buffer of 10m (some 30m). These bars are in the annually active channel of the river, so the buffers are annually inundated and therefore subject to changes in shape or are wiped out by flows. The 10m "side" buffer acts like a berm to prevent work "in the waters of", but also keeps the flowing water from directly entering the pit area while working. At those locations, we are definitely ending up with a wider river profile, leading



to concerns with thermal gain, habitat changes, etc. Operators are finding that the head buffer acts like a snow fence, behind which silt is deposited each year. Operators, Land Admin., and Water Resources had hopes that there would be replenishment of gravel in these areas, but I believe that is not likely to happen, given that the river is regulated (Bighorn Dam, Brazeau Dam). The river is just not undergoing the same level of bedload movement as it would if unregulated. Someday it might, if we get a 1:500 year flood or the like. Regarding allowable depth of excavation on gravel bars, the WRP's usually allow excavation to the same depth as the bed level (thalweg?) of the adjacent channel, but the SML's usually indicate an allowable depth of 1.5m deeper than the bed level of the adjacent channel. If you were the operator, which would you pick?

Buffers for FLOODPLAIN OPERATIONS also vary. This buffer is the distance between the operation and the river bank, so it is essentially a treed buffer. These range from 30m to 100m in width, which may have taken into account local needs. Some of these pits have limitations on allowable depth of excavation, some don't. These depths again range from adjacent river bed level to 1.5m deeper.

Regarding reclamation, I've seen a few gravel bar sites along the NSR that appear to be mined out, and reclamation is not evident. What can you do with a seasonally inundated bar? They may have left side slopes at 3:1 or something, but they get washed to some kind of equilibrium anyway. They end up as uniform flat water that may be isolated at low flows (fish stranding?) and connected at medium to high flows. We've electrofished in a couple of them, and they tend to contain pike and suckers.

I've assembled a bit of literature on this subject, mostly from the USA, and here's a summary of documented effects on fish and fish habitat:

- changes in the geomorphic structure of the stream and its function.
- stream channel changes (instability, headcutting, thalweg relocation, widening).
- changes in flow pattern, water chemistry, turbidity.
- decrease in dissolved oxygen, increase in water temperature.
- changes or increases in aquatic plant communities.
- changes in benthic macro-invertebrates.
- changes in fish species composition/abundance (toward less desirable).
- loss of habitat diversity for various life stages of fish.
- stream recovery can take decades.

I have looked at a number of existing gravel bar dispositions along the NSR between RMH and SH759, and each of them affect one side of the river for an average of likely 500m. The 10 such dispositions in our area would then have a cumulative affect of about 5km of river, not to mention the possible upstream and downstream effects from each. What is the cumulative effect of these dispositions on the entire NSR?

Bottom line: gravel mining upsets the balance in stream function, and in aquatic biological functions. Many of these changes are not mitigatable, and would therefore be viewed as a HADD. The province does not have the authority to approve HADD, therefore our advice to deny WRP approval, and to steer the proponents to DFO. We have given that advice to Water Management on three applications (renewals) recently, which I believe are yet outstanding. I realize that position immediately puts existing operators into a bind, and I suggest that the resolving of that (i.e. phase-out) should be a good part of the discussion time in your meeting tomorrow.

On to some non-fish thoughts. The gravel resource at these sites is "cream-of-the-crop", requiring no clearing, overburden removal, or reclamation (realistically). It is very clean, and in demand. I'm not sure of the fee structure for this resource, but it's likely low cost in

relation to private upland sites. The point is, that operators holding river bar dispositions are not on a level playing field in the industry. It is not surprising either, that they would strongly resist losing the availability of river gravel.

Some other thoughts:

- need to see a full review of upland sources, in order to determine the feasibility of alternate sources. It seems that the industry always defaults to the "fact" that there are no other sources.
- we need a provincially consistent fisheries position on this, and an updating of FHPG No.5.

Please call if you need to discuss any of this.

-----  
Rocky Konynenbelt, Fisheries Technician, AEP - NRS  
Box 388, Rocky Mountain House, Alberta T0M 1T0  
Phone (403)845-8268, Fax (403)844-4216  
E-Mail: rkonynen@env.gov.ab.ca

**From:** Olson, Tom [Tom.Olson@dfo-mpo.gc.ca]

**Sent:** Monday, August 31, 2009 3:26 PM

**To:** David Park

**Subject:** RE: in-channel aggregate extraction - an unmitigatable HADD?

Hi Dave. No unfortunately there is really no way to do that. We are limited to assessing the impacts from individual projects.

I'll give some thought and call you before the end of the week about the JTIWG agenda. Couple of thoughts off the top of my head are the foothills watercourse crossing methodology; ATRANS sediment specifications; and a culvert design for fish passage guideline? Cheers

**Effective Immediately - My new email address is [Tom.Olson@dfo-mpo.gc.ca](mailto:Tom.Olson@dfo-mpo.gc.ca)**

**Tom Olson**

Telephone/Téléphone 403 394-2915

Facsimile/Télécopieur 403 394-2917

E-mail/Courriel

Habitat Management Team Leader

Alberta District

Prairies Area

Central and Arctic Region

Fisheries and Oceans Canada

704 4<sup>th</sup> Avenue S, Room 204

Lethbridge, Alberta T1J 0N8

Chef d

District de l  Alberta

Secteur des Prairies

Région du Centre et de l  Arctique

Pêches et Océans Canada

704 4<sup>th</sup> Avenue S, pièce 204

Lethbridge (Alberta) T1J 0N8

équipe, Gestion de l'habitat

---

**From:** David Park [mailto:Dave.Park@gov.ab.ca]

**Sent:** Monday, August 31, 2009 2:42 PM

**To:** Olson, Tom

**Subject:** in-channel aggregate extraction - an unmitigatable HADD?

Hi Tom,

At the June JTIWG meeting, you had mentioned that DFO might be prepared to declare in-stream/channel agg. extraction to be an unmitigatable HADD. This would make it very cut and dried for GoA to harden the policy to not accept any applications for such activities. Has there been any move on this front? I just wanted to raise this to your attention in case it was forgotten and cooling on the back burner.

We also need to create an agenda for the meeting on the 29<sup>th</sup>.

Dave

## Carol Hamelin

---

**From:** Augustus Archampong  
**Sent:** Monday, February 08, 2010 10:50 AM  
**To:** Dave Park  
**Cc:** 'Olson, Tom'; Dave Walty; Larry Kuchmak; Neil Hollands  
**Subject:** RE: Gravel Mining of River Bars

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello David,

You are right about what the JointGroup does and also about what we are doing on the aggregate extraction, but the JointGroup needs to, at least, be aware of the Minister's request and appraise its position on the subject.

I also agree that the comment regarding external stakeholders may need clarification.

If you believe that this topic should not go on the agenda for our next meeting I would appreciate being advised as soon as possible. The Minister would like to see quick progress on the subject.

---

**From:** David Park  
**Sent:** Monday, February 08, 2010 9:52 AM  
**To:** Augustus Archampong  
**Cc:** 'Olson, Tom'; Dave Walty  
**Subject:** RE: Gravel Mining of River Bars

Hi Archie,

Tom and I have been talking this morning about the need to have more membership strength at the next meeting. Currently, we're 5/9 for attendance. We're taking steps to reschedule to the 18<sup>th</sup>, and I'll call to follow up with you on that.

Regarding the agg. extraction business, my take is that JTIWG has resolved there be no mining within active channels (a continuation of the unofficial moratorium), but is still working on some details (as per our Dec. minutes) and has not yet communicated this outcome to our various departmental heads via a document. The email suggests an expectation that we will make policy, and we should clarify that. My interpretation of our ToR is that we can only make a recommendation to form a policy, but the actual formation of any policy is beyond our scope. With that, our next step as a WG would be to forward to our heads a memo indicating our recommendation that the moratorium be hardened, and requesting it become policy.

I'm also confused by the mention of external stakeholders added to the working group. Is that JTIWG or another working group, yet to be formed? Our ToR are very clear on JTIWG membership, but give us the ability to form and oversee other committees, and to engage stakeholders. In this case, with our collective position being clear and deliberations more or less behind us, I'm not sure any of that is necessary.

Thoughts?  
Dave

Regards,

**David Park, M. Sc.**

Fisheries Biologist  
Alberta Sustainable Resource Development  
Fisheries Management  
Edmonton

phone: 1.780.427-8347

fax: 1.780.422-9559



*This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.*

---

**From:** Augustus Archampong  
**Sent:** Thursday, February 04, 2010 3:57 PM  
**To:** Dana Becker; Jamie Bruha; Gerry Haekel; 'Olson, Tom'; 'Rich, Adam P'; Chris Grant; Dave Walty; David Park; Larry Kuchmak  
**Cc:** Neil Hollands  
**Subject:** FW: Gravel Mining of River Bars

David,

The 10th February meeting date is okay for me.

I am flipping this email to you for inclusion in our next meeting's agenda.

I would also like to call attention to the Minister's three-month timeline.

Thanks, Archie.

---

**From:** Neil Hollands  
**Sent:** Wednesday, February 03, 2010 1:54 PM  
**To:** Augustus Archampong  
**Cc:** Roger Ramcharita; David Helmer  
**Subject:** Gravel Mining of River Bars

Hi Archie,

I met with the Minister, MLA Diana McQueen and representatives of Brazeau County yesterday to discuss the County's proposal to undertake river bar mining.

We conveyed to the County the message that this activity has not been approved by the Department up to now, and that the Joint Technical Working group would be determining policy before we make a decision with Brazeau .

The Minister would like to see some quick progress made on provincial level policy direction and he asked for some external stakeholders to be included in the working group. He wants a progress report in 3 months, so he can meet with the County and MLA McQueen again to report what progress is being made. The suggested make-up of the working group would include:

AENV

ASRD

DFO ( recognizing that we may limited influence on federal involvement or co-operation)

AAMD&C

Alberta Sand and Gravel Association or similar industry representation.

Brazeau County won't be part of this group so that specific interests are not influencing the discussion. However, I will be replying back to the County with our current position (no approval of gravel mining in the river until provincial policy direction is provided) ) and comments on the 2007 documents that they have previously submitted to us.

Archie, I will leave to in your hands to move the process forward from here. If you need some regional assistance, Central Region is willing to participate.

Roger, let me know if you spot any errors or omissions in the above.

Regards,

***Neil Hollands, P.Eng***

**District Approvals Manager**

Alberta Environment

Environmental Management

Suite 1, 250 Diamond Avenue, Spruce Grove, AB T7X 4C7

**Phone 780-960-8617**

Cell 780-690-0064

Fax 780-960-8605

From: Dana Becker  
Sent: Monday, February 08, 2010 11:21 AM  
To: Mel White; Augustus Archampong; Jamie Bruha;  
'Olson, Tom'; 'Rich, Adam P'; Chris Grant; Dave Walty;  
Dave Park; Larry Kuchmak  
Cc: Neil Hollands; Douglas Knight; Gerry Haekel  
Subject: RE: Gravel Mining of River Bars

Follow Up Flag: Follow up  
Flag Status: Flagged

Hi All,

Non-responsive  
information removed.

TRANS does have a couple of issues with this aggregate stuff.

First TRANS should be part of the 'aggregate' working group (which appears to be somewhat different then the JTIWG). We are large stakeholders in this since we use a lot of aggregate in our activities.

Secondly, JTIWG is an internal working group made of government agencies. Upon occasion we discuss things with external stakeholders but they are not part of the group. We discuss who to invite as a group – one agency does not simply 'go ahead' without at least discussing it first.

Thirdly this group is not run by AENV – there are chairs and co-chairs and various folks on the JTIWG to provide input here. Although your minster sees this a priority item (which it is) it probably would have been nice to ensure that other department heads on the JTIWG felt the same way.

From the last meeting, I thought this aggregate issue was almost wrapped up. Was I wrong?

Regards,

Dana

Dana Q. Becker, M.Sc., P. Biol.  
Manager, Aquatic Resources  
Alberta Transportation  
4999-98 Ave  
Edmonton, AB T6B 2X3  
Telephone: (780) 422 - 7623  
Cell: \* Section 17(1)(4)(g)(i)  
dana.becker@gov.ab.ca

Duplicate of email dated Feb. 10, 2010 9:20AM, removed  
as non-responsive.

From: Olson, Tom <Tom.Olson@dfo-mpo.gc.ca>  
Sent: Wednesday, February 17, 2010 2:46 PM  
To: Dave Park; Augustus Archampong; Dana Becker; Jamie Bruha;  
Rich, Adam P; Chris Grant; Dave Walty; Larry Kuchmak; Gerry  
Haekel  
Cc: Douglas Knight; Neil Hollands; Mel White; Jerred, Stephanie E  
Subject: RE: Joint Tech. Issues Working Group meeting - draft agenda  
Attachments: MINUTES JTIWG Mtg Feb 10 2010.doc

Follow Up Flag: Follow up  
Flag Status: Flagged

Hi folks. Attached are draft minutes from the Feb 10 JTIWG meeting. As always please keep me honest by letting me know of any errors or omissions. Thanks

Effective Immediately - My new email address is Tom.Olson@dfo-mpo.gc.ca

Tom Olson	
Telephone/Téléphone	403 394-2915
Facsimile/Télécopieur	403 394-2917
E-mail/Courriel	
Habitat Management Team Leader	Chef d'équipe, Gestion de l'habitat
Alberta District	District de l'Alberta
Prairies Area	Secteur des Prairies
Central and Arctic Region	Région du Centre et de l'Arctique
Fisheries and Oceans Canada	Pêches et Océans Canada
704 4th Avenue S, Room 204	704 4th Avenue S, pièce 204
Lethbridge, Alberta T1J 0N8	Lethbridge (Alberta) T1J 0N8

From: David Park [mailto:Dave.Park@gov.ab.ca]  
Sent: Monday, February 08, 2010 10:59 AM  
To: Augustus Archampong; Dana Becker; Jamie Bruha; Olson, Tom; Rich, Adam P; Chris Grant; Dave  
Walty; Larry Kuchmak; Gerry Haekel  
Cc: Douglas Knight; Neil Hollands; Mel White  
Subject: Joint Tech. Issues Working Group meeting - draft agenda

Hi All,  
There's been some scrambling this AM, trying to see if the next meeting should or could be rescheduled. The outcome is that the original timing is upheld. Please find a draft agenda attached. Note the later start time.

You'll notice the major focus of the meeting is aggregate extraction. There is increasing need for the completion of JTIWG business on this matter. On this topic, we will be sharing our meeting table with guests from AENV and SRD-Lands. I'm attaching our Terms of Reference for their information.

Please inform Tom and I of any changes you'd like to have made to the agenda.

Cheers,

Dave

<<JTIWG draft agenda feb 10 2010.doc>> <<Joint Technical Issues Working Group TOR Final Feb 9 2009 (2).doc>>

Regards,

David Park, M. Sc.  
Fisheries Biologist



**Agenda**  
**Joint Technical Issues Working Group Meeting**

**Location:** Fort Edmonton Room, Second Floor, Twin Atria Bldg., 4999-98 Ave. Edmonton

**Date:** 10 February 2009

**Time:** 10 am to 2:00 pm

**Invited Participants:** Gerry H., David Walty Jamie Bruha Dana Becker; Augustus Archampong; Gerry Haekel; Tom Olson; Chris Grant; David Park, Larry Kuchmak; Adam Rich

**Additional Participants:** Neil Hollands, Mel White, Douglas Knight

<b><u>AGENDA</u></b>		<b><u>Lead</u></b>
<b>10:00 – 10:15</b>	1. Opening comments, intros & meeting business <ul style="list-style-type: none"> <li>• note-taker</li> <li>• review of agenda</li> <li>• review of past minutes</li> </ul>	
<b>10:15 – 10:45</b>	*	DP
<b>10:45 – 12:00</b>	3. Aggregate Extraction <ul style="list-style-type: none"> <li>• Status of JTIWG business</li> <li>• AENV context</li> <li>• Clarify next steps</li> </ul>	DP / TO AA all
<b>12:00 – 12:30</b>	Lunch (provided by TRANS!)	
<b>1:00 – 2:00</b>	*	DP all
<b>2:00</b>	Confirm next meeting & Adjourn	

\*Information removed as non-responsive.

## JOINT TECHNICAL ISSUES WORKING GROUP February 10, 2010 Meeting Minutes

**Purpose of Working Group:** *to develop common approaches and understanding of high priority technical issues related to the management of fish habitat. Working group establishes priorities on the issues to be addressed and act as a steering committee. Involve industry when the group feels comfortable they have reached a common understanding amongst the agencies.*

**Location:** Alberta Transportation Office, Twin Atria, Edmonton

**Attendees:**

David Park (meeting Chair), Tom Olson (notes), Archie Archampong, Larry Kuchmak, Dana Becker, Adam Rich. **Guests:** Neil Hollands (AENV), Doug Knight (ASRD), Mel White (ASRD), Stephanie Jerred (DFO), Bruce Bleau (ATRANS), Ron Middleton (ATRANS)

**Regrets:** Gerry Haekel, Chris Grant Jamie Bruha, Dave Walty

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**1. Review of Agenda,**

Addition of two items. Dana - Sediment and Erosion training and certification; Archie – Waters info database

**2. Minutes from last meeting**

Minutes accepted

Information removed as non-responsive.

**4. Aggregate Extraction**

- Discussion of issue background.
- Unofficial moratorium on in channel aggregate extraction in place since about 2001.
- 2006 multi agency aggregate extraction committee working on policy. Came up against 1:100 yr floodplain issue which was never resolved. Subsequently issue brought to JTIWG to seek way forward.
- JTIWG working on draft document with recommendation that aggregate extraction not occur within "active" channel.

- Neil Hollands briefed JTIWG on Ministers request
  - Drayton Valley project. Review of aggregate resources in 2006 found limited crown owned aggregate in area. Approached AENV with proposal for instream extraction. Were informed that JTIWG was working on issue. County asked for meeting with Minister (AENV). Minister requested that JTIWG should have outside membership including Alberta Gravel Association and Alberta Association of Municipal Districts and Counties. Minister requested progress within 3 months.
- According to JTIWG TOR it is possible to have external stakeholders engaged on specific issues but JTIWG did not have external stakeholder input into last initiatives. Some criticism because of this.
- Suggested that this is opportunity for JTIWG to lead development of Policy and highlight environmental impacts of instream gravel extraction.
- Discussion that the level of stakeholder consultation required for policy level recommendations is well beyond the timing and scale of what JTIWG had been considering. Recognized that JTIWG was very close to finalizing recommendation but that this would mean starting over from scratch.
- The completion of the draft JTIWG recommendation was agreed as the appropriate first step. The document would include recommendations on next steps which might include cross ministry approach or that the issue be carried on by more senior level of decision makers.
- Next steps
  - Complete JTIWG recommendations draft with next steps
  - Clarify exactly what is included and not included in scope of document
  - Draft cover letter to Senior management to expand and explain role of JTIWG and where consultation could fit.
  - Send copies of current draft to all present for information only (with exception of Neil Holland who will wait for final draft).
  - Confirm with DW to move forward on scope of recommendations
  - TO to make suggested edits from last meeting and provide copy of revised draft
  - Go forward section to be discussed at next meeting

Information removed as non-responsive

**Terms of Reference**  
**Joint Technical Issues Working Group (JTIWG)**

**Purpose**

The purpose of the JTIWG is to develop common approaches and understanding of high priority technical issues related to the management of fish habitat. The JTIWG provides an intergovernmental and interdepartmental forum and framework for cooperation, information exchange and provision of subject matter expertise in the development and implementation of cooperative approaches to fish habitat issues. In addition, the JTIWG will seek opportunities to support regulatory alignment and implement streamlining initiatives relevant to the management of fish habitat in Alberta.

**Guiding Principles**

The following guiding principles were developed to define the relationship between the provincial departments of the Environment and Sustainable Resource Development and the federal department of Fisheries and Oceans Canada. These principles were agreed to and ratified on 29 May 2001.

- I. *The ecological integrity of Alberta's fish habitat will be sustained.*
  - *Fish and fish habitat in Alberta will be protected.*
  - *Alberta sets the Fisheries Management Objectives for Alberta.*
  - *Fish habitat and resource priorities will be based on Alberta's Fish Conservation Strategy and Fisheries Management Objectives.*
  - *The Fish Conservation Strategy for Alberta endorses, as a working guideline, the federal Policy for the Management of Fish Habitat.*
- II. *Fish habitat decisions will recognize the needs of future generations and today's economic, social and cultural needs, (i.e., sustainable development).*
- III. *Regulatory decision-making processes and requirements will be clear, transparent, predictable, accountable and timely.*
- IV. *Application of resources available for fish habitat management will be optimized through collaborative mechanisms.*
- V. *An effective means of achieving economically viable and ecologically sustainable fishing and aquaculture industries is through cooperative pursuit of consistent, coordinated, and integrated policies, initiatives and programs.*

## **Roles and Responsibilities**

The JTIWG is a technical advisory and coordination body accountable to the individual departments and responsible for providing recommendations and direction to Director level Departmental representative on matters related to fish habitat.

Signatories to any product of the JTIWG will include at minimum the environmental regulatory authorities of Fisheries and Oceans Canada, Alberta Environment, and Alberta Sustainable Resource Development.

The JTIWG is responsible for providing subject matter expertise; facilitating information exchange; identifying and prioritizing provincial fish habitat issues; and developing and recommending appropriate mechanisms or working agreements to address them.

In this capacity, the JTIWG will:

1. Identify fish and fish habitat priorities and work co-operatively to develop mechanisms and approaches to address those issues within the respective mandates and operational frameworks of the member agencies.
2. Develop workplans and the scope of work documents for priority projects.
3. Report priorities, workplans, budget requirements and progress on projects to management in respective member agencies.
4. Where necessary establish sub-committees to address identified issues and act as a steering committee for those sub-committees.
5. Where necessary, engage other directly affected stakeholders in the development of fish habitat standards, management criteria, information and advice. The need for this engagement will be determined based on a project by project basis.
6. Where appropriate, initiate the development or revision of interdepartmental or intergovernmental working agreements, guidelines and other technical or procedural documents, in collaboration with other working groups or committees.
7. Identify and implement opportunities to support regulatory alignment and streamlining initiatives relevant to fish habitat management.
8. Where necessary, identify and develop internal and external communication products/strategies for managers, staff, partners and/or external stakeholders in support of developed processes or agreements.
9. JTIWG members will provide advice to departmental managers and staff on working group initiatives and agreements.
10. Seek advice where necessary on legal or intergovernmental issues.

Nothing in this TOR alters the legislatively mandated roles, responsibilities, and duties of the member agencies.

Member Responsibilities:

- Members must be able to represent their respective agencies at JTIWG.
- Members will be well-prepared for meetings and conference calls and will provide agenda items and briefing material to the Chair as required, at least 5 working days prior to meetings;
- Members will observe the principles of mutual respect, collaboration and communication in coming to decisions by consensus.
- Members will rotate the task of preparing and distributing the Record of Discussion and Decisions within one week of a meeting; and
- Members will lead, coordinate or participate on specific initiatives as necessary.
- Members will inform and communicate to and from their respective member agencies and will represent their agencies in the working group.
- Members will formally identify their communications linkages between the JTIWG and their respective agencies.
- Members will, where needed and possible, contribute funds and resources to the working group to facilitate the completion of projects.
- Members will, where possible, identify alternate members and be responsible for informing their alternate members on current initiatives.

**MEMBERSHIP STRUCTURE**

**Chair(s)**

- Appointed by the agreement of the members
- Responsibilities:
  - Chairs JTIWG for a minimum term of one year
  - Schedules and determines agenda for meetings
  - Leads the development of a work plan for the JTIWG

**Working Group Members**

- Members will include representatives of:
  - Fisheries and Oceans Canada (DFO)
  - Alberta Sustainable Resource Development (ASRD) and
  - Alberta Environment (AENV)
  - Energy Resources Conservation Board (ERCB)
  - Alberta Transportation (TRANS)
- Membership will be established by invitation by the JTIWG Chairs and agreement by members.

- Membership may be amended from time to time as required, to add or remove members or to include ex-officio persons having subject matter expertise for the JTIWG.

**Governance and Meetings:**

1. Members will meet as determined by the Chair(s) and membership.
2. JTIWG meetings will be conducted **face to face** or by **teleconference**.
3. Face to face meetings will be held a minimum of four times per year and more often as deemed necessary. At each meeting the JTIWG will determine meeting dates for at least the next two meetings.
4. Meetings will generally be held in Edmonton but may rotate between member organization offices.
5. JTIWG Chair(s) will provide notice of meetings no less than 15 days in advance. Meeting agendas and organizational materials to will be provided to members no less than 5 working days prior to meetings.
6. One co-chair will be identified as the committee secretary, whose responsibilities include organizing meetings as well as preparing and distributing minutes.
7. The minutes of the meeting will be circulated to members for comments or revisions within 5 working days of the meeting.
8. Once finalized, members may circulate the meeting minutes within their respective agencies for information purposes.
9. It will be the goal of the working group to reach consensus on issues among all members. Final decisions will be made by consensus among members.
10. Where issues arise that cannot be resolved within the JTIWG, these issues shall be referred to respective Directors for resolution.
11. Costs associated with participation in the JTIWG will be borne by the member's home organization.

**Membership:** (see Appendix A for current members)

**Dissolution:** The need to dissolve the Task Group will be at the discretion of the Directors within the respective organizations comprising the JTIWG and will be dictated by the continued need for a JTIWG.

**Appendix A: Current Membership as of March 31, 2008**

**Fisheries and Oceans Canada (DFO)**

Tom Olson	Alberta Habitat Team Leader	Member
Adam Rich	Impact Assessment Biologist	Alternate

**Alberta Sustainable Resource Development (ASRD)**

*Fish and Wildlife Division*

David Park	Provincial Aquatic Habitat Biologist	Member
Dave Walty	Area Fish and Wildlife Program Manager	Member

*Forestry Division*

Jamie Bruha	Senior Forester	Member
Andre Savaria,	Senior Forester	Alternate

*Lands Division*

Gerry Haekel	Unit Lead	Member
Wayne Holland	Lands Program Manager	Alternate

**Alberta Environment (AENV)**

Augustus Archampong,	Water Policy Advisor	Member
Larry Kuchmak	Water Act Approvals	Alternate

**Energy Resources Conservation Board (ERCB)**

Chris Grant	Operations Manager	Member
Dwayne Waisman	Executive Manager	Alternate

**Alberta Transportation (TRANS)**

Dana Becker	Manager, Aquatic Resources	Member
Ron Middleton	Director, Environmental Management Services	Alternate



Information removed as non responsive

DATE

PAGE

\* Archie - telecon.

Two Feb 23, 2010

AMND & E } contact no way

ASQA

ASIN

SRD

DEP

A

is? back by end of week.

Information removed

Page

Don Watson (Telecom)

Bob Pass - AAMD & C

Thurs  
Mar 4/10

Sub groups

- Archie
- Don Watson
- ~~Neil~~
- AAMD & C.
- ASGA

651-5154

From: David Helmer  
Sent: Friday, March 05, 2010 3:09 PM  
To: Neil Hollands  
Subject: FW: Rocklyn-Ed - No Channel Excavation.pdf

Follow Up Flag: Follow up  
Flag Status: Flagged

FYI

---

From: Todd Aasen  
Sent: Thursday, March 04, 2010 1:04 PM  
To: David Helmer  
Subject: FW: Rocklyn-Ed - No Channel Excavation.pdf

Todd Aasen P.Eng.,  
District Approval Manager  
Central Region, Environmental Management  
Alberta Environment  
304, 4920 - 51 Street (Provincial Building)  
Red Deer, AB T4N 6K8  
phone: 403-340-7782, fax: 403-340-5022

---

From: Augustus Archampong  
Sent: Thursday, March 04, 2010 11:44 AM  
To: Angela Fulton; Anil Gupta; Augustus Archampong; Carmen delaChevrotiere; Claude Eckert; Craig Melin; Dale Adams; Donna McColl [AENV]; Glenn Winner; Guy Hancock; Helen Maczala; Jeff Gutsell; Kevin Nipp; Larry Kuchmak; Matthew Otto; Mohammad Shoaib; Patrick Murray; Pauline Scoffield; Peter Pui; Randy Poon; Stephen Mathyk; Todd Aasen  
Subject: Rocklyn-Ed - No Channel Excavation.pdf

Here is the aggregate extraction document I mentioned during our last meeting.

Cheers, Archie.

## Craig Melin

**From:** Tim Toth  
**Sent:** March 10, 2000 11:58 AM  
**To:** Cheryl Curran; Craig Melin; Helen Maczala; John Gallagher  
**Cc:** Nico Wyngaarden  
**Subject:** FW: Gravel Extraction Within River Channels

**Importance:** High

Cheryl et. al:

Some info for us all to be advised of. Rocky Konynenbelt (Fisheries, Rocky Mtn. House) notes he believes gravel extraction from active channels of fish-bearing streams DOES harm fish habitat, and it can't be condoned by our fisheries staff. He also asks an important question (his section, para.4 ), "...who is representing the non-fish aspects of the aquatic environment as mandated in the Water Act?". He says that they believe they should not mislead gravel operators any longer re: extraction potential (end of his section).

We should be able to support fisheries here. Is this an item for our next Water Rights mtg.?

Tim

-----Original Message-----

**From:** Dave Walty  
**Sent:** March 7, 2000 4:21 PM  
**To:** Pat Long; Ron Millson; Ken Zurfluh; Chris Bruntlett  
**Cc:** Martin Brilling; Jim Rosin; Don Schroeder; Tim Toth  
**Subject:** FW: Gravel Extraction Within River Channels  
**Importance:** High

The attached notes are provided as they are some very important points regarding the inchannel gravel mining that everyone should be aware of.

*David*

David T.Walty, Natural Resources  
Fisheries Mgmt. Biologist  
Dave.Walty@gov.ab.ca  
Phone 780-624-6248 FAX 780-624-6455

-----Original Message-----

**From:** Ken Crutchfield  
**Sent:** Thursday, March 02, 2000 6:11 PM  
**To:** Ed Hoyes  
**Cc:** Ernie Hui; Dave Borutski; David Christiansen; Duane Radford; Ken Ambrock; Allan Locke; Lorne Fitch; Kasey Clipperton; Brian Lajeunesse; Brian Makowecki; Cam Wallman; Chris Davis; Daryl Watters; Daryl Wig; Dave Walty; David DeRosa; George Sterling; George Walker; Jim Stelfox; John Mahoney; Larry Rhude; Paul MacMahon; Rudy Hawryluk; RWayne Nelson; Stephen Spencer; Travis Ripley; Trevor Rhodes; Vance Buchwald; Wes English  
**Subject:** Gravel Extraction Within River Channels.....RE: Draft Minutes Meeting # 5, and Other Input  
**Importance:** High

Ed.....with reference to the opening paragraph of Rocky's letter.....some points of clarification:

1. In accordance with a "regulatory cascade"....Alberta may be free to approve gravel extraction within a river channel under the Water Act, but it is no approval under the Fisheries Act.
2. Provincial fish staff are aware of Federal legislation and the fact DFO have indicated in writing their GENERAL belief that "river channel" aggregate extractions require an authorization. To my knowledge DFO HAVE NOT said they would not consider issuing an authorization, however they have indicated their expectation that all other sources of aggregate are to be exhausted before they might consider such a "within channel" request. Provincial staff have previously been directed to advise the proponent at the earliest appropriate opportunity of the likely need for a Fisheries Act authorization. Further, they were instructed to include this in any written communication with the proponent especially if the province approved the activity and had no formal indication of a federal decision on the proposal under review.
3. Provincial fish staff provide "advice" to provincial regulators. The water manager makes a decision on behalf of NRS. Unless provincial fish staff have been formally advised of DFO's decision on a specific disposition, they are in no position to "prejudge" what DFO will decide. By providing advice to provincial regulators, provincial fish staff are not counseling anyone to make an offence. Even when this advice is done in the full knowledge that DFO have decided that an authorization IS required the activity DOES NOT become an offence until such time as the proponent chooses to work in the channel. In such situations, especially when the province has yet to make it's decision, it would be appropriate for the province to withhold approval.
4. DFO involvement is limited to application of the Fisheries Act. Provincial fish staff are expected to CONSERVE fish stocks and establish fish management objectives. Conservation takes precedence over allocation. To this end, a fishery cannot occur unless the conservation needs of a fish stock are met. Application of the Fisheries Act concerns the "allocated stock". Consequently, provincial fish staff are obligated to provide their professional advice to the provincial regulator on what is best for the conservation of fish stocks. Federal involvement is no reason to become mute.

5. Consistent with the notion of guidelines, application of Fish Habitat Protection Guidelines is left to the individual judgement of the area fish biologist. At the same time, the "blanket" disregard of a guideline is not accepted and not within the prerogative of the area/region. Area fish staff are expected to work with provincial program managers in resolving any shortcomings.
6. The FUTURE.....I have just received instruction attributed to our Minister that indicates ways are to be found to develop a coordinated working relationship with Fisheries and Oceans Canada. I expect in subsequent meetings with DFO there will be some exploration of the gravel extraction issue and the point outlined in Rocky's email may come to pass.....

I hope this has helped clarify some of the points.....

### Ken Crutchfield

Head, Resource Conservation and Planning Branch, Fisheries and Wildlife Management Div.

Phone: 780-427-7763, Facsimile: 780-422-9559 (note change in Area Code)

Office: 2nd Flr. - 9920-108 Street Malling; 9915-108 Street, Edmonton, Alberta T5K 2G6

ken.crutchfield@gov.ab.ca

-----Original Message-----

**From:** Ed Hoyes  
**Sent:** Thursday, March 02, 2000 10:48 AM  
**To:** 'ken.crutchfield@gov.ab.ca'; 'ernie.hui@gov.ab.ca'  
**Subject:** FW: Draft Minutes Meeting # 5, and Other Input

Ken

I would appreciate your advice on whether this represents the department's and service's position and view. My understanding based on the original meeting when getting this project underway is that this is not the Service's position. Would you please confirm before March 10, 2000.

Ed Hoyes

-----Original Message-----

**From:** Rocklyn Konynenbelt  
**Sent:** Wednesday, March 01, 2000 5:19 PM  
**To:** Ed Hoyes; Val Hoover; Don Peel; Hugh Norris; Chris Powter; 'don.snider@gov.ab.ca'; 'bruce.blue@gov.ab.ca'; 'don.smith@gov.ab.ca'; 'ia.hancock@agric.gov.ab.ca'; Al Lang; Dave Borutski; Doreen LeClair  
**Cc:** David Christiansen  
**Subject:** RE: Draft Minutes Meeting # 5, and Other Input

Ed, and Committee:

One comment on the draft minutes of meeting #5. Under point 7 Game Plan/Strategy, I think the date for the second bullet was supposed to be May 31, 2000, was it not?

I've discussed this issue with my supervisor, Dave Christiansen, and we have the following concerns and comments.

Fisheries Management in Rocky Mountain House has considered the matter of an interim policy of "no extraction from active stream channels except in extenuating circumstances" and unfortunately it is not possible for us to support it. Our position is based on the fact that, regardless of the circumstances, we are now convinced that extraction of gravel from active channels of fish bearing streams results in harmful alteration of fish habitat. Legally then, this activity requires an authorization under Section 35 (2) of the federal Fisheries Act, something which Alberta cannot provide. Alberta Fisheries Management staff cannot knowingly be involved in counselling anyone to undertake an activity which would constitute an offence under the Fisheries Act. Responsibility for the review of such activities resides with the federal Department of Fisheries and Oceans (DFO). If DFO considers extenuating circumstances in their review of an application, that is ultimately their call. We now consider the 1986 Alberta Fisheries Habitat Protection Guideline respecting this activity as outdated and no longer adequate for the protection of fisheries resources in our Area.

Further, as we have indicated previously, we have made considerable progress in having several major operators relocate their activities out of the active channel of the North Saskatchewan River over the past year. To consider an interim policy that would allow a relaxation on the position taken in those and other cases to date, would send out a confusing and counter productive message, and it would allow the continuation of damage to the aquatic environment. For these reasons as well, we cannot support the recommendation of an interim policy allowing active channel extractions based on certain circumstances.

We recommend that the Committee's advice to executive be to let DFO deal with the fish habitat aspects of active channel gravel extraction applications, while Alberta handles those matters that are fully within its jurisdiction. In fairness to the existing disposition holders, advise them of that position soon, so they can make the necessary business decisions for 2000 and beyond.

It seems that Fisheries Management is bearing the only concern with this activity, while the literature points to stream channel problems and other biological concerns (invertebrates or other aquatic biota) with the activity. What happened to River Engineering involvement on the Committee, and who is representing the non-fish aspects of the aquatic environment as mandated in the Water Act?

Regarding the EnviroMak field verification proposal, we believe it would be of limited usefulness, as to fully assess the environmental effects of active channel aggregate extraction, studies would have to be much more comprehensive than that proposed. Our concern is that to proceed with it only creates a false sense of hope toward an inevitable outcome. We believe that we should not mislead gravel operators any longer.

Also, keep in mind that the imminent arrival of DFO in Alberta will have a significant bearing on this matter.

If any of you would like to discuss this, please call.

-Rocky

-----Original Message-----

From: Ed Hoyes

Sent: Friday, February 18, 2000 1:31 PM

To: Val Hoover; Don Peel; Rocklyn Konyonenbelt; Hugh Norris; Chris Powter; 'don.snider@gov.ab.ca'; 'bruce.blue@gov.ab.ca'; 'don.smith@gov.ab.ca'; 'ia.hancock@agric.gov.ab.ca'; Al Lang; Dave Borutski

Subject: Draft Minutes Meeting # 5

Hi everyone

Attached are the draft minutes of meeting #5

I will remind you of our meeting scheduled for March 17, 2000 in the 9th floor boardroom, Oxbridge Place. See minutes for more details.

Ed Hoyes, P. Eng.  
Licensing and Permitting Standards Branch  
Natural Resources Service  
Alberta Environment

telephone: (780) 427-2999

<< File: Draft Minutes Meeting 5.doc >>

Attachment "Draft Minutes Meeting 5.doc" from Mar. 17/00 was not able to locate and would be n/r to request due to timeframe.

From: David Helmer  
Sent: Monday, March 08, 2010 12:13 PM  
To: Neil Hollands  
Subject: FW:

Follow Up Flag: Follow up  
Flag Status: Flagged

FYI, please keep this confidential until Archie rolls it out more broadly. There may also be significant changes. I note that the original draft policy is old and was surprised to see something on paper (I always thought it was less advanced).

David Helmer

---

From: Augustus Archampong  
Sent: Monday, March 08, 2010 10:11 AM  
To: David Park; 'Olson, Tom'  
Cc: David Helmer  
Subject:

Hello Tom and David,

Do we have an agenda for our forthcoming meeting on March 10/2010?

Please be sure to include aggregate extraction in the list of items...

1. Review of the current policy under development. Possible amalgamation with the Minister's policy request.
2. Minister's request to include external stakeholders in the development of the policy. Possible establishment of a sub-committee for this project.
3. Strategy to address key issues like the Director's need to consider the protection of the aquatic environment and also expedite the purpose of the Act. One must also consider requirements of other statutes such as the federal Fisheries Act, the Public Lands Act, etc.
4. Need to work cooperatively to achieve outcomes that are best for the province now and in the future.
5. Straw-dog policies of the past(; e.g. see the attached document received from Ernie Hui.) may help in further actions.

Cheers, Archie.



## AGGREGATE EXTRACTION FROM SURFACE WATER BODIES AND FLOODPLAINS

### POLICY APPROVAL DOCUMENT

**POLICY ISSUE:** Management and regulation of existing and future aggregate extraction operations located within surface water bodies and adjacent floodplains.

#### **BACKGROUND:**

- Aggregate extraction within the active areas of surface water bodies and 1:100 year floodplains has occurred in Province for several decades. Many aggregate extraction operations have been developed in these areas because of the ease of access to the material and associated low development costs.
- Aggregate extraction is a concern within the active areas of surface water bodies and adjacent floodplains as these operations have been shown to have significant adverse effects on aquatic species and habitat, water quality and the configuration of the bed, banks and shores of water bodies.
- Physical changes to a water body, as a result of extraction operations, are also shown to have an effect on adjacent lands and infrastructure upstream and downstream of the operation location.
- The demand for aggregate resources is increasing and the Government will be pressured by industry to continue to provide approvals for extraction of materials from these sources.
- Aggregate extraction operations on public and private lands in Alberta are regulated under three provincial statutes: the Water Act, the Public Lands Act and the Environmental Protection and Enhancement Act. Provincial permitting, licencing and approvals are issued separately under these Acts through distinct regulatory processes and sometimes have tenure, conditions and information requirements that are not well integrated.
- Aggregate extraction operations situated in or adjacent to water bodies must also meet federal regulatory requirements under the Fisheries Act, the Navigable Waters Protection Act, and possibly the Canadian Environmental Assessment Act. Meeting provincial standards and requirements does not ensure that federal regulatory requirement will be met.



## **POLICY QUESTION:**

How will aggregate extraction activities within and adjacent to surface water bodies be consistently regulated to ensure environmental effects are limited?

## **POLICY DECISION:**

Confirmation that the following criteria be implemented when considering approval or renewal aggregate extraction operations.

### **1. New Aggregate Extraction Operations**

#### **a. For Proposed operations located within the active area of a surface water body.**

Approvals for aggregate extraction operations will be considered only when:

- It is clearly demonstrated that there are no alternative aggregate resources within a 50 kilometre radius from the proposed extraction location.
- Any adverse or harmful effects on the land and aquatic environment, including fisheries and wildlife resources, water quality, river configuration and dynamics, resulting from the aggregate extraction activity can be mitigated and/or compensated in a manner acceptable to the Department.

#### **b. For Proposed operations located outside the active area of a surface water body but within the 1:100 year floodplain.**

Approvals for aggregate extraction operations will be considered only when:

- Any adverse or harmful effects on the land and aquatic environment, including fisheries and wildlife resources, water quality, ground water and river dynamics, resulting from the aggregate extraction activity can be mitigated in a manner acceptable to the Department.

### **2. Existing Aggregate Extraction Operations**

Existing aggregate mining operations will be allowed to continue for the remaining term of *Public Lands Act*, *Environmental Protection and Enhancement Act* or *Water Act* approvals, subject to the requirements under the *Fisheries Act*, or a maximum of 5 years as of the date of this policy. After this time, a renewal of an approval will be subject to similar classifications and requirements outlined for new aggregate operations.

### **3. Undeveloped Aggregate Extraction Operations**

Undeveloped aggregate extraction operations that have a *Public Lands* approval but no *Environmental Protection and Enhancement Act* or *Water Act* approvals will be considered a new operation and are subject to similar classifications and requirements.

*Rationale: The policy will ensure consideration for protection of the aquatic environment and adjacent lands potentially affected by new and existing aggregate operations. The policy will also set out a framework to ensure that all applications for approvals for aggregate extraction operations in or adjacent to water bodies will be treated in a fair and consistent manner across the Province.*

**RECOMMENDATION**

**Summary:**

The policy outlines above be forwarded to the Deputy Minister for his approval, prior to presenting to the Executive Committee.

**Rationale:**

Within the province, aggregate extraction operations on public and private lands are regulated under three provincial statutes with separate and distinct regulatory processes that are not well integrated, which sometimes has lead to differing approval terms, conditions and requirements. Also, clear and consistent guidelines for both new and existing aggregate extraction operations will to ensure a higher level protection of the environment.

**APPROVED:** \_\_\_\_\_  
Doug Radke  
Deputy Minister

**DATE:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_  
Havlar Johnson  
Minister

**DATE:** \_\_\_\_\_

**From:** Olson, Tom [Tom.Olson@dfo-mpo.gc.ca]  
**Sent:** Monday, March 08, 2010 1:27 PM  
**To:** David Park; Dave Walty  
**Subject:** RE: JTIWG - aggregate extraction

Was unable to locate a more current draft agenda than the one on page 52, which has wrong date also.

**Attachments:** RE: Joint Tech. Issues Working Group meeting - draft agenda  
Hey Dave. This is the last version I have. Cheers

**Effective Immediately - My new email address is [Tom.Olson@dfo-mpo.gc.ca](mailto:Tom.Olson@dfo-mpo.gc.ca)**

**Tom Olson**

Telephone/Téléphone 403 394-2915  
Facsimile/Télécopieur 403 394-2917  
E-mail/Courriel

Habitat Management Team Leader	Chef d'équipe, Gestion de l'habitat
Alberta District	District de l'Alberta
Prairies Area	Secteur des Prairies
Central and Arctic Region	Région du Centre et de l'Arctique
Fisheries and Oceans Canada	Pêches et Océans Canada
704 4 <sup>th</sup> Avenue S, Room 204	704 4 <sup>th</sup> Avenue S, pièce 204
Lethbridge, Alberta T1J 0N8	Lethbridge (Alberta) T1J 0N8

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**From:** David Park [mailto:Dave.Park@gov.ab.ca]  
**Sent:** Monday, March 08, 2010 1:14 PM  
**To:** Dave Walty; Olson, Tom  
**Subject:** JTIWG - aggregate extraction

Guys,

Where is the draft recommendations document at?

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**From:** Dave Walty  
**Sent:** Monday, March 08, 2010 11:34 AM  
**To:** David Park; Augustus Archampong; Dana Becker; Jamie Bruha; 'Rich, Adam P'; Chris Grant; Larry Kuchmak; Gerry Haekel  
**Cc:** 'Olson, Tom'  
**Subject:** RE: JTIWG meeting

I can make the morning only.

---

**From:** David Park

**Sent:** Monday, March 08, 2010 11:01 AM

**To:** Augustus Archampong; Dana Becker; Jamie Bruha; Rich, Adam P; Chris Grant; Dave Walty; Larry Kuchmak; Gerry Haekel

**Cc:** 'Olson, Tom'

**Subject:** JTIWG meeting

All,

I missed a reminder last week to contact you to confirm plans for our next meeting. Archie just reminded me this AM, and now I'm scrambling. At the last meeting, we set March 10<sup>th</sup> as the date. I booked a meeting room here, so we have a place. However, I've not received any confirmations since the minutes of our last meeting went out. Before Tom and I get our butts in gear and put together an agenda, I want to make sure it's worth it to follow through with this meeting or change the plan.

Who is planning to be here Wednesday, or is otherwise able to meet? Alternatives?...I haven't discussed it with Tom or anyone else yet, but we could consider teleconferencing Wed. on one or two pressing matters (e.g. agg. extraction) or moving the meeting back into April. Please let me know.

Thanks

Dave

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

Dated wrong should  
be Mar. 10/10.

**JOINT TECHNICAL ISSUES WORKING GROUP  
February 10, 2010 Meeting Minutes**

**Purpose of Working Group:** to develop common approaches and understanding of high priority technical issues related to the management of fish habitat. Working group establishes priorities on the issues to be addressed and act as a steering committee. Involve industry when the group feels comfortable they have reached a common understanding amongst the agencies.

**Location:** Conference Call

**Attendees:**

David Park (meeting Chair), Tom Olson (notes), Archie Archampong, Larry Kuchmak, Dave Walty, Adam Rich, Chris Grant.

**Regrets:** Gerry Haekel, Jamie Bruha, Dana Becker

---

**1. Review of Agenda,**

- Agenda accepted. Concern expressed with lack of ASRD - Public Lands, representation given that the issue of aggregate extraction is the main topic for the agenda. Acknowledged that we will need feedback from Public Lands on the issues.

**2. Minutes from last meeting**

Minutes accepted

**3. Aggregate Extraction**

- Discussion of minutes from last meeting and recommended next steps for JTIWG on aggregate extraction. The discussion stems from the interest from the Minister AENV to develop policy around the issue and to receive progress reports.
- Majority of members on the call believe that development of a formal policy including public and industry input is beyond the mandate of the JTIWG as identified in the TOR.
- Recognized that JTIWG recommendations could be one step in larger process to develop formal policy and that some members of the JTIWG could be members of a larger process if managers so desire.
- Recognized need to bring GH up to speed on developments and get him involved
- Discussion of next steps are summarized as follows:
  1. Tom to complete JTIWG recommendations document with go forward section and send out to JTIWG for comment. Timeline for completion first of April. Go forward section to include
    - i. Recommendation that; if Provincial agencies wish to pursue a more formal policy position paper, then JTIWG is not the appropriate group to deliver it.
    - ii. Recommendation that discussions at the ADM level between regulatory Departments should be undertaken to establish a formal interdepartmental policy working group separate from the JTIWG.
    - iii. Recommendation that participants in such an aggregate working group (if pursued), should include representatives from AENV Policy, AENV River Engineering, AENV Regional Services, ASRD Fisheries, ASRD Wildlife, ASRD Public Lands, DFO, AMD&C, the Sand and Gravel Association, and academia/public.

- iv. Recommendation that if formal policy development is pursued, the outcome from the new aggregate working group should undergo a public consultation process prior to becoming policy.
2. DP and AA to prepare Draft Briefing note summarizing the issues and recommended next steps. Note to be framed as a request for decision by ADM's on go forward options. Option one would be the acceptance of the JTIWG recommendations as is, and formation of a larger interdepartmental working group to look at floodplain issues. Option two the formation of a larger interdepartmental working group to look at both active channel and floodplain issues with the JTIWG recommendations as a starting point, and develop policy. The recommended action in the BN would be the acceptance of the JTIWG recommendations as far as the active channel is concerned and formation of a larger policy group to look at the floodplain aggregate extraction issue. Timeline for completion of draft BN second week of April.
3. Completed JTIWG Aggregate recommendations document and BN to be forwarded as a package to ADM's of respective Provincial Departments for decision.

Information removed as non-responsive.

## 6. Next Meetings

- a. April 14<sup>th</sup>.
- b. Location –ASRD F&W
- c. May 12, 2010
- d. June 9, 2010

From: Augustus Archampong  
Sent: Wednesday, March 17, 2010 11:49 AM  
To: Neil Hollands; Don Watson (AENV)  
Subject: 20100224 ProgressReport2 - Memo.doc

Follow Up Flag: Follow up  
Flag Status: Flagged

Neil,

Here is the draft as discussed.

Don,

you may as well take a look.

I will appreciate any comment both of you may have or any related questions.

Cheers, Archie.

## Memorandum

**From:** Ernie Hui  
Water Policy Branch

**Our File Reference:**  
**Your File Reference:**

**To:** Hon. Rob Renner  
Minister, Alberta Environment

**Date:** March 15<sup>th</sup>, 2010

Formatted: French (France)

**Telephone:**  
**Fax:** (780) 415 8183  
(780) 415 6492

**Subject:** Progress Report – Provincial Level Policy On Aggregate Extraction from Instream Gravel Bars in the North Saskatchewan River

### Introduction:

This is a follow-up to your request made at the February 2 meeting with MLA Diana McQueen and representatives of Brazeau County. This report briefly outlines previous work on the subject, starting from when three approval applications of the County of Brazeau were declined ten years ago. Since then, a virtual moratorium precludes aggregate extraction from the river. Subsequent attempts by federal and provincial staff and renewed effort by the County to reopen the subject culminate in the advent of your request.

### Project Overview:

The objective of the project is to develop a province-level policy direction for the approval of aggregate extraction from gravel bars and flood plains of watercourses in the province. This requires a careful consideration of fundamental principles under the *Water Act*, other statutes that govern the water resources of the province. For example, the *Water Act* requires an "integrated approach and comprehensive, flexible administration and management systems based on sound planning, regulatory actions and market forces".

### Progress Overview:

The attached AR no. 39270 tells of the many attempts to extract aggregate from the North Saskatchewan River in the past ten years. Additionally, department records show extensive review of the literature and submission of comments from some government sectors including the membership of the Joint Technical Issues Working Group. At least, there are two attempted drafts of aggregate extraction policy on file; these drafts were not moved forward for one reason or another. The Joint Group is also currently developing an aggregate extraction policy. These drafts could be used as "straw dogs" for further work.

Comment [G1]: I would not use this lingo (technically it is "straw men" but I suggest "a basis" or something similar instead



**Work Completed:**

The extent of work already completed significantly reduces the anticipated work needed if the project was to start from scratch. However, requirements under federal legislation, SRD fisheries policy and issues raised by some AENV branches will likely delay unanimous buy-in on the issues. This concern could lead to very significant delays in completing the project.

**Project Team:**

The following content of a subcommittee is proposed for the project:

- |   |                                  |
|---|----------------------------------|
| 1. Dwight Oliver                        | AAMD&C Rep                       |
| 2. <del>?</del> <u>To Be Determined</u> | Sand & Gravel Association        |
| 3. Tom Olson                            | DFO                              |
| 4. David Park                           | SRD (Fisheries)                  |
| 5. Gary Haekel                          | SRD (Public Lands)               |
| 6. Bruce Blue                           | Alberta Transportation           |
| 7. Neil Hollands                        | AENV – Regional Services         |
| 8. A. Archampong                        | AENV – Water Policy Branch       |
| 9. Jim Choles                           | AENV – River Engineering         |
| 10. <u>Don Watson</u>                   | <u>AENV - Reclamation Policy</u> |

← Formatted: Bullets and Numbering

**Work Remaining:**

- Confirmation of project team
- Review
- Buy-in from participating governments – Though both provincial and federal statutes are administered independently, proponents are responsible for making sure they have approvals from other jurisdictions. For example a proponent who has a *Water Act* approval may still need authorization from the federal government or runs the risk of violating the Fisheries Act.

I will have staff proceed with the development of the policy and provide you with an update by June 15, 2010. Representatives from Alberta Urban Municipalities Association, Alberta Sand and Gravel Association and Alberta Transportation have been invited as stakeholders to participate in the development of the policy.

Ernie Hui  
ADM Environmental Assurance

**From:** Olson, Tom [Tom.Olson@dfo-mpo.gc.ca]

**Sent:** Wednesday, March 31, 2010 4:33 PM

**To:** Augustus Archampong; Chris Grant; Dana Becker; Dave Walty; David Park; Gerry Haekel; Jamie Bruha; Larry Kuchmak; Rich, Adam P

**Subject:** Aggregate recommendations March 31 2010 draft

**Attachments:** JTIWG aggregate recommendations draft March 31 2010.doc

Hi folks. Attached is the latest draft for the aggregate recommendations document including a next steps section immediately after the recommendations. Please feel free to send me any comments or suggestions. For discussion at the next JTIWG meeting.  
Thanks

**Effective Immediately - My new email address is [Tom.Olson@dfo-mpo.gc.ca](mailto:Tom.Olson@dfo-mpo.gc.ca)**

**Tom Olson**

Telephone/Téléphone

403 394-2915

Facsimile/Télécopieur

403 394-2917

E-mail/Courriel

Unable to locate missing attachment.

Habitat Management Team Leader

Alberta District

Prairies Area

Central and Arctic Region

Fisheries and Oceans Canada

704 4<sup>th</sup> Avenue S, Room 204

Lethbridge, Alberta T1J 0N8

Chef d'équipe, Gestion de l'habitat

District de l'Alberta

Secteur des Prairies

Région du Centre et de l'Arctique

Pêches et Océans Canada

704 4<sup>th</sup> Avenue S, pièce 204

Lethbridge (Alberta) T1J 0N8

## BRIEFING NOTE

## DEPUTY MINISTER

- For Information  
 For Signature  
 For Decision  
 Communications  
 For Meeting

## MINISTER

- For Information  
 For Signature  
 For Decision  
 For Meeting

**SUBJECT: Recommended Approach for the Regulation of Aggregate (Sand and Gravel) Mining Activities Within and Adjacent to Water Bodies**

**ISSUE**

In response to a request from Alberta Environment for advice in regulating commercial sand and gravel mining activity along the North Saskatchewan River, the Fisheries Management Branch has identified the need for a consolidated approach and policy for the regulation and management of aggregate extraction activities affecting aquatic systems in Alberta.

**RECOMMENDATION**

Endorse the approach described by the Alberta Joint Technical Issues Working Group (JTIWG), as outlined below:

1. Take steps necessary to formalize, as a permanent policy direction for Alberta, the current GoA interdepartmental approach of not accepting applications for aggregate extraction activities within natural waterbodies, such being defined as the active channel of watercourses or the bed and shore of standing waterbodies (see Background for definition).
2. Building on the preceding, establish a multi-agency committee, inclusive of stakeholders (i.e. commercial sand & gravel producers, Alberta Infrastructure, conservation interest (e.g. Trout Unlimited, Alberta Fish and Game Association)), to develop a benefit and risk management-based approach to guide the approval and operation of gravel mining activities in areas within river valleys, outside of the active channel zone.
3. Communicate the above to stakeholders, concurrently, in advance of the establishment of the committee. Also, liaise with the Landuse Secretariat to facilitate alignment and coordination.

**ALTERNATIVE (S)**

Maintain the status quo (i.e. not acceptance of applications for in-channel aggregate mining activities) and provide no clear guidance to stakeholders.

**CURRENT STATUS (if applicable)**

A joint approach has been in effect in GoA since 1998, by which Alberta Environment and ASRD Lands have not accepted any applications for in-stream gravel mining activities. Though effective at avoiding harm to fish habitat, a clear and transparent policy is not available to provide guidance.

At a recent meeting, Alberta Environment Minister Renner expressed the need for quick progress in the development of a provincial level policy for extraction of aggregate in response to a request from the North Saskatchewan River.

### **RATIONALE/RISKS**

The recommended approach is designed to address the following needs and challenges:

- While aggregate resources are limited and in demand for infrastructure, this need must be balanced against the need to protect river systems.
- A timely response from GoA is required to allow Alberta Environment to address the current request from Brazeau County to extract aggregate from within the North Saskatchewan River valley. Clarity about the availability of in-stream gravels is needed soon.
- A provincial committee previously struck to deal with aggregate extraction issues failed to develop a comprehensive policy because of disagreements about the definition and application of floodplain elevation zone boundaries. This approach represents a substantial success, being based on the definition of active channel (a much more discrete and readily agreed-upon boundary), the solid consensus of not mining within rivers, and facilitating the creation of a flexible approach to managing activities beyond the river channel.
- The Joint Technical Issues Working Group has a strictly aquatic scope. Beyond the river channel, terrestrial issues must be factored in to policy development, which are beyond the scope of the working group.

The risks of not taking this approach include a continued lack of clear policy direction, leading to increasing conflict between the various interests involved.

### **BACKGROUND**

- Sand and gravel deposits are important and valuable materials required by many private, industrial, municipal and provincial developments. Sand and gravel deposits should be accessible in a manner that is technically and economically feasible, and avoids or minimizes environmental harm.
- The natural resources of water, fish and wildlife are also important and valuable to the people of Alberta. Sand and gravel deposits are also necessary for gravel inputs to rivers to maintain fish habitat over time. Sand and gravel extraction should be conducted in a manner that does not significantly affect the hydrology of rivers or degrade fish and/or wildlife habitats.
- Gravel deposits within the channel of rivers are important components of fish habitat. Under the Federal Fisheries Act, in stream gravel removal constitutes a harmful alteration or destruction of fish habitat (HADD). Generally, this form of HADD is considered to be a high risk which cannot be mitigated.
- The effects of sand and gravel operations are generally additive and the cumulative effects of these developments should be considered.

<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED	_____	_____
		<b>Eric J. McGhan</b>	<b>DATE</b>

**MINISTER'S COMMENTS:**

<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED	_____	_____
		<b>Minister of Sustainable Resource Development</b>	<b>DATE</b>

ADM: Name, Title, Division  
Contact: David Park, Co-Chair, Joint Technical Issues Working Group  
780-427-8347  
ASRD, Fisheries Management Branch  
Date: April 2010

- High level provincial initiatives, such as the Water for Life Strategy and Landuse Framework provide are considered as important backdrop for provincial policy development on aggregate extraction.
- Prior to 1999 approvals for activities were issued under the erstwhile Water Resources Act. Approvals under the federal Fisheries Act and the Navigable Waters Protection Act are also potentially required.
- Though federal and provincial regulators coordinate efforts in issuing approvals it has been determined that issue of approvals from the two jurisdictions were independent of each other. In 1998, the erstwhile Minister Ty Lund stated provincial approvals would be issued but would carry a warning that an authorization under the Fisheries Act would most likely be required to avoid violation of the Fisheries Act.
- In 1999 the department, then known as Alberta Environmental Protection denied three approval applications, filed by the County of Brazeau, for aggregate extraction from the North Saskatchewan River.
- Subsequent to this outcome, the department continued its interim policy of “no extraction from active stream channels except in extenuating circumstances”
- On February 2, 2010 Minister Renner, MLA Diana McQueen and department staff met with officials of the County of Brazeau to discuss the County's proposal to undertake aggregate mining from gravel bars in the North Saskatchewan River.
- Minister Renner has requested the development of a provincial level policy for aggregate extraction from the North Saskatchewan River. He recommended inclusion of industrial reps in the discussions and quick progress in the development of the policy.
- AENV staff discussed this matter with the Joint Technical Issues Working Group on February 10, 2010. The working group is a cross ministry/government body consisting of regulatory staff of Fisheries and Oceans Canada Alberta Sustainable Resources Development and Alberta Environment. The purpose of the Joint Technical Issues Working Group is to develop common approaches and understanding of high priority technical issues related to the management of aquatic habitats.
- Relevant definitions:
  - The Ordinary High Water Mark is the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land.
  - The active channel of a watercourse is defined as the portions of the stream bed which occur between the two outermost Ordinary High Water Marks and which are not covered by terrestrial vegetation (i.e., not forested).
  - The bed and shore of a waterbody is the portion occurring below the Ordinary High Water Mark.

**COMMUNICATION PLAN**

The communication plan will be developed in consultation and co-ordination with GoA Communication departments and Fisheries and Oceans Canada.

**DEPUTY MINISTER’S COMMENTS:**

**From:** Dana Becker

**Sent:** Monday, April 19, 2010 2:50 PM

**To:** 'adam rich'; Chris Grant; Dave Walty; David Park; Gerry Haekel; Jamie Bruha; Larry Kuchmak; 'tom olson'

**Subject:** Draft Aggregate policy

**Attachments:** JTIWG aggregate recommendations draft March 31 2010 (2).doc

Hi All,

Here's the attached edits on the aggregate draft. As usual I played Devil's Advocate. You will see it in my edits but we can recommend a 'policy' be developed (by an aggregates working group) that keeps all and sundry out of the active channel – which is something we want. But we can't support an 'unofficial moratorium'.

Dana

Dana Q. Becker, M.Sc., P. Biol.

Manager, Aquatic Resources

Alberta Transportation

4999-98 Ave

Edmonton, AB T6B 2X3

Telephone: (780) 422 - 7623

Cell: [REDACTED]

[dana.becker@gov.ab.ca](mailto:dana.becker@gov.ab.ca)

\* Section 17(1)(4)(g)(i)

Unable to locate missing Attachment

From: Gerry Haekel  
Sent: Tuesday, April 20, 2010 10:48 AM  
To: Augustus Archampong  
Cc: David Park  
Subject: RE: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Thanks Archie. A couple of spelling errors in the progress memo, but the main one I flag is the spelling of my name. Its Gerry, not Gary.

Also, for the proposed project team, what role will the County and the industry association have? I see them as advisory and not there to block or necessary to form consensus. I would hope that it is not to give them a veto and the ability to prevent a regulatory policy once again being put in place.

Gerry Haekel, P.Biol.  
Head, Riparian Land Management & Water Boundaries Unit Land Management Branch, Lands Division Alberta  
Sustainable Resource Development 3rd Floor, South Petroleum Plaza  
9915-108 Street  
Edmonton, AB T5K 2G8

\* Ph: (780) 427-4767  
\* Fx: (780) 422-4251  
\* E-mail: gerry.haekel@gov.ab.ca

\* Please consider the environment before printing this email.

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-----Original Message-----

From: Augustus Archampong  
Sent: Tuesday, April 20, 2010 9:56 AM  
To: David Park; 'Olson, Tom'; Dana Becker; Dave Walty; 'Rich, Adam P'; 'Chris Grant'; Jamie Bruha; Gerry Haekel; Larry Kuchmak  
Subject: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Hello,

Attached are documents that advise the AENV Minister on progress of work done in connection with his request. These documents are enroute to the Minister.

I have had a chance, at the Director level, to discuss the nature of policy to be developed. AENV is in support of a one-policy document that provides direction on what activities are permitted within in-channel and upland areas of water bodies. AENV is aware that the JTIWG does not support any aggregate extraction in the active channel area.



I propose that we discuss this subject in connection with the draft BN.

Cheers, Archie.

\*Section 24(1)(a)(b)(i)(ii)

Minister  
 Deputy Minister

**BRIEFING NOTE – MEETING**

For Decision  
 For Information

**Meeting Name:** Brazeau County  
**Meeting Date:** TBA  
**Time:**  
**Attendees:**

---

**AR 38642**

**SUBJECT:** Meeting – Tentative – Brazeau County's Proposal to Extract Gravel from River Gravel Bars

---

**DATE:** December 16, 2009

**ISSUE:**

Brazeau County would like to have a meeting with the Minister to discuss the potential of extracting aggregate from the North Saskatchewan River gravel bars/river banks, due to limited supply of aggregate left within existing pits.

**BACKGROUND:**

Approximately 12 years ago, AENV denied approvals on three applications for extracting aggregate from river bars located along the North Saskatchewan River submitted by Brazeau County. Brazeau County has since extracted aggregate supply from inland sources. In June 2007, Brazeau County in conjunction with the County of Wetaskiwin, submitted a Proposal for Mining River Bars to Alberta Environment.

On November 10, 2008 a meeting was held at the County office, with representatives from the County, AENV, DFO, SRD, Community Development to discuss the June 2007 Proposal. The county was advised that the proposal was missing information. AENV indicated at a minimum the county would have to meet DFO's guidelines and provide the information to AENV, at which time AENV would be able to provide more adequate feedback. To date no additional new information has been submitted.

\*Section 24(1)(a)(b)(i)(ii)

There is currently no policy surrounding aggregate extraction in gravel bars or river banks. Gravel extraction from gravel bars and river banks is not viewed favorably by Alberta Environment as this activity has significant potential to disrupt the river flow, destabilize banks, erosion, or potentially aggravate lateral movement of rivers. Silt loading and impacts to fish habitat are also significant concerns. Aggregate extraction in gravel bars or river banks is viewed as non permissible activity.

Formatted: Highlight

The Joint Technical Issues Working Committee has previously looked at the issue of mining gravel from river bars and banks. They have not come to a decision on a policy direction but an unwritten moratorium has been in place since 2005.

**RECOMMENDATIONS:**

**KEY MESSAGES (For Communications' use only):**

- Arial, 12, no bold

For Minister's Use:

- Agree with recommendations
- Disagree with recommendations

**MINISTER AND/OR DEPUTY MINISTER'S COMMENTS/DECISION:**

**CONTACT:** David Helmer

**TELEPHONE:** 403-340-7721

**SUBMITTED BY:** David Helmer

- Requires legislative/regulatory change

**From:** Dana Becker

**Sent:** Tuesday, April 20, 2010 2:26 PM

**To:** Augustus Archampong

**Cc:** Dave Walty; David Park; 'Olson, Tom'; 'Rich, Adam P'; 'Chris Grant'; Jamie Bruha; Gerry Haekel; Larry Kuchmak

**Subject:** RE: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Thanks Archie! This will probably be a 'fun' topic for the group but the JTIWG (from my understanding) will be separate from the aggregates group and the aggregate group will stand on its own (not an umbrella group under the JTIWG). It really doesn't matter if JTIWG members are part of the aggregates group – it's a different group presumably with their own TOR etc.

As for the BN – again it is between AENV and Brazeau County.

Dana

Dana Q. Becker, M.Sc., P. Biol.

Manager, Aquatic Resources

Alberta Transportation

4999-98 Ave

Edmonton, AB T6B 2X3

Telephone: (780) 422 - 7623

Cell: [REDACTED]

[dana.becker@gov.ab.ca](mailto:dana.becker@gov.ab.ca)

\* Section 17(1)(4)(g)(i)

---

**From:** Augustus Archampong

**Sent:** Tuesday, April 20, 2010 2:15 PM

**To:** Dana Becker

**Cc:** Dave Walty; David Park; 'Olson, Tom'; 'Rich, Adam P'; 'Chris Grant'; Jamie Bruha; Gerry Haekel; Larry Kuchmak

**Subject:** RE: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Dana,

The current initiative is an attempt to form the separate group in your recommendation. I hope you are okay with having JTIWG members in the proposed group. If we are successful like we were with the Class A agreement, AENV would like the Minister to adopt the document as a policy of the province.

Your comment is appreciated.

Archie.

---

**From:** Dana Becker

**Sent:** Tuesday, April 20, 2010 1:59 PM

**To:** Dave Walty; Augustus Archampong; David Park; 'Olson, Tom'; 'Rich, Adam P'; 'Chris Grant'; Jamie Bruha; Gerry Haekel; Larry Kuchmak

**Subject:** RE: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Hi Dave,

None of us (well I think none of us in the JTIWG) supports gravel extraction in the "active channel". But what I was trying to say it is not up to the not up to the JTIWG to develop policy nor is it up to the JTIWG to deal with Brazeau County. All we can say is that our recommendations are that a group be formed (separate from us) to deal with gravel extraction.

Dana

Dana Q. Becker, M.Sc., P. Biol.

Manager, Aquatic Resources

Alberta Transportation

4999-98 Ave

Edmonton, AB T6B 2X3

Telephone: (780) 422 - 7623

Cell:  
dana.becker@gov.ab.ca

\* Section 17(1)(4)(g)(i)

---

**From:** Dave Walty  
**Sent:** Tuesday, April 20, 2010 1:49 PM  
**To:** Dana Becker; Augustus Archampong; David Park; 'Olson, Tom'; 'Rich, Adam P'; 'Chris Grant'; Jamie Bruha; Gerry Haekel; Larry Kuchmak  
**Subject:** RE: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Dana, to my knowledge, the Brazeau request is for "active channel" gravel extraction.

---

**From:** Dana Becker  
**Sent:** Tuesday, April 20, 2010 11:02 AM  
**To:** Augustus Archampong; David Park; 'Olson, Tom'; Dave Walty; 'Rich, Adam P'; 'Chris Grant'; Jamie Bruha; Gerry Haekel; Larry Kuchmak  
**Subject:** RE: AGGREGATE EXTRACTION FROM IN-RIVER GRAVEL BARS

Hi All,

There seems to be a 'disconnect' here and I'm not sure where it's coming from. TRANS supports (as does the JTIWG) no aggregate removal from the active channel - which is the direction the briefing note that Tom provided recommends. The JTIWG is recommending a 'policy' be developed outside of the JTIWG.

The JTIWG has really nothing to do with anything going on with Brazeau County and AENV over gravel extraction. To say so is misleading.

We have as JTIWG (and as group) recommended that a committee that is separate from JTIWG be developed to deal with the aggregate issue as follows:

*It is recommended by the JTIWG, that if Provincial Regulatory agencies wish to pursue a more formal policy position paper, then the JTIWG is not in a position to undertake that task which would be outside of the Terms of Reference for the group.*

*It is recommended that discussions at the Assistant Deputy Minister Level of Provincial Regulatory Agencies be undertaken to establish a formal interdepartmental policy working group separate from the JTIWG.*

This 'aggregate committee' is not to be a subcommittee of JTIWG as is suggested in the AR that Archie has attached.

Dana

Dana Q. Becker, M.Sc., P. Biol.  
Manager, Aquatic Resources  
Alberta Transportation  
4999-98 Ave  
Edmonton, AB T6B 2X3  
Telephone: (780) 422 - 7623  
Cell: \*  
dana.becker@gov.ab.ca

Duplicate information from Apr. 20/10 9:56 AM, removed as non-responsive.

Friday  
April 30

Meeting with Minister

\* Advice - letter for Ministers

Signature to SRED & AT

To have a rep on the committee.

\* maybe the same thing for DFO.

- 2 month deadline with interim report.

- 1 month report to the minister.

information removed  
as non-responsive.

Page

From: Neil Hollands  
Sent: Monday, May 03, 2010 4:14 PM  
To: Andy Lamb  
Cc: David Helmer  
Subject: FW: Need an immediate update

Follow Up Flag: Follow up  
Flag Status: Flagged

My spellcheck messed up some acronyms on the earlier message.

---

From: Neil Hollands  
Sent: Monday, May 03, 2010 4:08 PM  
To: Andy Lamb  
Cc: David Helmer  
Subject: RE: Need an immediate update

Hi Andy,

1. There is no approval application before us, so no approval work to be done at this time.
2. The County put forward a proposal in 2007/2008 and AENV staff have met with the County on the matter several times. Our consistent message over the past couple of years is that there is a moratorium (via unwritten policy) on gravel mining in river bars, and AENV would not consider a proposal unless the DFO and SRD are agreeable to the proposal. DFO and SRD have not agreed to the County's proposal.
3. The issue is a provincial level policy matter. A Joint Technical Issues Working Group has been developing recommendations on this topic (reps from DFO, SRD, AT, AENV).
4. The County met with the Minister February 2 to ask for consideration of their proposal. Our (staff) advice to the Minister was to allow the JTIWG to finalize their policy direction, then inform the County of AENV position after the policy is developed.
5. Instead, the Minister directed staff to add some stakeholder groups (AAMD&C and ASGA) to the committee for this policy development and provided a 3 month time frame for a progress report.
6. Being policy development, I passed on this task to EA policy staff (A. Archampong). See email dated Feb 8 that was also copied to R.Ramcharita.
7. Archie brought this topic to the next JTIWG meeting on Feb 10 and I attended to report on the new direction from the Minister. General response around the table was that the JTIWG has a terms of reference and the changes proposed by the Minister would need approval from the other Ministries represented.
8. To my understanding Archie did not get much co-operation from the JTIWG over the past 3 months to move anything forward.
9. In mid-March Archie drafted a progress report for the Minister from his ADM, but it does not appear to have been brought to the Minister. **Attachment removed as non-responsive as it is a duplicate of pages 76-77.**
10. Once policy direction is established, regional staff are prepared to act very quickly in regards to the County proposal.

My assessment of the reasons for lack of progress:

\* Ministerial direction was provided to a cross-ministry committee without corresponding direction provided down through the other Ministries. In hind sight, a memo from our Minister to his colleagues

in SRD and AT may have helped get some co-operation at the committee level.

\* Apparent lack of support from committee representatives of other Ministries to move forward on the AENV Minister's direction. I can only speculate on the reasons why.

Regards,  
Neil

---

From: Andy Lamb  
Sent: Monday, May 03, 2010 8:52 AM  
To: Neil Hollands  
Cc: David Helmer  
Subject: FW: Need an immediate update

Neil

Can you provide an update? Sounds like the meeting Friday did not go well. We can discuss this morning.

Andy

---

From: Rick Brown  
Sent: Monday, May 03, 2010 8:31 AM  
To: Andy Lamb  
Subject: Need an immediate update

Andy,

I need to get an update on any approval work done on the application to take gravel directly from the North Sask river. The Minister and the MLA were very upset that nothing had been done over the last couple of months. The Minister now expects a policy in a month and action on the proposal immediately thereafter.

R.L. (Rick) Brown  
ADM Environmental Management  
Alberta Environment  
10th Floor, South Petroleum Plaza  
9915 - 108 Street  
Edmonton, AB  
T5K 2G8  
Office: (780) 427-1335  
Cell: (780) 914-7487  
Rick.Brown@gov.ab.ca

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From: Neil Hollands  
Sent: Wednesday, February 03, 2010 1:54 PM  
To: Augustus Archampong  
Cc: Roger Ramcharita; David Helmer  
Subject: Gravel Mining of River Bars

Hi Archie,  
I met with the Minister, MLA Diana McQueen and representatives of Brazeau County yesterday to discuss the County's proposal to undertake river bar mining.

We conveyed to the County the message that this activity has not been approved by the Department up to now, and that the Joint Technical Working group would be determining policy before we make a decision with Brazeau .

The Minister would like to see some quick progress made on provincial level policy direction and he asked for some external stakeholders to be included in the working group. He wants a progress report in 3 months, so he can meet with the County and MLA McQueen again to report what progress is being made.

The suggested make-up of the working group would include:

AENV  
ASRD  
DFO ( recognizing that we may limited influence on federal involvement or co-operation)  
AAMD&C  
Alberta Sand and Gravel Association or similar industry representation.

Brazeau County won't be part of this group so that specific interests are not influencing the discussion. However, I will be replying back to the County with our current position (no approval of gravel mining in the river until provincial policy direction is provided) ) and comments on the 2007 documents that they have previously submitted to us.

Archie, I will leave to in your hands to move the process forward from here. If you need some regional assistance, Central Region is willing to participate.  
Roger, let me know if you spot any errors or omissions in the above.

Regards,

Neil Hollands, P.Eng  
District Approvals Manager  
Alberta Environment  
Environmental Management  
Suite 1, 250 Diamond Avenue, Spruce Grove, AB T7X 4C7  
Phone 780-960-8617  
Cell 780-690-0064  
Fax 780-960-8605

From: Augustus Archampong  
Sent: Tuesday, May 04, 2010 11:02 AM  
To: 'Teri Muhlbeier'  
Cc: Neil Hollands; 'kjohn@lehighcement.com'  
Subject: RE: Aggregate Extraction Committee

Follow Up Flag: Follow up  
Flag Status: Flagged

Thanks

From: Teri Muhlbeier [mailto:asga04@telus.net]  
Sent: Tuesday, May 04, 2010 11:00 AM  
To: Augustus Archampong  
Cc: Neil Hollands; kjohn@lehighcement.com  
Subject: RE: Aggregate Extraction Committee  
Hi Augustus,

Kevin can be reached by email at [kjohn@lehighcement.com](mailto:kjohn@lehighcement.com). I've also cc'd him on this.

Thank You,  
Teri Muhlbeier

Teri Muhlbeier  
Association Manager  
Alberta Sand & Gravel Association  
[teri.muhlbeier@asga.ab.ca](mailto:teri.muhlbeier@asga.ab.ca)  
Phone: (780) 435-2844  
Fax: (780) 435-2044  
[asga.ab.ca](http://asga.ab.ca)

From: Augustus Archampong [mailto:Augustus.Archampong@gov.ab.ca]  
Sent: May-04-10 9:46 AM  
To: [asga04@telus.net](mailto:asga04@telus.net)  
Cc: Neil Hollands  
Subject: Aggregate Extraction Committee

This message is for Kevin John  
John, your name was provided as a possible Alberta Sand & Gravel Association rep for the development of an aggregate extraction policy. I would like to know your direct email address so I can send you an invitation to a meeting of this committee.

I would appreciate your response as soon as possible.

Cheers

Augustus Archampong (Archie)

From: Andy Lamb  
Sent: Wednesday, May 05, 2010 11:56 AM  
To: Neil Hollands  
Cc: David Helmer  
Subject: FW: Need an immediate update

Follow Up Flag: Follow up  
Flag Status: Flagged

Neil

FYI I forwarded this directly to Rick. Thanks very much for pulling this together on such short notice. I think your message did get through and hopefully we will now get some support from EA and other departments.

Andy

---

From: Rick Brown  
Sent: Tuesday, May 04, 2010 4:33 PM  
To: Andy Lamb  
Subject: RE: Need an immediate update

Thanks Andy. This is an excellent update.

Rick Brown  
ADM Environmental Management  
Alberta Environment  
427-1335

---

From: Andy Lamb  
Sent: Monday, May 03, 2010 4:43 PM  
To: Rick Brown  
Subject: FW: Need an immediate update

Rick

Attached is an e-mail from Neil Hollands, District Approvals Manager on the chronology of events surrounding this issue. As you will be able to tell staff at our end are a little frustrated at the lack of support they received for moving this issue forward from other departments and from EA. This resulted in them being in a difficult situation when the Minister asked why things had not proceeded as far as he expected. We can discuss further if you require additional information or a formal briefing note.

Andy

Duplicate of email dated May 3, 2010  
4:08PM, removed as non-responsive.

## Terry Kosinski

---

**From:** Dave Walty  
**Sent:** Wednesday, May 05, 2010 2:07 PM  
**To:** Terry Kosinski; David Park  
**Subject:** RE: Delivery Status Notification (Failure)

I am uncertain, but Archie Archampong did says today that they have recommended to the minister no activity in the active channel and that they felt they could complete the task this time by allowing aggregate extraction in the flood channel and valley with specific standards/conditions.

-----Original Message-----

**From:** Terry Kosinski  
**Sent:** Wednesday, May 05, 2010 11:50 AM  
**To:** Dave Walty; David Park  
**Subject:** RE: Delivery Status Notification (Failure)

Does this mean the recommendations from JTIWG for aggregate extraction are dead in the water, so to speak?

Or is this AENV's way of turning the recommendations into policy?

Terry

-----Original Message-----

**From:** Dave Walty  
**Sent:** Wednesday, May 05, 2010 9:37 AM  
**To:** David Park; Terry Kosinski  
**Subject:** FW: Delivery Status Notification (Failure)

-----Original Message-----

**From:** Augustus Archampong  
**Sent:** Wednesday, May 05, 2010 9:12 AM  
**To:** Dave Walty  
**Subject:** FW: Delivery Status Notification (Failure)

-----Original Message-----

**From:** GOA Post Master  
**Sent:** Tuesday, May 04, 2010 4:34 PM  
**To:** Augustus Archampong  
**Subject:** Delivery Status Notification (Failure)

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed.

David.Park@gov.ab.ca

From: Neil Hollands  
Sent: Thursday, May 06, 2010 2:27 PM  
To: Steve Cook; Ryan Puhlmann  
Cc: David Helmer  
Subject: RE: Aggregate Extraction Policy Committee Meetings

Given the policy nature and urgency of this task, I think Ryan would be best to provide quick and experienced insight to the group. When it comes time to look at district applications where the new policy applies, then we should get Lesley involved.

---

From: Steve Cook  
Sent: Thursday, May 06, 2010 9:51 AM  
To: Ryan Puhlmann; Neil Hollands  
Cc: David Helmer  
Subject: RE: Aggregate Extraction Policy Committee Meetings

Would Lesley be a good representative? She is familiar with the activities though not as familiar as Ryan. As all the S&G has been passed on to her, perhaps we should at least be asking her if she would be comfortable representing us.

Steve

---

From: Ryan Puhlmann  
Sent: Thursday, May 06, 2010 7:48 AM  
To: Neil Hollands  
Cc: David Helmer; Steve Cook  
Subject: RE: Aggregate Extraction Policy Committee Meetings

Neil:

From the dates provided below, I could largely attend these series of meetings as representative. I have to juggle a couple minor details both otherwise okay.

If this is acceptable, I will place them "tentative"/busy in my calendar.

Thanks

Ryan

---

From: Neil Hollands  
Sent: Wednesday, May 05, 2010 4:06 PM  
To: Ryan Puhlmann  
Cc: David Helmer; Steve Cook  
Subject: FW: Aggregate Extraction Policy Committee Meetings

Ryan,

With motivation provided from our Minister, this policy development is finally getting some traction. I have committed to have regional representation at these meetings, and you are an obvious choice. Are you available on any or all of these days? It has become a high urgency matter for the Minister, so I

would place a high priority on this task, with the understanding that it will be a short duration ( a couple of months hopefully). It may mean shuffling some other things. Alternately if you have someone else to suggest, let me know.

I will attend at least the morning of the first day and as much of the other days as possible to ensure the Minister's direction, as I understand it, is being considered.

Let me know your availability asap.

Thanks,  
Neil

---

From: Augustus Archampong  
Sent: Tuesday, May 04, 2010 4:27 PM  
To: 'kjohn@lehighcement.com'; 'doliver@aamdc.com'; 'Olson, Tom'; 'David.Park@gov.ab.ca'; Gerry Haekel; Bruce Blue; Neil Hollands; Patricia Stevenson; Brent Welsh; Robert George; Larry Kuchmak  
Subject: Aggregate Extraction Policy Committee Meetings

Hello,

Alberta Environment is considering the development of a policy on aggregate extraction from water bodies. Alberta Environment Minister Renner has asked that I provide a status report to him on the subject by the first week of June 2010.

This is your invitation to attend the meetings scheduled for the policy development initiative. The meetings will be held as follows:

1. May 14, 2010 9:00 AM – 4:00 PM  
Meeting location: Twin Atria Building, 4999 - 98 Avenue, Crowsnest Room.
  - (i) Terms of reference
  - (ii) Policy outline
  - (iii) Policy development
  - (iv) Development of an agenda for the May 18, 2010 meeting.
2. May 18, 2010 9:00 AM – 12:30 PM  
Meeting location: Twin Atria Building, 4999 - 98 Avenue, Peace Room.
  - (i) Continue with May 14, 2010 business.
  - (ii) Development of an agenda for the May 25, 2010 meeting.
3. May 25, 2010 9:00 AM – 4:00 PM  
Meeting location: Twin Atria Building, 4999 - 98 Avenue, Prairie Room.
  - (i) Continue with May 18, 2010 business.
  - (ii) Business status assessment & additional meetings.

Please send an alternate member if you are unable to attend this meeting. On the first day of meeting, I ask that we assemble at the Alberta Environment reception desk on the main floor of the Twin Atria Building shortly before 9:00 am.

I will be sending additional information for our discussion before May 14.

Thanks for your cooperation and participation.

Cheers, Archie.

P.S./

David Park: please share this message with the SRD (Wildlife) rep we discussed a couple weeks ago. He/she is also invited to the meetings.

Neil.Hollands@gov.ab.ca Pat.Stevenson@gov.ab.ca Brent.Welsh@gov.ab.ca Robert.George@gov.ab.ca  
Larry.Kuchmak@gov.ab.ca Agustus.Archampong@gov.ab.ca

**From:** Terry Kosinski  
**Sent:** Monday, May 10, 2010 2:40 PM  
**To:** Dan Grahn; Gerry Haekel; Douglas Knight  
**Cc:** David Park; Dave Walty  
**Subject:** RE: AENV - Aggregate Extraction in Floodplains

**Attachments:** RE: Aggregate Extraction Policy Committee Meetings

The enclosed e-mail from Dave Park has additional information about this initiative. Dave told me he talked to Archie and was left with the understanding that for AENV this is capital "P" policy. If so, the request to participate should be at the appropriate level with a bit more information and consideration of everyone's workloads and priorities. AENV is proposing weekly meetings for May. This must be for a start because I don't think this matter can be resolved in a few meetings. This item is important for SRD as many of the areas that would be discussed are public land and in many cases will have a variety of environmental values / sensitivities.

I'd like to discuss an SRD response to this. Thanks.

Terry



**RE: Aggregate  
Extraction Polic...**

---

**From:** Dan Grahn  
**Sent:** Monday, May 10, 2010 2:24 PM  
**To:** Gerry Haekel; Douglas Knight  
**Cc:** Terry Kosinski  
**Subject:** AENV - Aggregate Extraction in Floodplains

Gerry and Doug,

Terry called today about an initiative that AENV is involved in (see above). Gerry, it sounded like you might be aware/involved in this? Doug, are you aware/involved?

Dan



## Terry Kosinski

---

**From:** David Park  
**Sent:** Thursday, May 06, 2010 11:00 AM  
**To:** Brett Boukall  
**Cc:** Terry Kosinski  
**Subject:** RE: Aggregate Extraction Policy Committee Meetings

Terry's going to engage Lands to help figure out how best to respond. As this is policy development, Terry's concerned that the request for our engagement is not occurring as per standard Minister's Report procedure. Let's stand by and await further direction.

Regards,

*David Park, M. Sc.*

Fisheries Biologist  
Alberta Sustainable Resource Development  
Fisheries Management  
Edmonton

phone:1.780.427-8347  
fax: 1.780.422-9559



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**From:** Brett Boukall  
**Sent:** Thursday, May 06, 2010 10:09 AM  
**To:** David Park  
**Cc:** Terry Kosinski  
**Subject:** RE: Aggregate Extraction Policy Committee Meetings

Dave,  
From the sounds of it, it might be important for Wildlife habitat to be represented. I will rely on Terry for his input here. A question for you. How would this policy affect SRD-Lands policy on Gravel extraction? Whose mandate? And where does priority lie?  
At this point I will plan for it, although I am scheduled for another meeting on the 18<sup>th</sup>, but we shall see!

Brett Boukall, MSc.  
Provincial Wildlife Habitat Specialist  
Sustainable Resource Development  
2nd Floor, 9920 - 108 St

Edmonton, AB T5K-2M4  
Phone: 780-427-3029

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**From:** David Park  
**Sent:** Thursday, May 06, 2010 8:59 AM  
**To:** Brett Boukall  
**Subject:** FW: Aggregate Extraction Policy Committee Meetings

Hey Brett,

Please see the following. As we've discussed, AENV wants to revisit policy development for agg. extraction in an along waterbodies. The recommendation for no activity in river channels is going forward, but the floodplains and valleys still need some attention. Terrestrial/wildlife concerns are most relevant for these areas, hence your involvement. Let's discuss how we want to approach this and advise Terry.

Dave

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**From:** Augustus Archampong  
**Sent:** Tuesday, May 04, 2010 4:34 PM  
**To:** 'David.Park@gov.ab.ca'  
**Subject:** FW: Aggregate Extraction Policy Committee Meetings

David,

I am resending this message because the initial attempt failed.

Duplicate of email dated May 4, 2010  
4:27PM, removed as non-responsive.

## Terry Kosinski

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**From:** David Park  
**Sent:** Wednesday, May 12, 2010 3:25 PM  
**To:** Dave Walty; Terry Kosinski  
**Subject:** RE: Aggregate Extraction - follow-up

I'm in support of the ADM briefing approach. It makes sense to go that way. I hold off making any changes to the BN until after such a meeting. Will you set it up? As Dave indicates, Gerry's been unavailable for considerable chunks of time lately, and I don't know offhand to what degree he kept Selland informed.

Dave

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**From:** Dave Walty  
**Sent:** Wednesday, May 12, 2010 2:21 PM  
**To:** Terry Kosinski; David Park  
**Subject:** RE: Aggregate Extraction - follow-up

Agee. If you and Dan agree, I think Dave P and Gerry could attend an ADM briefing with you directors. If you want me to attend, I am in next week for the mgrs. so you could arrange around then. I have not discussed this at all with Gerry, he has been away.

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**From:** Terry Kosinski  
**Sent:** Wednesday, May 12, 2010 2:11 PM  
**To:** David Park  
**Cc:** Dave Walty  
**Subject:** RE: Aggregate Extraction - follow-up

We need to discuss the approach. At minimum, I think this needs to go up as a joint recommendation (Lands and FWD). Agree with Dave W. that it should be shorter. Suggest that reference to AENV desire for policy for floodplains be kept short. And if we ever get more information, it should be the subject of its own BN.

It might be useful as a first step in moving these recommendations up be to have a briefing with FWD and Lands ADMs. Build understanding at ADMs first, then go to DM and Minister...if it even needs to go to the Minister (would look to Lands for advice on this point). Do you know if Gerry kept Glenn Selland (in his role as Director) informed about this work?

What are your thoughts?

Terry

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**From:** David Park  
**Sent:** Wednesday, May 12, 2010 11:33 AM  
**To:** Terry Kosinski  
**Subject:** FW: Aggregate Extraction - follow-up

Hi Terry,

I have an agg. extraction BN ready to go. The JTIWG recommendations paper is awaiting some revision from Haekel (re: treatment of islands). Shall we get the BN into ARTS at this time?

Dave

<< File: draft BN - Aggregate Extraction-ASRD version May 11 2010.doc >>

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**From:** Dave Walty  
**Sent:** Monday, May 10, 2010 8:55 AM  
**To:** David Park; Gerry Haekel  
**Cc:** Augustus Archampong; 'Olson, Tom'  
**Subject:** RE: Aggregate Extraction - follow-up

Only a couple of comments. BN is pretty long, suggest cutting down to rationale/risks, background, and delete def'n's. The JTIWG recommendation document Next steps section should have similar wording to the recommendations of the BN

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**From:** David Park  
**Sent:** Friday, May 07, 2010 3:17 PM  
**To:** Dave Walty; Gerry Haekel  
**Cc:** Augustus Archampong; 'Olson, Tom'  
**Subject:** Aggregate Extraction - follow-up

Dave and Gerry,  
As you'll recall, we were tasked at the last JTIWG meeting with revising the Agg. Extraction Recommendations document and the Briefing Note / cover memo.

I've made all of the edits to the Recs. Paper (see attached), save for the revision to the piece about islands in Appendix 1 (Gerry, this was put on you).

The three of us were tasked with revising the SRD Briefing Note (also attached) to do the following:

1. finalize the wording of recommendation 2
2. provide context in the issues statement re: Fish and Wildlife being a driver for the need for policy
3. Flag the liaison with the Landuse Secretariat in the Background
4. provide Archie with the revised papers by April 30.

As you can see, we are behind schedule, and I apologise for not finding the time to get on this sooner. At any rate, I've made some changes and now seek your input. Once we get the docs done, I'll forward new copies to Archie. Please have a look at the highlighted revisions in the BN and make changes as needed. Gerry, please also fix up that piece on islands in the Rec. paper and return.

Thanks guys,  
Dave

<< File: JTIWG aggregate recommendations draft May 6 2010.doc >> << File: draft BN - Aggregate Extraction-ASRD version May 6 2010.doc >>

Regards,

*David Park, M. Sc.*  
Fisheries Biologist  
Alberta Sustainable Resource Development  
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<< OLE Object: Picture (Metafile) >>

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**BRIEFING NOTE****DEPUTY MINISTER**

- For Information  
 For Signature  
 For Decision  
 Communications  
 For Meeting

**MINISTER**

- For Information  
 For Signature  
 For Decision  
 For Meeting

**SUBJECT: Recommended Approach for the Regulation of Aggregate (Sand and Gravel) Mining Activities Within and Adjacent to Water Bodies**

**ISSUE**

In response to a request from Alberta Environment for advice in regulating commercial sand and gravel mining activity along the North Saskatchewan River, the Fisheries Management Branch has identified the need for a consolidated approach and policy for the regulation and management of aggregate extraction activities affecting aquatic systems in Alberta.

**RECOMMENDATION**

Endorse the approach described by the Alberta Joint Technical Issues Working Group (JTIWG), as outlined below:

1. Take steps necessary to formalize, as a permanent policy direction for Alberta, the current GoA interdepartmental approach of not accepting applications for aggregate extraction activities within natural waterbodies, such being defined as the active channel of watercourses or the bed and shore of standing waterbodies (see Background for definition).
2. Building on the preceding, establish a multi-agency committee, inclusive of stakeholders (i.e. commercial sand & gravel producers, Alberta Infrastructure, conservation interest (e.g. Trout Unlimited, Alberta Fish and Game Association)), to develop a benefit and risk management-based approach to guide the approval and operation of gravel mining activities in areas within river valleys, outside of the active channel zone.
3. Communicate the above to stakeholders, concurrently, in advance of the establishment of the committee. Also, liaise with the Landuse Secretariat to facilitate alignment and coordination.

**ALTERNATIVE (S)**

Maintain the status quo (i.e. not acceptance of applications for in-channel aggregate mining activities) and provide no clear guidance to stakeholders.

**CURRENT STATUS (if applicable)**

A joint approach has been in effect in GoA since 1998, by which Alberta Environment and ASRD Lands have not accepted any applications for in-stream gravel mining activities. Though effective at avoiding harm to fish habitat, a clear and transparent policy is not available to provide guidance.

At a recent meeting, Alberta Environment Minister Renner expressed the need for quick progress in the development of a provincial level policy for extraction of aggregate in response to a request from the North Saskatchewan River.

### **RATIONALE/RISKS**

The recommended approach is designed to address the following needs and challenges:

- While aggregate resources are limited and in demand for infrastructure, this need must be balanced against the need to protect river systems.
- A timely response from GoA is required to allow Alberta Environment to address the current request from Brazeau County to extract aggregate from within the North Saskatchewan River valley. Clarity about the availability of in-stream gravels is needed soon.
- A provincial committee previously struck to deal with aggregate extraction issues failed to develop a comprehensive policy because of disagreements about the definition and application of floodplain elevation zone boundaries. This approach represents a substantial success, being based on the definition of active channel (a much more discrete and readily agreed-upon boundary), the solid consensus of not mining within rivers, and facilitating the creation of a flexible approach to managing activities beyond the river channel.
- The Joint Technical Issues Working Group has a strictly aquatic scope. Beyond the river channel, terrestrial issues must be factored in to policy development, which are beyond the scope of the working group.

The risks of not taking this approach include a continued lack of clear policy direction, leading to increasing conflict between the various interests involved.

### **BACKGROUND**

- Sand and gravel deposits are important and valuable materials required by many private, industrial, municipal and provincial developments. Sand and gravel deposits should be accessible in a manner that is technically and economically feasible, and avoids or minimizes environmental harm.
- The natural resources of water, fish and wildlife are also important and valuable to the people of Alberta. Sand and gravel deposits are also necessary for gravel inputs to rivers to maintain fish habitat over time. Sand and gravel extraction should be conducted in a manner that does not significantly affect the hydrology of rivers or degrade fish and/or wildlife habitats.
- Gravel deposits within the channel of rivers are important components of fish habitat. Under the Federal Fisheries Act, in stream gravel removal constitutes a harmful alteration or destruction of fish habitat (HADD). Generally, this form of HADD is considered to be a high risk which cannot be mitigated.
- The effects of sand and gravel operations are generally additive and the cumulative effects of these developments should be considered.

- High level provincial initiatives, such as the Water for Life Strategy and Landuse Framework provide are considered as important backdrop for provincial policy development on aggregate extraction.
- Prior to 1999 approvals for activities were issued under the erstwhile Water Resources Act. Approvals under the federal Fisheries Act and the Navigable Waters Protection Act are also potentially required.
- Though federal and provincial regulators coordinate efforts in issuing approvals it has been determined that issue of approvals from the two jurisdictions were independent of each other. In 1998, the erstwhile Minister Ty Lund stated provincial approvals would be issued but would carry a warning that an authorization under the Fisheries Act would most likely be required to avoid violation of the Fisheries Act.
- In 1999 the department, then known as Alberta Environmental Protection denied three approval applications, filed by the County of Brazeau, for aggregate extraction from the North Saskatchewan River.
- Subsequent to this outcome, the department continued its interim policy of "no extraction from active stream channels except in extenuating circumstances"
- On February 2, 2010 Minister Renner, MLA Diana McQueen and department staff met with officials of the County of Brazeau to discuss the County's proposal to undertake aggregate mining from gravel bars in the North Saskatchewan River.
- Minister Renner has requested the development of a provincial level policy for aggregate extraction from the North Saskatchewan River. He recommended inclusion of industrial reps in the discussions and quick progress in the development of the policy.
- AENV staff discussed this matter with the Joint Technical Issues Working Group on February 10, 2010. The working group is a cross ministry/government body consisting of regulatory staff of Fisheries and Oceans Canada Alberta Sustainable Resources Development and Alberta Environment. The purpose of the Joint Technical Issues Working Group is to develop common approaches and understanding of high priority technical issues related to the management of aquatic habitats.

**COMMUNICATION PLAN**

The communication plan will be developed in consultation and co-ordination with GoA Communication departments and Fisheries and Oceans Canada.

**DEPUTY MINISTER'S COMMENTS:**

<input type="checkbox"/> APPROVED	<input type="checkbox"/> NOT APPROVED	_____ Eric J. McGhan	_____ DATE
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**MINISTER'S COMMENTS:**