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Minister of Sustainable Resource Development			DATE

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

Terry Kosinski

From: Terry Kosinski
Sent: Wednesday, May 12, 2010 2:26 PM
To: David Park; Augustus Archampong
Cc: Dave Walty; Brett Boukall
Subject: RE: DFO_1995.pdf

This is really going back to the vault; Allan Locke would be impressed.

As Dave said, this can be treated as "historical information". Would be more useful to see what DFO uses for guidelines for sand and gravel (for fish habitat matters). SRD is developing integrated operational guidelines as part of the Area Operating Agreement work. I can't remember if they contain anything specific related to S&G operations but check with Brett.

I'd be interested in hearing from Archie about AENV's "Code for Pits" and the guide to the code. These documents provide conditions, buffer requirements, reclamation requirements, planning, approval, etc. I'm guessing these documents are still in use for pits on private land.

Archie - As Dave noted, we are still looking at your request for participation in the work on new policy on aggregate extraction from the floodplain. Right now for me a key point is to be clear on the request...that this is being proposed as new (or updated) **policy**. The end product will be a Minister's Report (as is happening with the Wetland Policy).

Terry

From: David Park
Sent: Wednesday, May 12, 2010 11:55 AM
To: Augustus Archampong
Cc: Dave Walty; Terry Kosinski
Subject: RE: DFO_1995.pdf

Hi Archie,

It seems like a stretch to consider a 1995 memo current in any way. I have no indication that the proposed revisions were endorsed. The memo predates the most 1998-2000 Sand and Gravel Committee, so we must assume that there were discussions and actions made subsequent to 1995 which may render any or all of the pieces of Guideline #5 and proposed revisions obsolete. This document should be considered to contain historical information, which may be useful background for future discussions. Hope this helps.

On a related note, we are still discussing within SRD how to respond to your request for participation in meetings to discuss AENV regulation of agg. extraction activities. What is the status of those plans?

Dave

Could not locate missing attachment.

<< Message: DFO_1995.pdf >>

From: Augustus Archampong
Sent: Wednesday, May 12, 2010 9:34 AM
To: 'David.Park@gov.ab.ca'
Subject: DFO_1995.pdf

<< File: DFO_1995.pdf >>

Hello David, is the information in this memo current?

Cheers, Archie.

**Joint Technical Issues Working Group:
Recommendations for Aggregate Extraction from within the active
channel of Water Bodies**

DRAFT May 6, 2010

The Issue:

The JTIWG has reviewed the current situation regarding applications to commercially mine gravel from rivers in Alberta and made a recommendation. JTIWG is tasked with facilitating consistent federal and provincial approaches to regulatory processes.

Current Situation

At present in Alberta, there is a working understanding and approach amongst Provincial regulatory agencies to not accept new applications for aggregate extraction activities within active river channels and the 1:100 year floodplain zone. This approach has been in place since 1998. Fisheries and Oceans Canada (DFO) has denied the only proposal submitted for in-stream gravel extraction projects since that time.

Scope:

While there are many potential environmental issues associated with floodplain, terrace and upland aggregate mining operations those issues are outside of the mandate of the JTIWG. For that reason, the JTIWG focused its discussion solely on aggregate mining operations located within the "active" channel of flowing watercourse's that would be likely to alter the sediment transport budget and fish habitat of the watercourse. The JTIWG recommendations herein are specifically limited to activities within this scope of discussion.

The active channel is defined as being the area within (below) the ordinary high water mark of a watercourse (see Appendix 1). While the active channel may include bars and portions of islands, for the purposes of this recommendation, it does not include portions of the floodplain above the ordinary high water mark.

Furthermore the JTIWG scope is focused on commercial gravel mining undertakings or activities (i.e. removing or obtaining a supply of gravel for uses such as road construction material, concrete aggregate, fill, and landscaping).

Recommendation:

It is evident from the available information available to the JTIWG that there are significant and extensive potential environmental risks from in-stream gravel extraction within the scope above (see Appendix 2). There are usually viable alternatives to in-stream extraction, and there are limited or no compensation options for fish habitat losses from in-stream gravel extraction operations.

It is therefore the recommendation of the JTIWG that there continue to be no aggregate mining activities within the active channel of watercourses, and the current approach of not accepting new applications for commercial aggregate extraction projects located within the "active" stream channel be continued indefinitely.

The recommendation is to be provided to management in the various member departments to take further appropriate action.

Next Steps:

- It is recommended by the JTIWG, that if Provincial Regulatory agencies wish to pursue a more formal policy position paper, then 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.
- It is recommended that participants in such an aggregate working group, if it is pursued, should include representatives from Alberta Environment (AENV) - Policy, AENV - River Engineering, AENV - Regional Services, Alberta Sustainable Resource Development (ASRD) - Fisheries, ASRD - Wildlife, ASRD - Public Lands, DFO, AAMD&C, the Alberta Sand and Gravel Association, Alberta Transportation, and academia/public.
- It is also recommended 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.

Background:

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.

The Joint Technical Issues Working Group (JTIWG) is a technical advisory and coordination body comprised of members from the environmental regulatory authorities of Fisheries and Oceans Canada, Alberta Environment, Alberta Sustainable Resource Development, and the Energy Resources Conservation Board as well as from Alberta Transportation.

In Alberta aggregate extraction activities are primarily regulated by Alberta Environment, via the *Environmental Protection and Enhancement Act*. Aggregate extraction activities in or near water may also be regulated by the *Alberta Public Lands Act*, the *Alberta Water Act*, the *Alberta Wildlife Act*, the *Federal Fisheries Act*, the *Federal Migratory Birds Convention Act* and the *Federal Navigable Waters Protection Act*.

Consistent with the Guiding Principles of the JTIWG, the potential issues and alternatives associated with in-stream aggregate mining activities were considered. The JTIWG reviewed available material on environmental impacts, resource availability, alternative management options and current management options in making its recommendation.

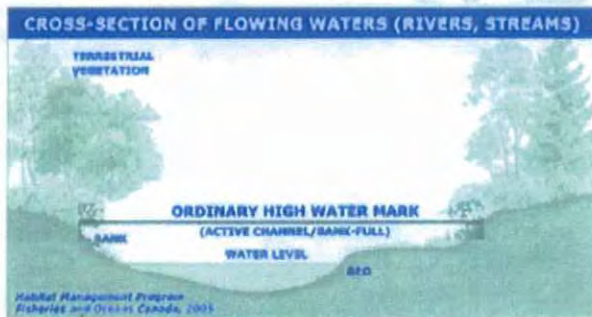
Appendix 1

For the purpose of this JTIWG discussion only aggregate extraction activities within the "active" channel of watercourses was considered. The active channel was considered to be the area lying between the ordinary high water mark (as defined below) on each bank.

Under this definition, in channel features like islands and bars that are flooded on a regular basis are included as part of the active channel. In addition, swyes and side channels that are regularly and frequently flooded and flowing on an annual or semi annual basis; and are permanently or seasonally connected to the active channel via a defined channel, are also included as part of the active channel. Conversely, small floodplain channels that are not clearly connected to the main channel are not included.

Comment [G1]: GH to review and revise wording as needed.

Ordinary high water mark – 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. In **flowing waters (rivers, streams)** this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level.



Appendix 2

Discussion and Rationale:

The JTIWG researched and reviewed input from various sources. While a comprehensive literature survey was not conducted, sources of information included comprehensive summaries of information from the primary literature.

A summary of findings follows;

1. Environmental impacts from instream aggregate mining:

It is clear from the literature on impacts from instream gravel mining that the mining of aggregate from within the active stream channel can have significant, widespread and long lasting impacts on the aquatic environment including fish and fish habitat.

Summaries of potential impacts to streams and rivers are found in several documents including: "Freshwater Gravel Mining and Dredging Issues, Kondolf, Smeltzer and Kimball, 2001"; the "National Marine Fisheries Service National Gravel Extraction Guidance document"; "U.S Geological Survey (USGS) Geomorphic Context and Effects of Instream Gravel Mining and Bank Stabilization Activities, Moniteau County, Missouri, Jacobsen, 2006"; and, "USGS General Overview of the Technology of In-Stream Mining of Sand and Gravel Resources, Associated Potential Environmental Impacts and Methods to Control Potential Impacts".

Potential impacts can be broken down into several categories (taken from Kondolf and Smeltzer, 2001; the National Marine Fisheries Service report; and the USGS reports listed above):

Channel form changes / degradation:

The form and dimensions of alluvial river channels are largely functions of the discharge and sediment load supplied from the basin. By removing sediment from the active channel bed, instream mines interrupt the continuity of sediment transport through the river system, disrupting the sediment mass balance in the river downstream and inducing channel adjustments (usually incision) extending considerable distances beyond the mine site itself. When sediment – especially sediment that makes up the bed of the river – is removed from the sediment budget, the excess energy of the remaining water is dissipated by increased erosion to make up the sediment load.

By removing sediment from the channel, disrupting the preexisting balance between sediment supply and transporting capacity, and in some cases creating a locally steeper gradient upon entering the pit, instream gravel mining typically induces incision upstream and downstream of the extraction site. Direct effects of incision include undermining of

bridge piers and other structures, and exposure of buried pipeline crossings and water supply facilities.

Bar scalping, by removing most of the gravel bar above the water level, reduces or eliminates confinement of the low water channel, changing the patterns of flow and sediment transport through the reach. One potential effect is reduced efficiency of sediment transport through the newly unconfined reach, triggering channel instability due to resulting coarse sediment deposition and inducing fine sediment deposition on the channel bed.

Sediment Increase:

Extraction from the channel suspends fine sediment, usually at times of year when high concentrations do not normally occur and when the river is unable to disperse the suspended sediments. Turbidity and siltation of the downstream channel can reduce the abundance (and change composition of) macroinvertebrate populations and induce a change in fish populations (at the site and within several kilometers downstream) from more desirable species to those tolerant of high suspended sediment concentrations.

By disrupting the pavement (the active coarse surface layer of a gravel bed channel, bar scalping can make the gravel bed more mobile at lower flows than formerly. Without the coarse surface layer, interstitial fine sediments can be mobilized by small freshets, which may lack the duration needed to disperse the fine sediments downstream, but may simply re-deposit them a short distance downstream.

Riparian Vegetation:

Incision typically lowers the alluvial water table, because the channel (a constant head boundary) determines the level down to which the alluvial groundwater drains. As the channel lowers, the alluvial water table migrates downward as well. Lowering of the alluvial water table results directly in loss of groundwater storage. In some cases, wells can be lowered and water pumped from greater depths, increasing water costs significantly. Lowering of the alluvial water table can induce profound ecological and landscape changes, including loss of hyporheic habitat as adjacent banks are dewatered. More widely documented has been the loss of riparian vegetation (or prevention of seedlings from establishing) as the water table drops below the root zone of riparian plants.

Flow Alterations:

Another potential effect of reduced alluvial groundwater storage is reduced summer baseflow due to reduced contributions to the stream from the adjacent alluvial aquifer in which groundwater storage has been reduced. Reduced baseflow may lower water quality by reducing the effect of dilution. In general, channel incision changes the pattern of groundwater-surface flow interactions in alluvial streams, including the extent and flux of groundwater upwelling zones that provide important habitat for fish and benthic invertebrates and regulate stream temperature.

Cummulative Effects:

The most severe effects of instream gravel mining may be considered as cumulative because they may become obvious only over time and extend beyond the limits of the mine site itself. Moreover, the effects of one mine may interact with those of other mines, yielding a net cumulative effect not apparent from a single mine.

2. Potential Management of Environmental Impacts:

In some jurisdictions, the extraction of gravel has been allowed under certain conditions. Chief among those conditions is the establishment of the available annual gravel budget of a river and a safe yield amount. Unfortunately the calculation of a safe-yield, if possible, would be very difficult and data intensive. Very few sites would have sufficient information for reliable bed load transport rate calculation there are also limitations to the models available to estimate bed load transport.

While a theoretical approach to predicting the effects of different levels of gravel mining on rivers might be desirable, the inherent complexity of sediment transport and channel change and the lack of adequate data on channel form, sediment transport, and gravel extraction overtime, make firm, specific predictions impossible at present. (NRC 1983).

Another approach to managing gravel mining is to estimate the annual bedload sediment supply from upstream, the "replenishment rate", and to limit annual extraction to that value or some fraction thereof, considered the "safe yield". However, the popular notion that one can extract at the replenishment rate without affecting the channel ignores the continuity of sediment transport through the river system. The mined reach is the "upstream" sediment source for downstream reaches, so mining at the replenishment rate could be expected to produce hungry water conditions downstream.

3. Alternative Sources:

Alternatives to active channel gravel mining include; floodplain mining, terrace mining and upland area mining. The claim by gravel users of a scarcity of gravel resource may not be one of gravel availability *per se*, as much as cost. Much of the floodplain, terrace or upland gravel is privately owned, and therefore comes at a market-based cost. In this case riverine gravel may be viewed as an inexpensive source, belonging to the Crown. Trucking costs also factor into the economics of gravel extraction, with sources nearest to construction sites being most desirable.

4. Cumulative Impacts:

It was recognized that any approval or authorization for in-stream gravel mining would be project specific given the current regulatory processes in place in Alberta. The JTIWG considered a very real risk that regulatory agencies would not be able to adequately consider or control cumulative impacts from several or many gravel extraction proposals. The potential for cumulative impacts from gravel extraction is considerable in Alberta

due to current land use practices and water management practices both of which can affect in-stream and riparian fish habitat.

5. Compensation for impacts:

The JTIWG is aware that there are various potential mitigation measures available to reduce impacts from gravel extraction operations. However, it remains likely that there would be significant residual impacts from any gravel extraction project within the active river channels. The JTIWG is of the opinion that compensation for these residual effects would be difficult.

From: Augustus Archampong
Sent: Thursday, May 13, 2010 3:15 PM
To: Louise Brennan; 'doliver@aamdc.com'; 'Tom.Olson@dfo-mpo.gc.ca'; Gerry Haekel; 'David.Fraser@dfo-mpo.gc.ca'; Dave Park; Bruce Blue; Neil Hollands; Patricia Stevenson; Brent Welsh; Robert George; Larry Kuchmak; Ryan Puhlmann; Don Watson (AENV); 'kjohn@lehighcement.com'
Subject: Aggregate Extraction Policy_v2_20100511.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Attached are draft documents to be used as straw dogs for developing the policy. All of these documents are work in progress and subject to change. Your input will be appreciated at the meetings.

Cheers, Archie.

**AENV Aggregate Extraction Policy (Operational approval procedures)
Water Policy Branch
May 14 2010, Draft 1**

Section A: Policy Context

Purpose

- To develop GoA (AENV in particular) guidelines to support the regulatory approval processes for aggregate extraction operations in active and non-active areas of water bodies.

Policy Issue

- There is a need to clarify the position of AENV on the management and regulation of existing and future aggregate extraction operations located within surface water bodies and adjacent floodplains so that existing, new, and undeveloped aggregate extraction operations are dealt with in a fair and consistent manner across the province.

Explanation of Problem

- Aggregate extraction within the active and non-active areas of surface water bodies and floodplains has occurred in the province for several decades. The ease of access to the aggregate and associated low development cost may have influence on this choice. Aggregate extraction is an important contributor to economic activity in Alberta.
- Aggregate extraction is a concern as the associated 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, have also been shown to have an adverse effect on adjacent lands and infrastructure upstream and downstream of the operation location.

Background/Current State

- Aggregate extraction operations on public and private lands in Alberta are regulated under three provincial enactments: the *Water Act*, the *Public Lands Act*, and the *Environmental Protection and Enhancement Act*. These have separate and distinct regulatory processes that are not well integrated, which sometimes has led to differing approval terms, conditions and requirements.
- 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 requirements will be met.

- In the past 10 years, DFO has declined issuing authorizations under the *Fisheries Act (Canada)* and AENV has declined issuing approvals under the *Water Act* for aggregate extraction related activities; potentially SRD may also exercise the option to decline issuing a mineral surface lease in support of SRD fisheries objectives.
- An activity that causes sediment transport in active areas of water bodies is considered an act of harmful alteration, destruction, disruption of fish habitat, and requires authorization under the *Fisheries Act*. DFO does not issue such authorizations for aggregate extraction on a routine basis, unless it is demonstrated that no reasonable upland source is available. If no reasonable upland source is available, DFO will consider an authorization provided that appropriate compensation is proposed and undertaken by the project proponent. Prior to issuing the authorization, the potential impacts of the project pursuant to the *Canadian Environmental Assessment Act* must be assessed (letter from DFO dated August 26, 1998).
- This approach is consistent with the objectives of SRD and AENV who are required to consider the protection of aquatic environment when issuing approvals.
- There is an increasing demand for aggregate resources. This demand is countered by public opposition to allowing aggregate extraction operations in water bodies.

Work to Date

- Numerous attempts have been made at a GoA Aggregate Extraction policy. Due to the number of parties involved, it has been difficult to obtain consensus. AENV has decided that it is time to take the lead on the development of AENV's interim position on Aggregate Extractions until a GoA-Canada policy can be negotiated.
- The Joint Technical Committee has provided recommendations for aggregate extractions in the active area of water bodies. Their consensus is to not permit any extractions in any active area of any water body at any time. It is proposed that this be adopted by AENV. This position is supported by DFO (letter dated March 16, 1995, reference to Kanehl and Lyon 1992).
- DFO recommends against floodplain aggregate extraction in general until more substantive work on its effects can be completed. Until such time, DFO recommends we err on the side of caution and adopt a guideline that allows us to be more restrictive in sensitive areas yet is still flexible enough to allow extraction in areas of little or no concern (letter dated March 16, 1995, reference to Kanehl and Lyon 1992).

Drivers for Project and Key Decision Maker

- There is no formal provincial policy on aggregate extraction. The approach to aggregate extraction requires clarity, as requests from public are increasing and the GoA requires a consistent and fair course of action.
- Clear and consistent guidelines for both new and existing aggregate extraction operations will ensure a higher level of protection for the environment.
- Key decision-makers: Alberta's Minister of ENV, Minister of SRD
 - For this interim AENV policy, the Minister of AENV would be the principal decision-maker

Relationship to Wider GoA Priorities

- *Land-Use Framework*
 - Strategy 1: Develop seven regional land-use plans based on seven new land-use regions.
 - Need to provide guidance to LUF regional plans as to where aggregate extraction may be acceptable.
 - Would enable 'place-based' responses to aggregate extraction approval applications, but provide a provincially consistent policy to determine whether or not it would be acceptable in the provincial policy and regulatory contexts.
 - Strategy 3: Cumulative effects management will be used at the regional level to manage the impacts of development on land, water, and air.
 - Need to have a consistent policy so that the cumulative effects of aggregate extraction are considered and managed.
 - Strategy 4: Develop a strategy for conservation and stewardship on private and public lands
 - Aggregate extraction policy would be applicable to public and private lands. Environmental impacts would be the primary focus of the risk assessments required for proponents to obtain approvals.
- *Water for Life Strategy*
 - Supports Healthy Aquatic Ecosystems outcome through the required risk assessments.
 - Action 2.1: Enforce protection of known critical aquatic ecosystems using existing legislation
 - Action 2.6: Implement aquatic restoration plan and conserve key aquatic ecosystems through regional land-use approaches and identified partnerships
- *Regulatory Alignment Project*
 - Would clarify the regulatory process for aggregate extraction operations, supporting the initiative of this project.

Key Stakeholders

- Proponents – mostly commercial users of aggregate, including Alberta Ministry of Transportation
- Municipalities – create bylaws with respect to aggregate extraction
- AENV – Approvals

- Issues approvals under the *Water Act* for aggregate extraction
- Approvals assess water quantity impacts, as well as potential water quality impacts for both surface and ground water
- As part of the approvals process, the River Forecasting Section (formerly River Engineering) assesses impacts on river morphology
- AENV – EPEA
 - Identifies conservation and reclamation requirements
 - Administers Guide to the Code of Practice for Pits
- SRD –
 - Defines fisheries objectives
 - Delineates non-active areas of water bodies where extraction could be considered
 - Defines the acceptable periods of time for extraction activities (i.e. DFO letter dated March 16, 1995).
 - Reviews proponent’s approval application for effects on habitat
- DFO –
 - Reviews proponent’s authorization application for HADD of fish habitat
- Public – affected by environmental outcomes

Consultation Plan

Sector	When consultation should occur	Group needs/special requirements	Desired outcome of consultation	Appropriate methods of consultation
AENV	Immediately	Consider regions, River Forecasting, EPEA and WA approvals	Aggregate Extraction Policy	Meetings
SRD	Immediately	Require instructions from Minister of SRD to participate	Approval of proposed policy. Agreement to develop a ToR.	Meetings
DFO	Immediately		Acceptance of proposed policy. Agreement to develop a ToR.	Meetings
Municipal and Local Govts	Following approval of proposed policy. Before approval of final policy.	Particularly Alberta Association of Municipal Districts & Counties	Acceptance of proposed policy. Awareness of policy changes & understanding of required process.	Focus groups
Proponents	Following approval of proposed policy. Before approval	Particularly Alberta Sand & Gravel Association;	Awareness of policy changes & understanding of required process.	Focus groups

	of final policy.	Alberta Ministry of Transportation		
Public	Following approval of proposed policy. Before approval of final policy.	Level of consultation should reflect level of policy and degree of changes	Awareness of policy changes.	Internet-based questionnaire

Section B: Proposed Policy

Vision and Outcomes

- To protect the integrity of fish habitat and minimize the impact to these habitats from aggregate extraction operations (DFO letter dated March 16, 1995, reference to Kanehl and Lyon 1992).
 - Aggregate extraction is permitted to occur only in areas where sediment transport would not adversely impact the environment or aquatic ecosystems
 - The GoA has a common and consistent approach to requests for aggregate extraction
 - The roles and responsibilities of players are clearly defined

Assumptions and Principles

- AENV promotes a risk-based approach to aggregate extraction
- Aggregate extraction in any active area of a water body will have adverse impacts too great to consider applications
- Aggregate extraction in a non-active area of a water body is an important economic opportunity and should be permitted in certain circumstances
- Although locations acceptable for aggregate extraction may be defined in Regional Plans or municipal bylaws, all applications will be processed according to the guidance outlined in this policy.

Policy Intent

- New Aggregate Extraction Operations
 - For proposed operations located within the active area of a water body no approvals are permitted under any circumstances.
 - For proposed operations located within the non-active area of a water body approvals will only be considered when:
 - A development permit has been received from the local government.
 - A risk assessment of the environmental and third-party impacts is completed by a qualified third party and is submitted with the approval application to AENV (through the municipality)
 - Any adverse effects on the land and/or aquatic environment (including but not limited to fisheries and wildlife)

resources, water quality, ground water and river dynamics) resulting from the aggregate extraction operations must be identified.

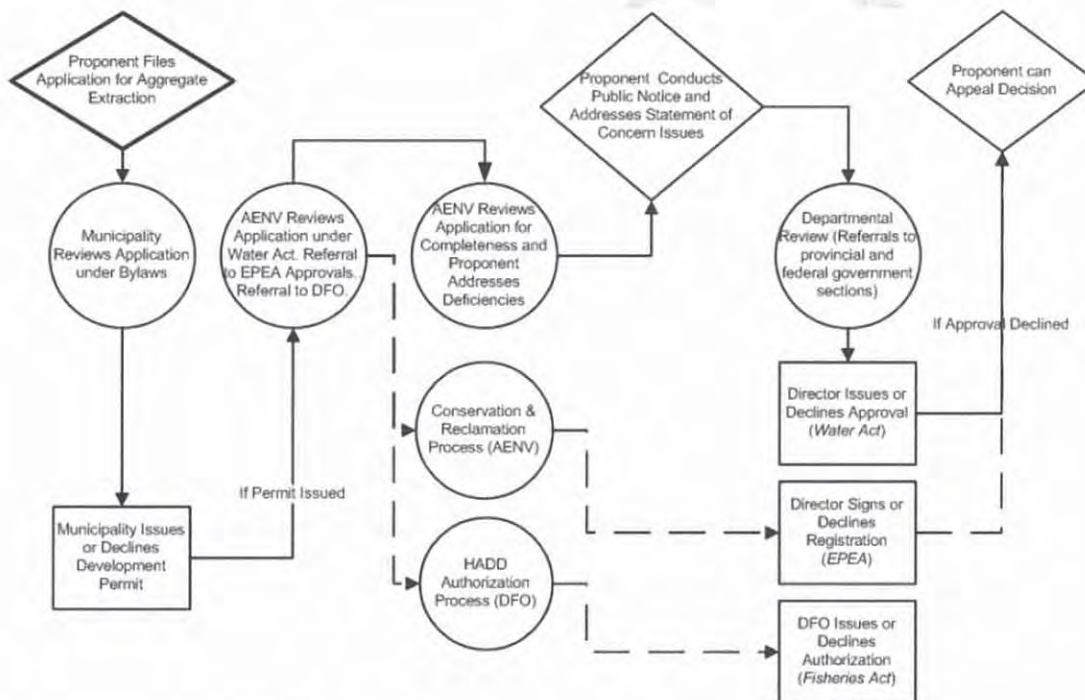
- The proponent must demonstrate the ability to mitigate or compensate for the above effects in a manner acceptable to AENV.
- The risk assessment must be consistent with requirements and guidance provided in the Guide to the Code of Practice for Pits
- The assessment must include stabilizing the operations and reclaimed sites effectively to eliminate sediment transport to the active water body area.
- Plans for storage of equipment, stockpiling and washing of gravel should be outlined in the risk assessment and will be considered individually based on risk to the land and/or aquatic environment.
 - A security deposit to cover the full reclamation cost by a qualified third party is received.
 - All municipal bylaws and provincial and federal regulations, statutes, and policies have been met.
- When a *Water Act* approval is obtained, conditions derived from the risk assessments must be written into the approval. Regional AENV compliance staff will be responsible for enforcement.
- Existing Aggregate Extraction Operations
 - Will be allowed to continue for the remaining term of the *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.
- Undeveloped Aggregate Extraction Operations
 - Undeveloped aggregate extraction operations that have a *Public Lands Act* 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.
- Reclamation
 - Pit reclamation must be consistent with the Guide to the Code of Practices for Pits.

Strategies and Actions/ Tools and Responsibilities

Organization	Tools	Roles
Local Govt.	By-Laws Land zoning Development permits	Continue with existing programs; some fine tuning in land zoning may be desirable.
AENV	<i>Water Act</i> Approvals River Forecasting (outputs)	Regional Services will support policy through existing programs

	Compliance programs	using existing approval review process
AENV	<i>EPEA</i> Conservation & Reclamation Regulation and Program CoP for Pits – Registration C&R Plan	C & R will support policy through existing programs, registration under the CoP
SRD	<i>Public Lands Act</i> Fisheries objectives Fish & Wildlife objectives Mineral Surface Lease	Support with existing programs
DFO	<i>Fisheries Act</i> authorizations	Support with existing programs

Process Flow Chart



- Documents Required for Submission by Proponent:
 - Municipal development permit application
 - AENV *Water Act* approval application
 - Environmental and Third Party risk assessment
 - AENV *EPEA* Code of Practice for Pits registration form
 - Conservation & Reclamation Plan
 - DFO authorization application
- Recommend that the above applications and forms be integrated into a single 'Aggregate Extraction Application Package'

Implementation Plan

- Policy would be effective immediately following Ministerial approval.
- No legislative changes are required.
- Terms of Reference for joint review of risk assessments and applications among municipal, provincial and federal departments will be drafted immediately following approval of this policy. It is suggested a one-window approach for submission of approval applications be developed.

Monitoring and Evaluation Plan

- Adaptive management approach. Suggest policy review every 10 years, which is compatible with the Regional Planning process.

Working Definitions

- Active area of a water body: Area lying between the ordinary high water marks on each bank.
- Ordinary high water mark: The usual 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. In flowing waters (rivers, streams) this refers to the “active area of a water body/bank-full level” which is often the 1:2 year flood flow return level.
- Non-active area of a water body: Any area of a water body that is not included in the definition of an active area.
- Water body (from the *Water Act*): Means any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to wetlands and aquifers but does not include except for clause (nn) and section 99 “water body” that is part of an irrigation works if the irrigation works is subject to a licence and the irrigation works is owned by the licensee, unless the regulations specify that the location is included in the definition of water body.

Attachments

- Diagram of active area of a water body and non-active area of a water body
- Map of areas where aggregate extraction in the non-active area of a water body would be considered and list of acceptable times of year (from SRD)
- Requirements for ‘qualified third party’ designation for completion of risk assessments and/or reclamation

Terms of Reference

Official Name

Aggregate Extraction Policy Committee????

Members/Composition

1.	Alberta Sand & Gravel Association	Kevin John	role?
2.	AAMD&C	Dwight Oliver	
3.	DFO	Tom Olson	
4.	SRD – (Fisheries)	David Park	
5.	SRD – (Wildlife)		
6.	SRD – Public Lands)	Gerry Haekel	
7.	Alberta Transportation	Bruce Blue	
8.	AENV – Regional Services	Neil Hollands	
9.	AENV – River Engineering	Pat Stevenson	
10.	AENV – Groundwater Policy	Robert George	
11.	AENV – Regional	Larry Kuchmak	
12.	AENV – Water Policy Branch	A. Archampong	
13.	AENV – Reclamation Policy	Don Watson	
14.	AENV – Reclamation Approvals	Ryan Puhlmann	

Term of Membership

1 – 2 years?

Formation Details

- How – by appointment
- Why – stakeholder interest rep and Knowledge area rep
- When – now?
- Purpose – policy to determine where applications for aggregate approvals in non-active areas of water bodies may be accepted for review.
- Response to priority? – AENV Minister request, W4L – healthy aquatic ecosystem.

Milestones

- Draft policy document completed – date?

Goals

- Complete policy draft by September 2010.
-

Deliverables

- Draft aggregate extraction policy document

- Minister's Memo to Cabinet
- Input to consultation

Jurisdiction

- Federal and provincial legislation
- Appropriate content of policy,
- Can decide on policy content but need senior management input
- Scope: Technical content and alignment with legislation.

Resources and Budget

- Mostly within existing budget.
- Consultation cost?

Governance

- Consensus
- 50 % of membership but if we must meet deadlines people present may need to proceed with the business at hand.
- Team reports to Senior management, deputy Minister,

Communications

- Communication by phone, meetings, email, mailing lists etc. How quickly should people respond

Relationships to other groups

- ?

Related policies / By-laws

- Land Use Framework
- Water for Life strategy

Name	Representing	Phone Number	Email Address	Mailing Address
Kevin John	Alberta Sand & Gravel Association		kjohn@lehighcement.com	
Dwight Oliver	AAMD&C	(403)844 1503	doliver@aamdc.com	
Tom Olson	DFO	403 394-2915	Tom.Olson@dfo-mpo.gc.ca	704 th Avenue S, Room 204 Lethbridge, Alberta T1J 0N8
David Park	SRD (Fisheries)	(780) 427 8347	David.Park@gov.ab.ca	2nd Floor 9920 - 108 St. Great West Life Bld. Edmonton
???	SRD (Wildlife)			
Gerry Haekel	SRD (Public Lands)	(780) 427 4767	Gerry.Haekel@gov.ab.ca	3rd Floor, 9915 - 108 St. South Pet. Plaza Bld.
Bruce Blue	Alta Transportation	(780) 415 1389	Bruce.Blue@gov.ab.ca	Second Floor 4999 - 98 Avenue Twin Atria Bld.
Neil Hollands	AENV (Reg. Serv.)	(780) 960 8617	Neil.Hollands@gov.ab.ca	Main Floor 250 Diamond Avenue TELUS Bld.
Pat Stevenson	AENV River Eng	(780) 427 8349	Pat.Stevenson@gov.ab.ca	11th Floor 9820 - 106 Street Oxbridge Place
Brent Welsh	AENV (Reg. Serv.)	(780) 644 5112	Brent.Welsh@gov.ab.ca	Main Floor 4999 - 98 Avenue Twin Atria Bld.
Robert George	AENV (Grnd. Water)	(780) 644 1122	Robert.George@gov.ab.ca	7th Floor 9820 - 106 Street Oxbridge Place
Don Watson	AENV (Reclamation)	(780) 427 5553	Don.Watson@gov.ab.ca	10th Floor 9820 - 106 Street Oxbridge Place
Larry Kuchmak	AENV (Reg. Serv.)	(780) 427 6966	Larry.Kuchmak@gov.ab.ca	Main Floor 4999 - 98 Avenue Twin Atria Bld.
Augustus Archampong	AENV (SW Policy)	(780) 644 1123	Augustus.Archampong@gov.ab.ca	7th Floor 9820 - 106 Street Oxbridge Place
Stephen Yeung	AENV (Regional)	(780) 427 8270	Stephen.Yeung@gov.ab.ca	Main Floor 4999 - 98 Avenue Twin Atria Bld.
Ryan Puhlmann	AENV (EPEA)	Ryan Puhlmann	Ryan.Puhlmann@gov.ab.ca	Main Flr 250 Diamond Avenue TELUS Building
Etc.				

Mailing List:

kjohn@lehighcement.com doliver@aamdc.com Tom.Olson@dfo-mpo.gc.ca David.Park@gov.ab.ca Gerry.Haekel@gov.ab.ca Bruce.Blue@gov.ab.ca Neil.Hollands@gov.ab.ca Pat.Stevenson@gov.ab.ca Brent.Welsh@gov.ab.ca Don.Watson@gov.ab.ca

Robert.George@gov.ab.ca Larry.Kuchmak@gov.ab.ca Augustus.Archampong@gov.ab.ca

From: Augustus Archampong
Sent: Monday, May 17, 2010 11:13 AM
To: Brent Welsh; Bruce Blue; 'David.Fraser@-mpo.gc.ca'; Dave Park; tmix@mixcor.ca'; 'doliver@aamdc.com'; Gerry Haekel; Larry Kuchmak; Louise Brennan; Neil Hollands; Patricia Stevenson; Robert George; Ryan Puhlmann; 'Tom.Olson@dfo-mpo.gc.ca'
Cc: Don Watson (AENV); Stephen Yeung
Subject: FW: Water Body Aggregate Extraction Policy Committee

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Archie -

Hello and thanks to all of you who attended last Friday's meeting.

I confirm that our meeting scheduled for tomorrow, May 18 is cancelled. Our next meeting is on Tuesday, May 25, 2010.

Those of you who agreed to provide information, please send it to me by the end of Wednesday, May 19. Also, if you would like to provide comments on Draft 1 of the Water Body Aggregate Extraction Policy, please track changes and send me your comments by the end of Wednesday, May 19.

I will provide Draft 2 to you the morning of Friday, May 21.

The next meeting will be held as follows:

- * Date: May 25, 2010 @ 09:00
- * Location: Red Deer Room (202C), in the Transportation area of Twin Atria.
- * Proposed agenda: 1. Review Draft 2
2. Next steps
3. ?

If you have any comment regarding the next the meeting please let me know as soon as possible.

Attached is the report "Recommendations for Aggregate Extraction from Within the Active Channel of Water Bodies" by the Joint Technical Issues Working Group. Please note that this document is yet to be finalized.

Regards,

Archie

Joint Technical Issues Working Group: Recommendations for Aggregate Extraction from within the active channel of Water Bodies

DRAFT March 31 2010

The Issue:

The JTIWG has reviewed the current situation regarding applications to commercially mine gravel from rivers in Alberta and made a recommendation. JTIWG is tasked with facilitating consistent federal and provincial approaches to regulatory processes.

Current Situation

At present in Alberta, there is a “moratorium” by Provincial regulatory agencies on accepting new applications for aggregate extraction activities within active river channels. This moratorium has been in place since some time in the late 1990’s. **Fisheries and Oceans Canada (DFO) has denied the only proposal submitted for instream gravel extraction projects since 1999.**

Scope:

While there are many potential environmental issues associated with floodplain, terrace and upland aggregate mining operations those issues are outside of the mandate of the JTIWG. For that reason, the JTIWG focused its discussion solely on aggregate mining operations located within the “active” channel of flowing watercourse’s that would be likely to alter the sediment transport budget and fish habitat of the watercourse. The JTIWG recommendations herein are specifically limited to activities within this scope of discussion.

The active channel is defined as being the area within (below) the ordinary high water mark of a watercourse (see Appendix 1). While the active channel may include bars and portions of islands, for the purposes of this recommendation, it does not include portions of the floodplain above the ordinary high water mark.

Furthermore the JTIWG scope is focused on commercial gravel mining undertakings or activities (i.e. removing or obtaining a supply of gravel for uses such as road construction material, concrete aggregate, fill, and landscaping).

Recommendation:

It is evident from the available information available to the JTIWG that there are significant and extensive potential environmental risks, safety risks, and risks to property and infrastructure from instream gravel extraction within the scope above (see Appendix 2). There are usually viable alternatives to instream extraction. And there are limited or no compensation options for fish habitat losses from instream gravel extraction operations.

It is therefore the recommendation of the JTIWG that the moratorium on receiving new applications for commercial aggregate extraction projects located within the "active" stream channel be continued.

The recommendation is to be provided to management in the various member departments to take further appropriate action.

Next Steps:

- 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.
- It is recommended that participants in such an aggregate working group, if it is pursued, should include representatives from Alberta Environment (AENV) - Policy, AENV - River Engineering, AENV - Regional Services, Alberta Sustainable Resource Development (ASRD) - Fisheries, ASRD - Wildlife, ASRD - Public Lands, DFO, AAMD&C, the Alberta Sand and Gravel Association, Alberta Transportation, and academia/public.
- It is also recommended 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.

Background:

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.

The Joint Technical Issues Working Group (JTIWG) is a technical advisory and coordination body comprised of members from the environmental regulatory authorities of Fisheries and Oceans Canada, Alberta Environment, Alberta Sustainable Resource Development, and the Energy Resources Conservation Board as well as from Alberta Transportation.

In Alberta aggregate extraction activities are primarily regulated by Alberta Environment, via the *Environmental Protection and Enhancement Act*. Aggregate extraction activities in or near water may also be regulated by the *Alberta Public Lands Act*, the *Alberta Water Act*, the *Alberta Wildlife Act*, the *Federal Fisheries Act*, the *Federal Migratory Birds Convention Act* and the *Federal Navigable Waters Protection Act*.

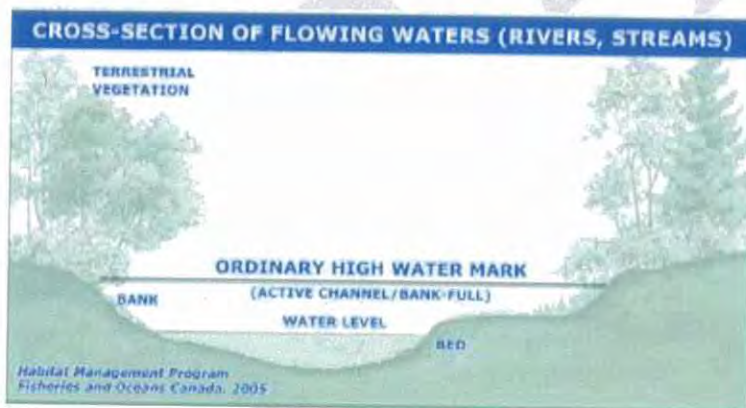
Consistent with the Guiding Principles of the JTIWG, the potential issues and alternatives associated with instream aggregate mining activities including environmental, economic, social and cultural needs of future generations were considered. The JTIWG reviewed available material on environmental impacts, resource availability, alternative management options and current management options in making its recommendation.

Appendix 1

For the purpose's of this JTIWG discussion only aggregate extraction activities within the "active" channel of watercourses was considered. The active channel was considered to be the area laying between the ordinary high water mark (as defined below) on each bank.

Under this definition, in channel features like islands and bars that are flooded on a regular basis are included as part of the active channel. In addition, snyes and side channels that are regularly and frequently flooded and flowing on an annual or semi annual basis; and are permanently or seasonally connected to the active channel via a defined channel, are also included as part of the active channel. Conversely, small floodplain channels that are not clearly connected to the main channel are not included.

Ordinary high water mark - 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. In **flowing waters (rivers, streams)** this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level.



Appendix 2

Discussion and Rationale:

The JTIWG researched and reviewed input from various sources. While a comprehensive literature survey was not conducted, sources of information included comprehensive summaries of information from the primary literature.

A summary of findings follows:

1. Environmental impacts from instream aggregate mining:

It is clear from the literature on impacts from instream gravel mining that the mining of aggregate from within the active stream channel can have significant, widespread and long lasting impacts on the aquatic environment including fish and fish habitat.

Summaries of potential impacts to streams and rivers are found in several documents including: "Freshwater Gravel Mining and Dredging Issues, Kondolf, Smeltzer and Kimball, 2001"; the "National Marine Fisheries Service National Gravel Extraction Guidance document"; "U.S Geological Survey (USGS) Geomorphic Context and Effects of Instream Gravel Mining and Bank Stabilization Activities, Moniteau County, Missouri, Jacobsen, 2006"; and, "USGS General Overview of the Technology of In-Stream Mining of Sand and Gravel Resources, Associated Potential Environmental Impacts and Methods to Control Potential Impacts".

Potential impacts can be broken down into several categories (taken from Kondolf and Smeltzer, 2001; the National Marine Fisheries Service report; and the USGS reports listed above):

Channel form changes / degradation:

The form and dimensions of alluvial river channels are largely functions of the discharge and sediment load supplied from the basin. By removing sediment from the active channel bed, instream mines interrupt the continuity of sediment transport through the river system, disrupting the sediment mass balance in the river downstream and inducing channel adjustments (usually incision) extending considerable distances beyond the mine site itself. When sediment – especially sediment that makes up the bed of the river – is removed from the sediment budget, the excess energy of the remaining water is dissipated by increased erosion to make up the sediment load.

By removing sediment from the channel, disrupting the preexisting balance between sediment supply and transporting capacity, and in some cases creating a locally steeper gradient upon entering the pit, instream gravel mining typically induces incision upstream and downstream of the extraction site. Direct effects of incision include undermining of

bridge piers and other structures, and exposure of buried pipeline crossings and water supply facilities.

Bar scalping, by removing most of the gravel bar above the water level, reduces or eliminates confinement of the low water channel, changing the patterns of flow and sediment transport through the reach. One potential effect is reduced efficiency of sediment transport through the newly unconfined reach, triggering channel instability due to resulting coarse sediment deposition and inducing fine sediment deposition on the channel bed.

Sediment Increase:

Extraction from the channel suspends fine sediment, usually at times of year when high concentrations do not normally occur and when the river is unable to disperse the suspended sediments. Turbidity and siltation of the downstream channel can reduce the abundance (and change composition of) macroinvertebrate populations and induce a change in fish populations (at the site and within several kilometers downstream) from more desirable species to those tolerant of high suspended sediment concentrations.

By disrupting the pavement (the active coarse surface layer of a gravel bed channel, bar scalping can make the gravel bed more mobile at lower flows than formerly. Without the coarse surface layer, interstitial fine sediments can be mobilized by small freshets, which may lack the duration needed to disperse the fine sediments downstream, but may simply re-deposit them a short distance downstream.

Riparian Vegetation:

Incision typically lowers the alluvial water table, because the channel (a constant head boundary) determines the level down to which the alluvial groundwater drains. As the channel lowers, the alluvial water table migrates downward as well. Lowering of the alluvial water table results directly in loss of groundwater storage. In some cases, wells can be lowered and water pumped from greater depths, increasing water costs significantly. Lowering of the alluvial water table can induce profound ecological and landscape changes, including loss of hyporheic habitat as adjacent banks are dewatered. More widely documented has been the loss of riparian vegetation (or prevention of seedlings from establishing) as the water table drops below the root zone of riparian plants.

Flow Alterations:

Another potential effect of reduced alluvial groundwater storage is reduced summer baseflow due to reduced contributions to the stream from the adjacent alluvial aquifer in which groundwater storage has been reduced. Reduced baseflow may lower water quality by reducing the effect of dilution. In general, channel incision changes the pattern of groundwater-surface flow interactions in alluvial streams, including the extent and flux of groundwater upwelling zones that provide important habitat for fish and benthic invertebrates and regulate stream temperature.

Cummulative Effects:

The most severe effects of instream gravel mining may be considered as cumulative because they may become obvious only over time and extend beyond the limits of the mine site itself. Moreover, the effects of one mine may interact with those of other mines, yielding a net cumulative effect not apparent from a single mine.

2. Potential Management of Environmental Impacts:

In some jurisdictions, the extraction of gravel has been allowed under certain conditions. Chief among those conditions is the establishment of the available annual gravel budget of a river and a safe yield amount. Unfortunately the calculation of a safe-yield, if possible, would be very difficult and data intensive. Very few sites would have sufficient information for reliable bed load transport rate calculation there are also limitations to the models available to estimate bed load transport.

While a theoretical approach to predicting the effects of different levels of gravel mining on rivers might be desirable, the inherent complexity of sediment transport and channel change and the lack of adequate data on channel form, sediment transport, and gravel extraction overtime, make firm, specific predictions impossible at present. (NRC 1983).

Another approach to managing gravel mining is to estimate the annual bedload sediment supply from upstream, the "replenishment rate", and to limit annual extraction to that value or some fraction thereof, considered the "safe yield". However, the popular notion that one can extract at the replenishment rate without affecting the channel ignores the continuity of sediment transport through the river system. The mined reach is the "upstream" sediment source for downstream reaches, so mining at the replenishment rate could be expected to produce hungry water conditions downstream.

3. Alternative Sources:

Alternatives to active channel gravel mining include; floodplain mining, terrace mining and upland area mining. The claim by gravel users of a scarcity of gravel resource may not be one of gravel availability, so much as economics. Much of the floodplain, terrace or upland gravel is privately owned, and therefore comes at a market-based cost. In this case riverine gravel may be viewed as a cheap source, belonging to the Crown. Trucking costs also factor into the economics of gravel extraction, with sources nearest to construction sites being most desirable.

4. Cumulative Impacts:

It was recognized that any approval or authorization for instream gravel mining would be project specific given the current regulatory processes in place in Alberta. The JTIWG considered a very real risk that regulatory agencies would not be able to adequately consider or control cumulative impacts from several or many gravel extraction proposals. The potential for cumulative impacts from gravel extraction is considerable in Alberta

due to current land use practices and water management practices both of which can affect instream and riparian fish habitat.

5. Compensation for impacts:

The JTIWG is aware that there are various potential mitigation measures available to reduce impacts from gravel extraction operations. However, it remains likely that there would be significant residual impacts from any gravel extraction project within the active river channels. The JTIWG is of the opinion that compensation for these residual effects would not be feasible.

DRAFT

Terry Kosinski

From: David Park
Sent: Monday, May 17, 2010 11:40 AM
To: Terry Kosinski
Subject: FW: Water Body Aggregate Extraction Policy Committee

Attachments: JTIWG aggregate recommendations draft March 31 2010.doc

Terry,
Please see the following. AENV appears to be ignoring our concerns about the process for developing this policy.
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



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Duplicate of email May 17, 2010 11:13AM, removed as non-responsive.

From: Augustus Archampong
Sent: Tuesday, May 18, 2010 11:58 AM
To: Neil Hollands
Subject: RE: Water Body Aggregate Extraction Policy Committee

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Neil,

The SRD participation issue has not been resolved. I got emails from Jerry Haekel and Terry Kosinski stating that they need direction from SRD senior management. The Minister promised help with that; there is no change at this time.

I would appreciate whatever can be done to get progress on this matter.

From: Neil Hollands
Sent: Tuesday, May 18, 2010 11:49 AM
To: Augustus Archampong
Subject: RE: Water Body Aggregate Extraction Policy Committee

Hi Archie,

Did anything get resolved regarding SRD's attendance? Do you need my assistance in putting some requests up the line to get their participation?

Neil

Duplicate of email May 17, 2010 11:13AM, removed as non-responsive.

From: Bruce Blue
Sent: Tuesday, May 18, 2010 12:16 PM
To: Augustus Archampong; Brent Welsh; 'David.Fraser@-mpo.gc.ca';
Dave Park; 'tmix@mixcor.ca'; 'doliver@aamdc.com'; Gerry Haekel;
Larry Kuchmak; Louise Brennan; Neil Hollands; Patricia Stevenson;
Robert George; Ryan Puhlmann; 'Tom.Olson@dfo-mpo.gc.ca'
Cc: Don Watson (AENV); Stephen Yeung; Dana Becker; Chuck McMillan
Subject: RE: Water Body Aggregate Extraction Policy Committee..Aggregate
Extraction from Watercourses and floodplains Policy

Follow Up Flag: Follow up
Flag Status: Flagged

With regards to our discussions last Friday, limiting input to tracking changes may not cover all the issues. So without wordsmithing, I have chosen to discuss those issues that I think should be covered in the policy or guidelines to support the policy.

* By comparing to the Alberta's First Nations Consultation policy, for format only. I think that some of the format is worth copying. In the FNC policy following the preamble, there is a very clear POLICY STATEMENT (primary Vision?) and PURPOSE OF POLICY (policy intent/assumptions?).

I have put some words together as an example

POLICY STATEMENT

"Alberta will ensure appropriate review of aggregate extraction applications in order that waterbodies, fish, and aquatic eco-systems/riparian habitat are protected".

PURPOSE OF POLICY (could be pulled from the policy intent),

The "Aggregate Extraction from Watercourses and floodplains Policy addresses when aggregate extraction activities will be allowed in active waterbodies and areas that may be flooded, and the manner in which Alberta will review and process applications.

The purpose of this policy is to establish whether an application is considered routine or non-routine dependant upon the potential impact to waterbodies, fish, and aquatic eco-systems/riparian habitat, and clarify to industry the regulatory approval processes and information required for each type of application.

* Neither of the first two headings should include the reference to a DFO letter. This and other the significant references should be in a preamble/background and/or placed in an appendix). We should be working towards an updated letter of agreement/MOU or Operational Statements (for buffers) with DFO/Transport Canada. The milestones need to reflect the desire to establish said agreement as this would go a long to towards establishing those non-routine application that would require a referral to DFO

* Given Dave Fraser's input that DFO does not need to see every applications near a river unless the riparian zone may be impacted, we should take a closer look at what the previous mining in rivers committee spent significant effort to identify when mining could occur near rivers. I believe the matrix/buffers that were established, could be expanded or amended slightly to clarify what would be considered routine, thus not requiring significant effort to review (or DFO referral) vs. non-routine requests, which would require DFO referral. It could be extended to include when additional studies or "risk assessment by a third party" would be required. I have made the assumption that AE or SRD would coordinate that referral to DFO/Transport Canada.

ROUTINE:

Class A -100m buffer

Class B- 50m buffer

Class C- 30m buffer

Class D- 30m buffer

Unclassified flowing waters-30 m

Do we need to add a category for non flowing waterbodies with fish/fish habitat, - 30m buffer.

Outside bends of class B,C,D rivers- 60m buffer

Potential applications required: AE-End pit waterbodies/License for evaporative Losses AE-Diversion of water license, COP, SML/DRS and CRBP, Municipal Dev permit

NON-ROUTINE:

Mining within Active Channel-Emergency situation (i.e. protection of infrastructure/property)

Mining within Active Channel-Areas to be flooded due to dam construction,

Any proposed encroachment on buffer established for routine applications,

Islands with Terrestrial vegetation not subject to flooding

Potential applications required: Nav waters, HADD, AE-End pit waterbodies/License for evaporative Losses AE-Diversion of water license, COP, SML/DRS and CRBP, Municipal Dev permit

* Perhaps with the establishment of a few SOP's even fewer referrals to DFO, or River Forecasting would be required (I'm always the optimist).

* Regarding the JTIWG document provided. There is a recommendation of public consultation. How does AE propose to handle this? It would require a Milestone and hire of a consultant to coordinate.

* Things to consider when discussing buffers to trigger DFO referral:

* Primarily consider potential of river to relocate due to buffer failure and protection of riparian zone.

* Pits with a potential of flooding does not equate to increased siltation, necessarily. Our gravel deposits routinely contain less than 10% of material finer than 80um (silt and clay). A cultivated field in spring contains clayloam or siltyloam which would contain 50% silt and clay, or more. Water velocities tend to be much lower at these upland locations and may become a depositional area. The increased silt/clay load during a flood event is a function of all runoff contributing to the basin and not just the area under water...

I hope this will provide some fuel for the next discussion on buffer recommendations being part of the policy.

Bruce Blue

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Terry Kosinski

From: Gerry Haekel
Sent: Tuesday, May 18, 2010 4:45 PM
To: Douglas Knight; Joanne Sweeney
Cc: Dan Grahn; Jeff Reynolds; Terry Kosinski
Subject: FW: Water Body Aggregate Extraction Policy Committee. Aggregate Extraction from Watercourses and floodplains Policy

FYI. See latest comments from Bruce Blue of Transportation. He was involved in the past on aggregate policy initiatives.

I have not heard back at all from Alberta Environment regarding our request to be formally engaged through the Minister's office so that the appropriate level of priority for working on this can be established. This exercise seems to be moving forward but at risk of no SRD participation.

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
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 Ph: (780) 427-4767
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Carol Hamelin

From: Ryan Puhlmann
Sent: Wednesday, May 19, 2010 9:57 AM
To: Augustus Archampong; Louise Brennan; 'doliver@aamdc.com'; Tom.Olson@dfo-mpo.gc.ca'; Gerry Haekel; 'David.Fraser@dfo-mpo.gc.ca'; Dave Park; Bruce Blue; Neil Hollands; Patricia Stevenson; Brent Welsh; Robert George; Larry Kuchmak; Don Watson (AENV); 'kjohn@lehighcement.com'
Subject: RE: Aggregate Extraction Policy_v2_20100511.doc
Follow Up Flag: Follow up
Flag Status: Flagged

Archie:

Please find attached some of my comments on the draft Waterbody Extraction Policy. I have also provided our FN consultation guideline information and some good reference material respecting municipalities (flowcharts, process, etc) - FYI.

Please let me know if you require any specific information or items that I might have missed.

I would agree that there is a caution about putting in the term floodplain, and agree that preference (for ease sake) should focus on "active/non-active". I think we need something that reflects emergency scenarios as well.



Aggregate
Extraction Policy...



Part 111 AENV
Cons GL.doc



Municipal Guide
to Sand_Grave...

Attachment Part 111 AENV Cons GL.doc unable to locate. Municipal Guide to Sand_Grave.. is a Public document already provided to applicant.

Thanks for the opportunity to comment. See you next week.

Duplicate of email dated May 13, 2010 3:15PM, removed as non-responsive.

Ryan

**GOA Waterbody AENV Aggregate Extraction Policy (Operational approval procedures)
Water Policy Branch
May 14 2010, Draft 1**

Section A: Policy Context

Purpose

- To develop GoA (~~AENV in particular~~) guidelines to support the regulatory approval processes for aggregate extraction operations in active and non-active areas of water bodies.

Policy Issue

- There is a need to clarify the position of ~~AENV~~ **the GOA** on the management and regulation of existing and future aggregate extraction operations located within surface water bodies and adjacent floodplains so that existing, new, and undeveloped aggregate extraction operations are dealt with in a fair and consistent manner across the province.

Explanation of Problem

- Aggregate extraction within the active and non-active areas of surface water bodies ~~and floodplains~~ has occurred in the province for several decades. The ease of access to the aggregate and associated low development cost may have influence on this choice. Aggregate extraction is an important contributor to economic activity in Alberta.
- Aggregate extraction is a concern as the associated 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, have also been shown to have an adverse effect on adjacent lands and infrastructure upstream and downstream of the operation location.

Background/Current State

- Aggregate extraction operations on public and private lands in Alberta are regulated under three provincial enactments: the *Water Act*, the *Public Lands Act*, and the *Environmental Protection and Enhancement Act*. These have separate and distinct regulatory processes that are not well integrated, which sometimes has led to differing approval terms, conditions and requirements.
- 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 requirements will be met.

Comment [G1]: Need to include a statement that reflects the Municipal Government Act (MGA) (note* - AT is not bound by this act, but remains so for EPEA/WA)

Comment [G2]: It should be recognized that there can be triggers related to SARA or rare plants circumstances, federally, however this is also identified under the Code of Practice for Pits (COP) and needs to be addressed

- In the past 10 years, DFO has declined issuing authorizations under the *Fisheries Act (Canada)* and AENV has declined issuing approvals under the *Water Act* for aggregate extraction related activities; potentially SRD may also exercise the option to decline issuing a mineral surface lease in support of SRD fisheries objectives.
- An activity that causes sediment transport in active areas of water bodies is considered an act of harmful alteration, destruction, disruption of fish habitat, and requires authorization under the *Fisheries Act*. DFO does not issue such authorizations for aggregate extraction on a routine basis, unless it is demonstrated that no reasonable upland source is available. ~~If no reasonable upland source is available, DFO will consider an authorization provided that appropriate compensation is proposed and undertaken by the project proponent.~~ Prior to issuing the authorization, the potential impacts of the project pursuant to the *Canadian Environmental Assessment Act* must be assessed ~~(letter from DFO dated August 26, 1998).~~ Removed old reference?
- This approach is consistent with the objectives of SRD and AENV who are required to consider the protection of aquatic environment when issuing approvals.
- There is an increasing demand for aggregate resources. This demand is countered by public opposition to allowing aggregate extraction operations in water bodies.

Comment [G3]: Thought we agreed to remove this

Work to Date

- Numerous attempts have been made at a GoA waterbody Aggregate Extraction policy. Due to the number of parties involved, it has been difficult to obtain consensus. AENV has decided that it is time to take the lead on the development of ~~AENV's GOAs~~ interim position on Waterbody Aggregate Extractions until a GoA-Canada policy can be negotiated.
- The Joint Technical ~~Committee~~ issues working group (JTIWG) has provided recommendations for aggregate extractions in the active area of water bodies. Their consensus is to not permit any extractions in any active area of any water body at any time. It is proposed that this be adopted by ~~AENV GOA~~. This position is supported by DFO (letter dated March 16, 1995, reference to Kanehl and Lyon 1992).
- DFO recommends against floodplain aggregate extraction in general until more substantive work on its effects can be completed. Until such time, DFO recommends we err on the side of caution and adopt a guideline that allows us to be more restrictive in sensitive areas yet is still flexible enough to allow extraction in areas of little or no concern (letter dated March 16, 1995, reference to Kanehl and Lyon 1992).

Comment [G4]: I have a note regarding these 3 bullets -- consider modification and combining as there is repetition in this section

Comment [G5]: Are we taking out "floodplain" definition or including at least in the back -- similar to what Pat provided -- "Overbank portion -- the extent defined by the 100 year flood...?"

Drivers for Project and Key Decision Maker

- There is no formal provincial policy on aggregate extraction. The approach to aggregate extraction requires clarity, as requests from public are increasing and the GoA requires a consistent and fair course of action.
- In recent years there has been increased demand from some counties (Brazeau/Wetaskiwin) to extract aggregate from the active portion of river systems, due to shortfalls in their resource ownership and because of significant costs associated with buying privately. Additionally with rising development pressures, NIMBY and the desire of counties to develop consistent bylaws and areas structure plans, they have also requested GOA presence to discuss aggregate extraction, within and adjacent to waterbody systems.
- Clear and consistent guidelines for both new and existing aggregate extraction operations will ensure a higher level of protection for the environment.
- Key decision-makers: Alberta's Minister of ENV, Minister of SRD
 - For this interim AENV policy, the Minister of AENV would be the principal decision-maker

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Relationship to Wider GoA Priorities

- *Land-Use Framework*
 - Strategy 1: Develop seven regional land-use plans based on seven new land-use regions.
 - Need to provide guidance to LUF regional plans as to where aggregate extraction may be acceptable.
 - Would enable 'place-based' responses to aggregate extraction approval applications, but provide a provincially consistent policy to determine whether or not it would be acceptable in the provincial policy and regulatory contexts.
 - Strategy 3: Cumulative effects management will be used at the regional level to manage the impacts of development on land, water, and air.
 - Need to have a consistent policy so that the cumulative effects of aggregate extraction are considered and managed.
 - Strategy 4: Develop a strategy for conservation and stewardship on private and public lands
 - Aggregate extraction policy would be applicable to public and private lands. Environmental impacts would be the primary focus of the risk assessments required for proponents to obtain approvals.
- *Water for Life Strategy*
 - Supports Healthy Aquatic Ecosystems outcome through the required risk assessments.
 - Action 2.1: Enforce protection of known critical aquatic ecosystems using existing legislation

- Action 2.6: Implement aquatic restoration plan and conserve key aquatic ecosystems through regional land-use approaches and identified partnerships
- Regulatory Alignment Project
 - Would clarify the regulatory process for aggregate extraction operations, supporting the initiative of this project.

Key Stakeholders

- Proponents – mostly commercial users of aggregate, including Alberta Ministry of Transportation
- Municipalities – create bylaws with respect to aggregate extraction
- AENV – Approvals
 - Issues approvals under the *Water Act* for aggregate extraction
 - Approvals assess water quantity impacts, as well as potential water quality impacts for both surface and ground water
 - As part of the approvals process, the River Forecasting Section (formerly River Engineering) assesses impacts on river morphology
- AENV – EPEA
 - Identifies conservation and reclamation requirements
 - Administers Guide to the Code of Practice for Pits
- SRD –
 - Defines fisheries objectives
 - Delineates non-active areas of water bodies where extraction could be considered
 - Defines the acceptable periods of time for extraction activities (i.e. DFO letter dated March 16, 1995).
 - Reviews proponent’s approval application for effects on habitat
- DFO –
 - Reviews proponent’s authorization application for HADD of fish habitat
- Public – affected by environmental outcomes

Consultation Plan

Sector	When consultation should occur	Group needs/special requirements	Desired outcome of consultation	Appropriate methods of consultation
AENV	Immediately	Consider regions, River Forecasting, EPEA and WA approvals	Aggregate Extraction Policy	Meetings
SRD	Immediately	Require instructions from Minister of SRD to participate	Approval of proposed policy. Agreement to develop a ToR.	Meetings
DFO	Immediately		Acceptance of proposed policy.	Meetings

			Agreement to develop a ToR.	
Municipal and Local Govts	Following approval of proposed policy. Before approval of final policy.	Particularly Alberta Association of Municipal Districts & Counties	Acceptance of proposed policy. Awareness of policy changes & understanding of required process.	Focus groups
Proponents	Following approval of proposed policy. Before approval of final policy.	Particularly Alberta Sand & Gravel Association; Alberta Ministry of Transportation	Awareness of policy changes & understanding of required process.	Focus groups
Public	Following approval of proposed policy. Before approval of final policy.	Level of consultation should reflect level of policy and degree of changes	Awareness of policy changes.	Internet-based questionnaire
<u>First Nations</u>	<u>Following approval of proposed policy – consider “engagement” or “consultation” (See attached info)</u>	<u>First nations has the ability to have S&G development adjacent to their reservations, however we also need to be cognizant of how to deal with proposed S&G by FN involving Waterbodies.</u>	<u>Awareness of policy changes & understanding of required process</u>	<u>Meetings – likely require presence of our FN advisors/consultation specialists.</u>

Section B: Proposed Policy

Vision and Outcomes

- To protect the integrity of fish habitat and minimize the impact to these habitats from aggregate extraction operations (DFO letter dated March 16, 1995, reference to Kanehl and Lyon 1992).
 - Aggregate extraction is permitted to occur only in areas where sediment transport would not adversely impact the environment or aquatic ecosystems
 - The GoA has a common and consistent approach to requests for waterbody aggregate extraction
 - The roles and responsibilities of players-regulators are clearly defined

- Suggest add another bullet that speaks to the preservation and maintenance of the “Natural river channel”, respecting water quality and downstream users. It is not entirely for fish reasons.

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Assumptions and Principles

- AENV-The Policy promotes a risk-based approach to aggregate extraction with consideration of all regulatory mandates.
- WB Aggregate extraction in any active area of a water body will have adverse impacts too great to consider applications and would only be considered on a case-by-case emergency situation.
- Aggregate extraction in a non-active area of a water body is an important economic opportunity and should be permitted in certain circumstances
- Although locations acceptable for aggregate extraction may be defined in Regional Plans or municipal bylaws, all applications will be processed according to the guidance outlined in this policy.

Comment [G6]: Need definition related to “flood” and/or “emergency situation – does our flood forecasting or dam safety folks have terminology?”

Policy Intent

- New Aggregate Extraction Operations
 - For proposed operations located within the active area of a water body no approvals are permitted under any circumstances.
 - For proposed operations located within the non-active area of a water body approvals will only be considered when:
 - ~~A development permit has been received from the local government.~~
 - A risk assessment of the environmental and third-party impacts is completed by a qualified third party and is submitted with the approval application to AENV ~~(through the municipality)~~
 - Any adverse effects on the land and/or aquatic environment (including but not limited to fisheries and wildlife resources, water quality, ground water and river dynamics) resulting from the aggregate extraction operations must be identified.
 - The proponent must demonstrate the ability to mitigate or compensate for the above effects in a manner acceptable to AENV.
 - The risk assessment must be consistent with requirements and guidance provided in the Guide to the Code of Practice for Pits
 - The assessment must include stabilizing the operations and reclaimed sites effectively to eliminate sediment transport to the active water body area.
 - Plans for storage of equipment, stockpiling and washing of gravel should be outlined in the risk assessment and will be considered individually based on risk to the land and/or aquatic environment.

~~• A security deposit to cover the full reclamation cost by a qualified third party is received.~~

• All municipal bylaws and provincial and federal regulations, statutes, and policies have been met.

○ When a *Water Act* approval is obtained, conditions derived from the risk assessments must be written into the approval. Regional AENV compliance staff will be responsible for enforcement.

● Existing Aggregate Extraction Operations

○ Will be allowed to continue for the remaining term of the *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.

● Undeveloped Aggregate Extraction Operations

○ Undeveloped aggregate extraction operations that have a *Public Lands Act* 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.

Comment [G7]: Suggest we remove those portions that are already defined or clear via the current regulatory process, e.g. security, activities plans, reclamation plans, etc

◆ **Reclamation**

○ ~~Pit reclamation must be consistent with the Guide to the Code of Practices for Pits.~~

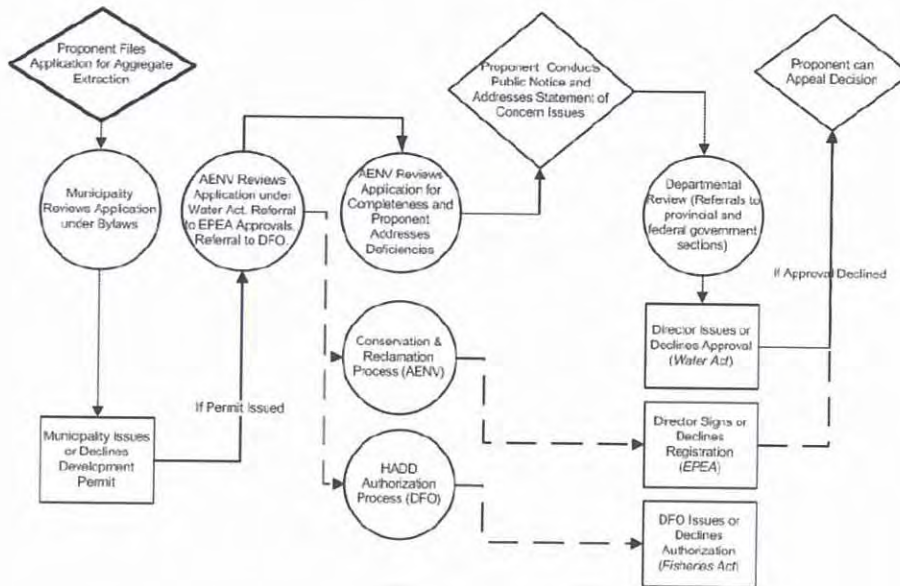
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Strategies and Actions/ Tools and Responsibilities

Organization	Tools	Roles
Local Govt.	By-Laws Land zoning Development permits	Continue with existing programs; some fine tuning in land zoning may be desirable.
AENV	<i>Water Act</i> Approvals River Forecasting (outputs) Compliance programs	Regional Services will support policy through existing programs using existing approval review process
AENV	<i>EPEA</i> Conservation & Reclamation Regulation and Program CoP for Pits – Registration C&R Plan	C & R will support policy through existing programs, registration under the CoP, <u>normal administration of security</u>
SRD	<i>Public Lands Act</i> Fisheries objectives Fish & Wildlife objectives Mineral Surface Lease	Support with existing programs
DFO	<i>Fisheries Act</i> authorizations	Support with existing programs

Process Flow Chart

Comment [G8]: Flow chart should reflect the potential administration and involvement of ASRD – Land Division in the regulation of gravel as well I have attached a nice municipality regulation process information document (with some flow charts)



- Documents Required for Submission by Proponent:
 - Municipal development permit application
 - AENV *Water Act* approval application
 - Environmental and Third Party risk assessment
 - AENV *EPEA* Code of Practice for Pits registration form
 - Conservation & Reclamation Plan
 - DFO authorization application
- Recommend that the above applications and forms be integrated into a single 'Aggregate Extraction Application Package'

Implementation Plan

- Policy would be effective immediately following Ministerial approval.
- No legislative changes are required.
- Terms of Reference for joint review of risk assessments and applications among municipal, provincial and federal departments will be drafted immediately following approval of this policy. It is suggested a one-window approach for submission of approval applications be developed.

Monitoring and Evaluation Plan

- Adaptive management approach. Suggest policy review every 10 years, which is compatible with the Regional Planning process.

Working Definitions

- Active area of a water body: Area lying between the ordinary high water marks on each bank.

- Ordinary high water mark: The usual 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. In flowing waters (rivers, streams) this refers to the "active area of a water body/bank-full level" which is often the 1:2 year flood flow return level.
- Non-active area of a water body: Any area of a water body that is not included in the definition of an active area.
- Water body (from the *Water Act*): Means any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to wetlands and aquifers but does not include except for clause (nn) and section 99 "water body" that is part of an irrigation works if the irrigation works is subject to a licence and the irrigation works is owned by the licensee, unless the regulations specify that the location is included in the definition of water body.

Attachments

- Diagram of active area of a water body and non-active area of a water body
- Map of areas where aggregate extraction in the non-active area of a water body would be considered and list of acceptable times of year (from SRD)
- Requirements for 'qualified third party' designation for completion of risk assessments and/or reclamation

From: Augustus Archampong
Sent: Friday, May 21, 2010 1:45 PM
To: Neil Hollands
Subject: RE: Aggregate Extraction Policy_v2_20100525.doc

Follow Up Flag: Follow up
Flag Status: Flagged

This is to confirm our telephone discussion regarding your question below.

I am preparing an AR to Ernie. Ernie will be providing feedback to the Minister about progress made so far. As far as I know, there is no face-to-face meeting scheduled at this time.

Cheers, Archie.

From: Neil Hollands
Sent: Friday, May 21, 2010 1:36 PM
To: Augustus Archampong
Subject: RE: Aggregate Extraction Policy_v2_20100525.doc

Hi Archie,

In regards to the progress report tot the Minister, is it your understanding that it is a face to face, or is it a written progress report? If face-to-face, I have not been notified of a meeting day and time - has this been arranged?

From: Augustus Archampong
Sent: Friday, May 21, 2010 11:26 AM
To: 'kjohn@lehighcement.com'; 'doliver@aamdc.com'; 'Tom.Olson@dfo-mpo.gc.ca'; 'David.Park@gov.ab.ca'; Bruce Blue; Neil Hollands; Patricia Stevenson; Brent Welsh; Robert George; Larry Kuchmak; Louise Brennan; Stephen Yeung; Ryan Puhlmann; Don Watson (AENV); 'David.Fraser@-mpo.gc.ca'; 'Tom.Olson@dfo-mpo.gc.ca'
Subject: Aggregate Extraction Policy_v2_20100525.doc

<< File: Aggregate Extraction Policy_v2_20100525.doc >>

Attached is Draft 2 of the above policy for discussion at our next meeting.

For those of you who have advised that you are unable to attend the meeting, please review the draft document and provide your comment to me by May 27, 2010. An action request on this initiative will be submitted to AENV Minister Renner on May 28, 2010.

Meeting Agenda:

Date: May 25, 2010

Time: 10:00 am

Location: Red Deer Room, Twin Atria, Edmonton (Ask for directions at the Alberta Transportation reception desk)

Draft Policy Review: 10:00 am to 12:00 noon (bio-break as required)

Lunch Break: 12:00 noon to 1:00 pm

ToR Review: 1:00 pm to 2:00 pm (bio-break as required)

Next steps forward: 2:00 pm to 3:00 pm (bio-break as required)

Cheers, Archie.

**GoA Water Body Aggregate Extraction Policy (Operational approval procedures)
Water Policy Branch
May 25 2010, Draft 2**

Section A: Policy Context

Purpose

- Develop GoA guidelines to support the regulatory approval processes for aggregate extraction operations in active and non-active areas of water bodies.

Policy Issue

- There is a need to clarify the position of the GoA on the management and regulation of existing and future aggregate extraction operations located within surface water bodies and adjacent floodplains so that existing, new, and undeveloped aggregate extraction operations are dealt with in a fair and consistent manner across the province.

Explanation of Problem

- Aggregate extraction within the active and non-active areas of surface water bodies has occurred in the province for several decades. The ease of access to the aggregate and associated low development cost may have influence on this choice. Aggregate extraction is an important contributor to economic activity in Alberta.
- Aggregate extraction is a concern as the associated 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, have also been shown to have an adverse effect on adjacent lands and infrastructure upstream and downstream of the operation location.

Background/Current State

- Aggregate extraction operations on public and private lands in Alberta are regulated under three provincial enactments: the *Water Act* (Alberta Environment), the *Public Lands Act* (Alberta Sustainable Resource Development), and the *Environmental Protection and Enhancement Act* (Alberta Environment). These have separate and distinct regulatory processes that are not well integrated, which sometimes has led to differing approval terms, conditions and requirements.

- The *Municipal Government Act* (Municipal Affairs) authorizes municipal governments to create bylaws. Through these bylaws some municipalities have a development approval process and require a development permit for aggregate extraction. Provincial ministries, including Alberta Transportation, are not bound by this *Act* or the regulations or bylaws it enables.
- Aggregate extraction operations situated in or adjacent to water bodies must also meet federal regulatory requirements under the *Fisheries Act* (Department of Fisheries and Oceans), the *Navigable Waters Protection Act* (Transportation Canada), and possibly the *Canadian Environmental Assessment Act* (Environment Canada) or the *Species at Risk Act* (Environment Canada). Meeting provincial standards and requirements (including the Code of Practice for Pits with respect to species at risk and rare plants) does not ensure that federal regulatory requirements will be met.
- In the past 10 years, DFO has declined issuing authorizations under the *Fisheries Act (Canada)* and AENV has declined issuing approvals under the *Water Act* for aggregate extraction related activities; potentially SRD may also exercise the option to decline issuing a mineral surface lease in support of SRD fisheries objectives.
- An activity that causes sediment transport in active areas of water bodies is considered an act of harmful alteration, destruction, disruption of fish habitat, and requires authorization under the *Fisheries Act*. DFO does not issue such authorizations for aggregate extraction on a routine basis. Prior to issuing the authorization, the potential impacts of the project pursuant to the *Canadian Environmental Assessment Act* may be assessed.
- DFO recommends against water body aggregate extraction in general (including in the non-active portion) until more substantive work on its effects can be completed. Until such time, DFO recommends we err on the side of caution and adopt a guideline that allows us to be more restrictive in sensitive areas yet is still flexible enough to allow extraction in areas of little or no concern.
- This approach is consistent with the objectives of SRD, under the *Public Lands Act*, and AENV, under the *Water Act* and the *Environmental Protection and Enhancement Act*, who are required to consider the protection of aquatic environment when issuing approvals.
- There is an increasing demand for aggregate resources. This demand is countered by public opposition to allowing aggregate extraction operations in water bodies.

Work to Date

- Numerous attempts have been made at a GoA Water Body Aggregate Extraction policy. Due to the number of parties involved, it has been difficult to obtain

consensus. AENV has decided that it is time to take the lead on the development of the GoA's interim position on water body aggregate extractions until a GoA-Canada policy can be negotiated.

- The Joint Technical Issues Working Group (JTIWG) has provided recommendations for aggregate extraction in the active area of water bodies. Their consensus is not to permit any extraction in any active area of any water body at any time. The Group proposes that this be adopted by the GoA and Canada.

Drivers for Project and Key Decision Maker

- There is no formal provincial policy on water body aggregate extraction. The approach to water body aggregate extraction requires clarity, as requests from the public are increasing and the GoA requires a consistent and fair course of action.
- In recent years there has been increased demand from some counties (Brazeau/Wetaskiwin) to extract aggregate from the active portion of river systems. This increased demand comes from a shortfall in the counties' resource ownership and the significant costs associated with buying aggregate privately. Additionally, the counties are dealing with rising development pressures, resistance to aggregate extraction operations close to current residential developments. Counties also want to develop consistent bylaws and area structural plans and have requested GoA presence to discuss aggregate extraction, both in active and non-active areas of water bodies.
- Clear and consistent guidelines for both new and existing aggregate extraction operations will ensure a higher level of protection for the environment.
- Key decision-makers: Alberta's Minister of ENV, Minister of SRD
 - For this interim GoA policy, the Minister of AENV would be the principal decision-maker

Relationship to Wider GoA Priorities

- *Land-Use Framework*
 - Strategy 1: Develop seven regional land-use plans based on seven new land-use regions.
 - Need to provide guidance to LUF regional plans as to where aggregate extraction from water bodies may be acceptable.
 - Would enable 'place-based' responses to aggregate extraction approval applications, but provide a provincially consistent policy to determine whether or not it would be acceptable in the provincial policy and regulatory contexts.
 - Strategy 3: Cumulative effects management will be used at the regional level to manage the impacts of development on land, water, and air.
 - Need to have a consistent policy so that the cumulative effects of aggregate extraction are considered and managed.

- Strategy 4: Develop a strategy for conservation and stewardship on private and public lands
 - Aggregate extraction policy would be applicable to public and private lands. Environmental impacts would be the primary focus of the risk assessments required for proponents to obtain approvals.
- *Water for Life Strategy*
 - Supports Healthy Aquatic Ecosystems outcome through the required risk assessments that would ensure the maintenance and preservation of natural habitat.
 - Action 2.1: Enforce protection of known critical aquatic ecosystems using existing legislation
 - Action 2.6: Implement aquatic restoration plan and conserve key aquatic ecosystems through regional land-use approaches and identified partnerships
- Regulatory Alignment Project
 - Would clarify the regulatory process for aggregate extraction operations, supporting the initiative of this project.

Key Stakeholders

- Proponents – mostly commercial users of aggregate, including Alberta Ministry of Transportation
- Municipalities – create bylaws with respect to aggregate extraction
- AENV – Approvals
 - Issues approvals under the *Water Act* for aggregate extraction
 - Approvals assess water quantity impacts, as well as potential water quality impacts for both surface and ground water
 - As part of the approvals process, the River Forecasting Section (formerly River Engineering) may assess impacts on river morphology through the AENV approval process
- AENV – EPEA
 - Identifies conservation and reclamation requirements
 - Administers Guide to the Code of Practice for Pits
- SRD –
 - Defines fisheries objectives
 - Delineates non-active areas of water bodies where extraction could be considered
 - Defines the acceptable periods of time for extraction activities
 - Reviews proponent's approval application for effects on habitat
- DFO –
 - Reviews proponent's authorization application for HADD of fish habitat
- First Nations – both a proponent and affected by environmental outcomes
- Public – affected by environmental outcomes

Consultation Plan

Sector	When consultation should occur	Group needs/special requirements	Desired outcome of consultation	Appropriate methods of consultation
AENV	Immediately	Consider regions, EPEA and WA approvals	Aggregate Extraction Policy	Meetings
SRD	Immediately	Require instructions from Minister of SRD to participate	Approval of proposed policy. Agreement to develop a ToR.	Meetings
DFO	Immediately		Acceptance of proposed policy. Agreement to develop a ToR.	Meetings
Municipal and Local Govts	Following approval of proposed policy. Before approval of final policy.	Particularly Alberta Association of Municipal Districts & Counties	Acceptance of proposed policy. Awareness of policy changes & understanding of required process.	Focus groups
Proponents	Following approval of proposed policy. Before approval of final policy.	Particularly Alberta Sand & Gravel Association; Alberta Ministry of Transportation	Awareness of policy changes & understanding of required process.	Focus groups
First Nations	Following approval of proposed policy. (Consider 'engagement' or 'consultation'.) Before approval of final policy.	First Nations has the ability to have Sand & Gravel development adjacent to their reservations. However, we also need to be cognizant of how to deal with proposed Sand & Gravel operations by First Nations involving water bodies.	Awareness of policy changes & understanding of required process.	Meetings – likely require presence of our FN advisors/consultation specialists.
Public	Following approval of proposed policy. Before approval of final policy.	Level of consultation should reflect level of policy and degree of changes	Awareness of policy changes.	Internet-based questionnaire

Section B: Proposed Policy

Vision and Outcomes

- Water body aggregate extraction operations are carried out responsibly to ensure the maintenance and protection of the natural morphology of water body systems, including aquifers, and the quality of water they contain (natural habitat).
 - Water body aggregate extraction is permitted to occur only in areas where it would not adversely impact the environment or aquatic ecosystems
 - The GoA has a common and consistent approach to requests for water body aggregate extraction
 - The roles and responsibilities of regulators are clearly defined

Assumptions and Principles

- This policy promotes a risk-based approach to water body aggregate extraction
- Water body aggregate extraction in any active area of a water body will have adverse impacts
- Water body aggregate extraction in a non-active area of a water body is an important economic opportunity
- All water body aggregate extraction applications will be processed according to the guidance outlined in this policy (which considers all regulatory mandates)

Policy Guidelines

I. New Aggregate Extraction Operations

- For proposed operations located within the active area of a water body no approvals are permitted.
- For proposed operations located within the non-active area of a water body approvals will only be considered when:
 - A risk assessment of the environmental and third-party impacts is completed by a qualified third party and is submitted with the approval application to AENV
 - Any adverse effects on the land and/or aquatic environment (including but not limited to fisheries and wildlife resources, water quality, groundwater and river dynamics) resulting from the aggregate extraction operations must be identified.
 - The proponent must demonstrate the ability to mitigate or compensate for the above effects in a manner acceptable to AENV.
 - All municipal bylaws and provincial and federal regulations, statutes, and policies have been met.

II. Existing Aggregate Extraction Operations

- Will be allowed to continue for the remaining term of the *Public Lands Act*, *Environmental Protection and Enhancement Act*, or *Water Act* approvals, subject to the requirements under the *Fisheries Act*. After this time, a renewal of an authorization (including an approval and/or registration) will include a plan to bring the existing operation into compliance with the requirements outlined for new aggregate operations.

III. Undeveloped Aggregate Extraction Operations

- Undeveloped aggregate extraction operations that have a *Public Lands Act* 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.

IV. Emergency Situations

- Applications will be reviewed and approved by AENV regional staff on a case-by-case basis. The above guidelines may not be applicable.

Tools and Responsibilities

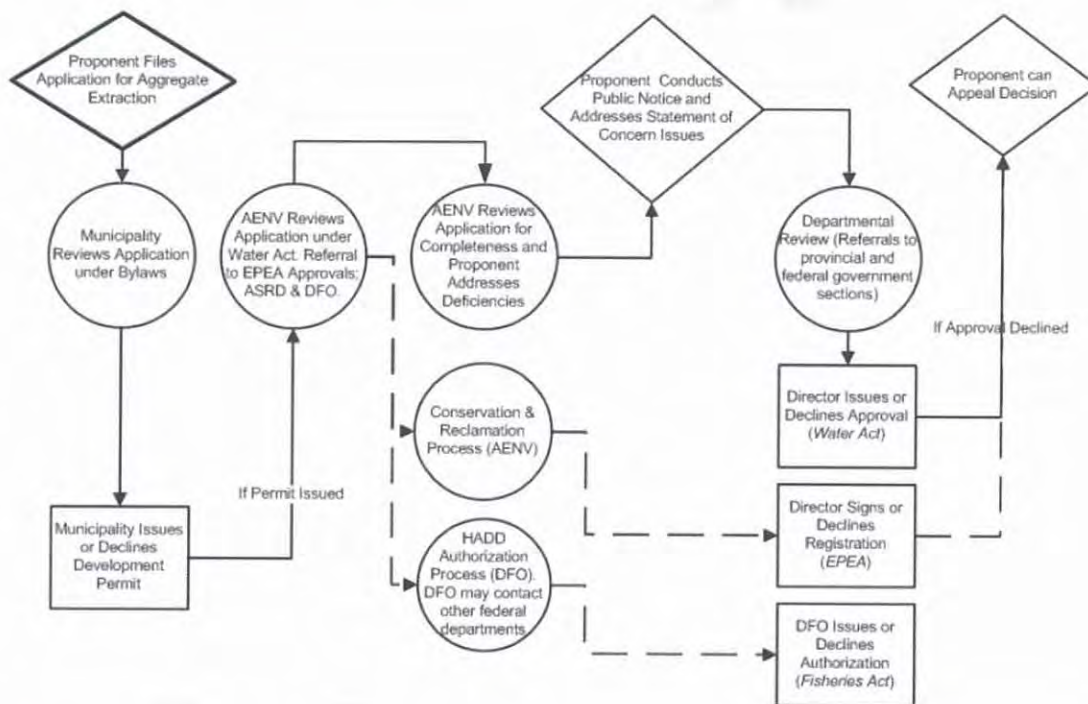
The following table indicates how the above guidelines will be implemented by identifying the organization, the tool used, and the organization's role in the water body aggregate extraction authorization process.

Organization	Tools	Roles
Local Govt.	Bylaws Land zoning Development permits	Continue with existing programs; some fine tuning in land zoning may be desirable.
AENV	<i>Water Act</i> Approvals Compliance programs	Regional Services will support policy through existing programs using existing approval review process
AENV	<i>EPEA</i> Conservation & Reclamation Regulation and Program CoP for Pits – Registration C&R Plan	C & R will support policy through existing programs, registration under the CoP, normal administration of security
SRD	<i>Public Lands Act</i> Fisheries objectives Fish & Wildlife objectives Surface Materials Lease	Support with existing programs
DFO	<i>Fisheries Act</i> authorizations	Support with existing programs
Environment Canada	<i>Canadian Environmental Assessment Act</i> assessments <i>Species At Risk Act</i> assessments	Support with existing programs
Transport Canada	<i>Navigable Waters Protection Act</i> authorizations	Support with existing programs

First Nations	Alberta First Nations Policy for Consultation	Support with existing programs
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Application Approval Process

Currently applications for water body aggregate extraction may be reviewed by various municipal governments, provincial and federal regulatory bodies (outlined in the Tools & Responsibilities section). The flow chart below is intended to show the interactions between these regulatory bodies and the review processes that are triggered within each department. It is not intended to illustrate the details of each departmental review process.



In order for the proponent to be able to initiate water body aggregate extraction, several applications for authorization may be required (depending on which organizations and which tools are triggered). The list below details the required provincial and federal regulatory applications. It is recommended that these applications be integrated into a single 'Water Body Aggregate Extraction Application Package'. Since municipal development permits are not required in all cases, they are excluded from this list.

Documents Required for Submission by Proponent:

- Surface Materials Lease, Disposition Reservation, and Conservation & Reclamation Business Plan (to be discussed further)
- AENV *Water Act* approval and/or licence application

- Environmental and Third Party risk assessment
- AENV *EPEA* Code of Practice for Pits registration form
 - Conservation & Reclamation Plan
 - Security form
- SRD authorization application
- DFO and/or Navigable Waters authorization application

Implementation Plan

- Policy would be effective immediately following Ministerial approval.
- No legislative changes are required.
- Terms of Reference for joint review of risk assessments and applications among municipal, provincial and federal departments will be drafted immediately following approval of this policy. It is suggested a one-window approach for submission of approval applications be developed.

Monitoring and Evaluation Plan

- Adaptive management approach. Suggest policy review every 10 years, which is compatible with the Regional Planning process.

Working Definitions

- **Active area of a water body:** Area lying between the ordinary high water marks on each bank.
- **Aggregate:** Any sand, gravel, clay or marl that is excavated from a pit, whether in a processed or unprocessed form, but does not include reject.
- **Emergency Situation:** Any situation that may jeopardize human life or infrastructure
- **Extraction:** Includes the stripping and stockpiling of soil, overburden, and aggregate materials and the transport of said materials within the site.
- **Non-active area of a water body:** Any area of a water body that is not included in the definition of an active area.
- **Ordinary high water mark:** The usual 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. In flowing waters (rivers, streams) this refers to the “active area of a water body/bank-full level” which is often the 1:2 year flood flow return level.
- **Reject:** Aggregate that is expected to be unsuitable for use as a product, or for blending with other aggregate to form a product, and is therefore expected to be used for reclamation of the pit.
- **Water body (*Water Act*):** Any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to wetlands and aquifers but does not include except for clause (nn) and section 99 “water body” that is part of an irrigation works if the irrigation works is subject to a licence and the irrigation

works is owned by the licensee, unless the regulations specify that the location is included in the definition of water body.

Attachments

- Diagram of active area of a water body and non-active area of a water body
- Map of areas where aggregate extraction in the non-active area of a water body would be considered and list of acceptable times of year (from SRD)
- Requirements for 'qualified third party' designation for completion of risk assessments and/or reclamation

DRAFT

From: Larry Kuchmak
Sent: Friday, May 21, 2010 3:24 PM
To: David Park
Subject: FW: Water Body Aggregate Extraction Policy

Attachments: 10-05-14 Proceedings.doc; Aggregate Extraction Policy_v2_20100525.doc

Dave, my apologies, hope that you have received prior information related to this issue. (used incorrect e-mail address)

Regards,
Larry

L J (Larry) Kuchmak, R.E.T.
Alberta Environment Northern Region, Northeast, Water Act Approvals Coordinator
111 Twin Atria, 4999 - 98 Avenue, Edmonton, T6B 2X3
Tele:780.427.6966; Cell:780.446.4539; Fax: 780.4277824

Larry.Kuchmak@gov.ab.ca

For information on the Water Act, the Water (Ministerial) Regulation and related Codes of Practice, and water management information see the following website: <http://www.environment.alberta.ca/>

From: Larry Kuchmak
Sent: Friday, May 21, 2010 1:45 PM
To: 'kjohn@lehighcement.com'; 'doliver@aamdc.com'; Bruce Blue; 'Tom.Olson@dfo-mpo.gc.ca'; Brent Welsh; 'David.Park@gov.ab.ca'; Neil Hollands; Patricia Stevenson; Louise Brennan; Robert George; Don Watson (AENV); Ryan Puhlmann; 'David.Fraser@-mpo.gc.ca'; Stephen Yeung; Augustus Archampong
Subject: Water Body Aggregate Extraction Policy

Attached is a copy of the proceeding of Friday 18 meeting; we will use these as a reference to move forward on Tuesday.

For those not able to attend, please provide comments related to this item by Thursday.

Please refer to Archie's e-mail sent earlier today; Tuesday's meeting is once again here in the Twin Atria, and it is my understanding that lunch will be provided.

Regards,
Larry

L J (Larry) Kuchmak, R.E.T.
Alberta Environment Northern Region, Northeast, Water Act Approvals Coordinator
111 Twin Atria, 4999 - 98 Avenue, Edmonton, T6B 2X3
Tele:780.427.6966; Cell:780.446.4539; Fax: 780.4277824

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For information on the Water Act, the Water (Ministerial) Regulation and related Codes of Practice, and water management information see the following website: <http://www.environment.alberta.ca/>

Proceeding of the “Aggregate Extraction from Water Bodies” Meeting #1

14 May 2010: Crowsnest Room, Alberta Transportation, Twin Atria, Edmonton

Attendance: (need formal list)

1, **Archie** (AENV) called the meeting to order, welcomed attendees and asked attendees to provide self introductions.

2, **Bruce Blue** (Atrans) provides information and building safety, evacuation procedures and other housekeeping matter.

3, **Neil Hollands** (AENV) provided background to the task; providing information on Environment Minister Rob Renner direction requesting that policy be developed for extraction of aggregate from water bodies.

4, **Dwight Oliver** (AAMD&C) provided insight on the issue that the Association has concerns with; first that policy being considered does not become more restrictive than the which is now in place; and second that the policy consider ‘river training’ whereby the aggregate is a resource rendered by the activity.

5, **Archie** (AENV) that the issue of ‘river training’ is a new issue that may be looked at with this discussion; suggests that this may need to be discussed as a separate issue; in fact in location at which there be need, the proponent may even now apply pursuant to the water Act for such works submitting supporting engineering studies documenting the need for the works.

6, **Archie** (AENV) review of the agenda; attendees agree to the agenda; asked for initial comments on the ‘straw dog’ draft policy.

7. **Ryan** (AENV) has reviewed the ‘straw dog and given the scope and nature of this policy, has concern that ASRD is not represented at this meeting given the inter relationship among the DFO, AENV codes and ASRD dispositions; the was reiterated by **Dave (DFO) & others**.

Archie stated that ASRD was informed of the initiative several months ago through the *Joint Technical Issues Working Group (JTIWG)* and were sent the same invitation as everyone else in the room asking that an alternate be sent to allow full participation

8, **Archie** (AENV) that we first review the “Terms of Reference” – name of the policy.

Ryan (AENV) that we need a specific reference to water or water bodies.

Following a brief discussion it was agreed that the policy be:

(Alberta) Water Body Aggregate Extraction Policy I added Alberta

9, Membership in the group: agreed that the make up and groups represented was good mix, however a strong desire to have ASRD represented on this committee. (ASRD was invited but opted not to attend.)

Dave (DFO) suggests that if ASRD is not present DFO may opt out of the committee stating that the whole process may become questioned and would have to restart at a later date.

Don (AENV) states that **Ryan** is an excellent representative for the EPEA and issues related to gravel mining and he was removing himself from the committee however would continue to liaise with the committee through **Ryan**.

Neil (AENV) would liaise through Archie and would not be a member.

Archie (AENV) despite the fact his is a one task committee, that since there is a short term turn around for this task that the term be to October or completion there after.

Bruce (ATrans) that care should be taken to ensure this committee works on the policy and not stray into implementation of the policy and legislative changes that may be required.

Archie that the policy should be written within the provisions of current legislation.

10, Milestones: agreed –

May 31:

progress report to Minister Renner to include

- committee has been struck and membership list;
- review of policy ‘straw dog’
- stage of discussions;
- highlights of policy;
- review issues that still need discussion;
- road blocks;
- FN as developer & stakeholder;
- ASRD participation (if no representative on May 25);
- deliverables – note up coming milestones and goals;
- need for additional stakeholder involvement;
- the 2nd draft is out for more review this date;
- that the Final draft is expected June 30 for review.

11, Jurisdiction: AENV policy to stay within current provisions of Water Act and Environmental Protection and Enhancement Act;

DFO projects are reviewed on an individual basis;

No regulators present.

12, Resources/Budget:

GOA staff provided time as per mandate;
ASGA within mandate of the association;
AAMD&C generally attempt to recover costs (expenses);

13, Governance:

GOA policy leads by AENV
Decision by consensus;
No-consensus items will be highlighted.

14, Communications:

Short time line for this assignment;
Set response dates.

15, Relationships to other groups:

Joint Technical Issues Working Group (JTIWG)
The JTIWG is not part of this committee.

16, related policies:

Not an issue.

Review of draft 1 of policy

Agreed that policy be known as the *(Alberta) Water Body Aggregate Extraction Policy*

* revise the text in this paper to reflect the policy name change.

List terms that require a definition for the purpose of this policy;

River training:

Emergency:

Floodplain:

Riparian zone

Restricted development area (RDA):

Active channel (areas):

Non-active channel (areas)

Section A: Policy Context

Purpose:

- remove reference to AENV in the purpose;
- require reference to & definition of active & non-active areas of water bodies.

Policy Issue:

- remove reference to AENV

Explanation of Problem:

- okay

Background/current state:

- add the name of departments that have regulatory control for gravel in water bodies both provincial & federal;
- for federal need to add SARA (Environment Canada) & Navigable Waters Protection Act (Transport Canada);
- most Alberta municipalities do not have a development approval process for aggregate extraction/mining; municipal approval is for 'land use' through the Municipal Government Act (MGA);
- Alberta Transportation is not bound by the MGA, but must adhere to provincial and federal regulations;
- bullet 4 – **Dave Fraser was to provide wording for this section.**

Issues at this section for DFO include the active to non-active and how the riparian area is protected. For AAMD&C the issue is definition of the above terms and floodplain - & how and if these interrelate.

- bullet 5 -reword this section to include name dept and jurisdiction of provincial legislation;

Work to date:

-bullet 2 – use complete name Joint Technical Issues Working Group and attach the recent paper on aggregate extraction prepared by the committee.

- concern in this bullet to the reference to ‘..at any time.’ as precluding work during an emergency.

-bullet 3 – requires DFO, Dave to provide input.

-discussion that the policy work within the risks involved in the activity and not be associated with a flood event (past attempts at this policy have failed because of the ‘flood event’ issue.) Dwight suggests that this policy should be as objective as possible.

Drivers:

- require **input from AAMD&C – Dwight** for issues because of a lack of provincial policy on extraction of gravel from water bodies.

-section is ok;

-municipalities and ATrans biggest users of aggregate in the province;

-FN – both users and developers.

Relationships to wider GOA priorities:

- **LUF:** -Strategy 1 sub 1: there is no consistency in province from area to area in how gravel is extracted; this policy should provide provincial consistency;

- Strategy 2 is not applicable to this policy;

- Strategy 4 ‘conservation’ is a global term and related to conserving gravel.

-Water for life: - applies no issues.

-Regulatory Alignment Project: agreed that this policy would assist with clarity.

Key stakeholders:

- list ok but add FN – consultation is required for all projects that require federal legislative authorization; matrix requires a row for FN.

Section B: Proposed Policy

Vision and Outcomes: ((section needs rewording.))

- ...protect the integrity of **the natural channel, river stability** & fish....

- sub bullet 3 replace ‘players’ with ‘regulators’.

Assumptions & principles:

- 1 bullet remove AENV and write This policy promotes...
- 2 bullet change 'any' to 'an' and change 'adverse' to 'fairly considered' impacts.

Policy intent:

-Sub bullet 2, 1- reword to say when this falls within the municipalities permitted land use

2-remove reference to submission through municipality;

Sub bullets 3 & 4 security to be removed and municipal laws is an alignment beneath the sub bullets.

-remove the bullet relating to the *Water Act* approval.

-Existing operations:

-determine how existing sites/pits will be considered/reviewed at the EPEA renewal date;

-move toward harmonization of all regulatory sunset/renewal dates;

-Undeveloped operations

-if undeveloped – I don't have a note on this, will the new rules be invoked?

Reclamation – note is to remove this section, however, perhaps keeping this in with reference to the code is okay?

Remove the chart from policy, could be part of background or supplemental information; add Environment & Transport Canada, and First Nations to the chart.

Process Flow Chart:

Generally ok but add ASRD into the chart.

No notes for the last page.....

From: Neil Hollands
Sent: Tuesday, May 25, 2010 8:46 AM
To: Augustus Archampong; Larry Kuchmak; Ryan Puhlmann
Subject: RE: Aggregate Extraction Policy_v2_20100525.doc

I won't be attending the meeting today. Here are my comments on the draft (its looking good by the way).

* Application Approval Process (p.8) - at the region level we coordinate the Water Act approvals with the EPEA registration and the same signing Director is responsible for authorizations under both Acts. So I suggest a change to the flow chart (and references elsewhere) to merge the EPEA COP Registration with the WA process, rather than showing it as a referral with separate decision. The main difference is that COP doesn't have public notice requirement

* Related to the above change, change Key Stakeholders (p. 4) where you show AENV- Approvals and then AENV- EPEA. Regional approvals deal with both Acts, so all should be under AENV- Approvals.

* Another related change - Tools and Responsibilities (p.7) - AENV EPEA is also administered through regional approvals and compliance.

* Policy Guidelines (p.6) - Risk Assessment - we will need to develop guidance around this requirement (does not have to be contained within the policy, but I flag is as necessary related document in order to implement this policy).

That's it for now.

Regards,
Neil

Duplicate of email dated May 21, 2010
11:26AM, removed as non-responsive.

From: Neil Hollands
Sent: Wednesday, May 26, 2010 10:14 AM
To: Andy Lamb; David Helmer; Ryan Puhmann
Subject: FW: Aggregate Extraction Policy Committee Meetings

Here is the email from SRD for your information. I erred in my earlier email to you about the reason for non-participation. They believe it should have been initiated at a Minister to Minister level so that SRD and ENV would be given the same priority/urgency.

From: Augustus Archampong
Sent: Wednesday, May 26, 2010 10:00 AM
To: Neil Hollands
Subject: FW: Aggregate Extraction Policy Committee Meetings

From: Terry Kosinski
Sent: Monday, May 17, 2010 12:09 PM
To: Augustus Archampong
Cc: David Park; Gerry Haekel; Dan Grahn; Jeff Reynolds; Sue Cotterill; Dave Walty
Subject: RE: Aggregate Extraction Policy Committee Meetings

Hi Archie:

I didn't get a chance to talk to Gerry Haekel before he sent this but comments from FWD are very similar. As this is being identified as a policy-level initiative, it needs to be initiated at the appropriate level in Ministry to Ministry correspondence with discussions at that level about priorities, involvement, time frames, and other matters.

Terry

Terry Kosinski
Acting Executive Director
Fisheries Management Branch
Fish and Wildlife Division
Sustainable Resource Development
2nd Floor Great West Life Building
9920 - 108 Street Edmonton AB T5K 2M4
Ph. (780) 422-3344 FAX (780) 422-9557
terry.kosinski@gov.ab.ca

From: Gerry Haekel
Sent: Thursday, May 13, 2010 3:59 PM
To: Augustus Archampong
Cc: Dan Grahn; Jeff Reynolds; 'David.Park@gov.ab.ca'
Subject: RE: Aggregate Extraction Policy Committee Meetings
Importance: High

Hi Archie. Thanks for the invite.

Although this involves an important issue for many stakeholders, I think this policy initiative warrants a more formal approach in its initiation given we are addressing a larger policy issue around land use of provincial and private land. First, it is not clear how much of a priority this is from a Ministry perspective. We have been involved in a number of initiatives over the last year or two that have yet to see resolution. Also our workloads are challenged by other Ministry priorities and reduced staff capacity.

It would be our preference that if this is a priority for your Ministry, that the project be formally initiated from Ministry to Ministry to ensure there is adequate support and adequate time and resourcing to complete the project.

Also, I think some additional work on Environment's part needs to be done. I don't think it is appropriate for this ad-hoc committee to draft the Terms of Reference. This needs to come from ENV with the Ministry's objectives and outcomes defined, as well as the committee's boundaries clearly articulated to provide the framework for the committee to undertake its work. The committee once put together should then only need to fine tune to ensure clarity.

Unfortunately, SRD-Lands will be unable to attend tomorrow as proposed and at this time cannot commit to the meetings as proposed in May. We continue to be interested in the project but would prefer this Policy work to be actioned in a more formal manner.

Sincerely,

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

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Carol Hamelin

From: Andy Lamb
Sent: Wednesday, May 26, 2010 11:36 AM
To: Blair Reilly; Rick Brown
Cc: Neil Hollands
Subject: RE: Gravel/River Beds Policy
Attachments: FW: Aggregate Extraction Policy Committee Meetings

Follow Up Flag: Follow up
Flag Status: Flagged

Rick/Blair

Section 24(1)(a)(b)(i)

Andy

From: Blair Reilly
Sent: Thursday, May 06, 2010 5:06 PM
To: Andy Lamb; Rick Brown
Subject: FW: Gravel/River Beds Policy

FYI from DMO

From: Martin Krezalek
Sent: Thursday, May 06, 2010 2:22 PM
To: Blair Reilly
Subject: FW: Gravel/River Beds Policy

Blair - FYI - clear that this needs to move forward quickly with appropriate representation from SRD. MK

From: Roger Ramcharita
Sent: Thursday, May 06, 2010 10:22 AM
To: Martin Krezalek
Subject: FW: Gravel/River Beds Policy

As discussed at the meeting on this issue last week, Minister Knight has agreed that his staff will allocate time to this initiative with our staff on a priority basis. If our folks are still not getting attention for this initiative please let me know and I can see what can be done.

cheers

Roger Ramcharita
Office of the Minister, Alberta Environment
425 Legislature Building
10800 - 97 Ave., Edmonton, Alberta
T5K 2B6
ph. (780) 427-2391
fax (780) 422-6259

From: Jeff Kasbrick
Sent: Wednesday, May 05, 2010 7:15 PM
To: Roger Ramcharita; Warren Singh
Subject: Re: Gravel/River Beds Policy

Ministers Renner and Knight discussed this issue and SRD's participation on the Committee being established to develop a recommendation. Minister Knight is fully supportive of the process, and has agreed that SRD should participate.

Warren, can I leave with you to notify your appropriate staff?

Thanks.

Jeff

Sent from Jeff Kasbrick's wireless BlackBerry

From: Roger Ramcharita
Sent: Friday, April 30, 2010 4:25 PM
To: Warren Singh
Subject: Gravel/River Beds Policy

As discussed, Minister Renner would like Minister Knight's support in encouraging an SRD and ENV staff to actively participate in a new working group to develop a policy with respect to mining gravel from river beds. Minister has not prejudged what that policy would be, only that work proceed expeditiously. Could you please consult with Minister Knight, and if he is agreeable, please request that SRD staff work with ENV staff on this, on a priority basis? Feel free to call anytime with questions.

cheers

Roger Ramcharita
Office of the Minister, Alberta Environment
425 Legislature Building
10800 - 97 Ave., Edmonton, Alberta
T5K 2B6
ph. (780) 427-2391
fax (780) 422-6259

Carol Hamelin

From: Rick Brown
Sent: Wednesday, May 26, 2010 11:43 AM
To: Andy Lamb; Blair Reilly
Cc: Neil Hollands
Subject: RE: Gravel/River Beds Policy

Take a quick shot at your level and get back to me. I can elevate it if you have no luck. I also have a meeting with Jim tomorrow and will address this issue with him if there are challenges. As you know, this is of considerable importance to the Minister and local MLA amongst others.

Rick Brown
ADM Environmental Management
Alberta Environment
427-1335

Section 24(1)(a)(b)(i) and duplicate of email dated May 26, 2010 11:36AM,
removed as non-responsive .

Carol Hamelin

From: Rick Brown
Sent: Wednesday, May 26, 2010 11:54 AM
To: Andy Lamb
Subject: RE: Gravel/River Beds Policy

As a secondary thought on this, has anyone had a good sit down with DFO on the matter? Would they ever agree to such an operation or would it be OK with them as long as the river is diverted around the gravel op to ensure limited consequence to the fish habitat? How much river diversion are we talking about to facilitate such an operation....how would it correspond to our natural rivers policy initiative? What about the long term. What happens when the operation shuts down? Do we know what remediation/reclamation looks like for such a project?

There might be obvious answers to this but I certainly am not aware of them.

Rick Brown
ADM Environmental Management
Alberta Environment
427-1335

Section 24(1)(a)(b)(i) and duplicate of email dated May 26, 2010 11:36AM, removed as non-responsive.

From: Terry Kosinski
Sent: Wednesday, May 26, 2010 1:21 PM
To: Andy Lamb; Gerry Haekel
Cc: Neil Hollands
Subject: RE: Aggregate Extraction Policy Committee Meetings

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Andy. I hadn't seen this before. Will check further and talk to Lands.

Terry

From: Andy Lamb
Sent: Wednesday, May 26, 2010 11:58 AM
To: Terry Kosinski; Gerry Haekel
Cc: Neil Hollands
Subject: RE: Aggregate Extraction Policy Committee Meetings

Terry/Gerry

As per the attached e-mail chain from our Minister's office, our understanding was that Minister Knight had committed to this policy exercise and that Ministry to Ministry correspondence had already taken place. Development of this policy is very important to Minister Renner and the local MLA and as noted below we have been directed to proceed with its development and provide regular updates to our Minister. Please advise if SRD staff will be able to support this initiative.

Thanks

Andy Lamb
Director, Central Region, Alberta Environment
Phone: 403.340-4326 Cell: 403.396-2343
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Duplicate of email dated May 26, 2010 10:14AM, removed as non-responsive.

From: Terry Kosinski
Sent: Wednesday, May 26, 2010 1:33 PM
To: Jeff Reynolds; Todd Letwin; Sue Cotterill
Cc: Ron Bjorge; David Park; Dave Walty; Brett Boukall; Dan Grahn; Gerry Haekel
Subject: FW: Aggregate Extraction Policy Committee Meetings

Attachments: FW: Gravel/River Beds Policy

Have you seen anything about SRD participation on this group? So far, Lands and FWD reply has been to request correspondence at the appropriate level for this new policy initiative.

My understanding is this is separate from a review by the Joint Technical Issues Working Group (Lands, Forestry, FWD, AENV, Trans, DFO, and ERCB) of aggregate extraction from the active channel. The new initiative is for mining from outside the channel (e.g., floodplain).

Terry

From: Andy Lamb
Sent: Wednesday, May 26, 2010 11:58 AM
To: Terry Kosinski; Gerry Haekel
Cc: Neil Hollands
Subject: RE: Aggregate Extraction Policy Committee Meetings

Terry/Gerry

As per the attached e-mail chain from our Minister's office, our understanding was that Minister Knight had committed to this policy exercise and that Ministry to Ministry correspondence had already taken place. Development of this policy is very important to Minister Renner and the local MLA and as noted below we have been directed to proceed with its development and provide regular updates to our Minister. Please advise if SRD staff will be able to support this initiative.

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FW: Gravel/River
Beds Policy

Attachment is email dated May 6, 2010 5:06PM duplicate of pages 183-184.

Duplicate of email dated May 26, 2010 10:14AM, removed as non-responsive.

Minister
 Deputy Minister

BRIEFING NOTE

For Information
 For Decision

AR 40334

SUBJECT: GOVERNMENT OF ALBERTA WATER BODY AGGREGATE-EXTRACTION
POLICY

DATE: May 28, 2010

ISSUE:

Honourable Minister Rob Renner has requested a progress report, since April 30, 2010 in the development of a *Government of Alberta Water Body Aggregate-Extraction Policy*.

BACKGROUND:

- The government of Alberta has no formal policy on the extraction of aggregate from water bodies. Aggregate extraction applications filed under both federal and provincial enactments have been consistently declined. Though this approach is effective in avoiding harm to fish habitat, stakeholders have asked for a provincial policy or guidance on the subject.
- Past attempts to develop a policy for aggregate extraction encountered challenges that effectively blocked completion of the initiative. On April 30, 2010 Minister Renner renewed the momentum in the development of the policy by demanding an accelerated approach and direct involvement to remove obstacles that may arise.
- On May 18, 2010 a committee of 12 people met to develop a terms of reference and review of a straw dog document on the proposed policy. This was followed on May 24, 2010 to iron out identified issues and problems.
- Present at the meeting were representatives of the AAMD&C, Alberta Sand & Gravel Association, DFO, Alberta Transportation and AENV. There are plans to have a representation from the Road Builders and Heavy Construction Association as well.
- Invitations were extended to SRD but they declined, citing that the *policy initiative warrants a more formal approach in its initiation given we are addressing a larger policy issue around land use of provincial and private land* (see attached May 17, 2010 email string from Gerry Haekel and Terry Kosinski).

CURRENT STATUS:

- Policy drafting committee formed
- Committee met twice
- Policy is at Draft no. 3 stage

RECOMMENDATIONS:

- Proceed with internal reviews, including SRD, Environmental Law Section, consultations and negotiations, and development of a Minister's Report.
- The SRD non-participation issue must be addressed at senior management level before further review can continue.

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

CONTACT: Augustus Archampong, Water Policy Branch

TELEPHONE: (780) 644 1123

SUBMITTED BY: Jim Ellis, Deputy Minister, Environmental Assurance

Requires legislative/regulatory change.

Terry Kosinski

From: Terry Kosinski
Sent: Wednesday, June 02, 2010 5:22 PM
To: David Park; Brett Boukall
Subject: FW: Aggregate Extraction Policy Committee Meetings

Attachments: FW: Gravel/River Beds Policy

FYI. Still looking for information.

From: Sue Cotterill
Sent: Thursday, May 27, 2010 9:12 AM
To: Terry Kosinski; Dave Walty
Cc: Ron Bjorge
Subject: FW: Aggregate Extraction Policy Committee Meetings

fyi

From: Sue Cotterill
Sent: Thursday, May 27, 2010 9:05 AM
To: Todd Letwin
Cc: Gerry Haekel; Donna Goertzen
Subject: RE: Aggregate Extraction Policy Committee Meetings

Hi Todd – based on the attached email correspondence, could you please check with Warren to confirm direction and also who he notified? (maybe Jeff or the DM are aware of this?).

Thanks
Sue

From: Gerry Haekel
Sent: Thursday, May 27, 2010 8:42 AM
To: Sue Cotterill; Donna Goertzen; Todd Letwin
Subject: RE: Aggregate Extraction Policy Committee Meetings

If indeed communication happened between ministries, then we as potential participants in this initiative have not received any communication of it. Can you check and confirm. Thanks.

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

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Terry Kosinski

From: Sue Cotterill
Sent: Wednesday, June 09, 2010 10:47 AM
To: Terry Kosinski
Subject: FW: Aggregate Extraction in Water Bodies Policy

Importance: High

Attachments: Gravel Extraction in Rivers Policy - Draft - June-10.doc; Gravel Extraction Committee - TOR.doc

fyi

From: Donna Goertzen
Sent: Wednesday, June 09, 2010 10:47 AM
To: Jeff Reynolds
Cc: Trisha Chieng; Sue Cotterill; Annette Krumm
Subject: FW: Aggregate Extraction in Water Bodies Policy
Importance: High

Please note email from ENV below. Can you please have someone (Gerry?) review the policy and work with Terry Kosinski in F&W to prepare a consolidated response by end of day June 22. It can then come up to Sue and I so we can have Glenn and Deryl review it and respond to ENV.

Thank you!
Donna

From: Glenn Selland
Sent: Wednesday, June 09, 2010 7:51 AM
To: Donna Goertzen
Subject: FW: Aggregate Extraction in Water Bodies Policy

Donna:

Please have LMB work with F&W in preparing a consolidated response from SRD. Thanks.

Glenn

Ernie:

I suggest you may want to obtain comment from Alberta Transportation as they are the single largest user of aggregate on public land. The proposed policy will present challenges as currently 90% + of aggregate extraction on public land occurs in the non-active portion of a watercourse. In addition, adding a requirement for individual assessments on a site-by-site basis will have to be looked at in the context of regulatory streamlining.

Lands will work with Fish & Wildlife Division in providing a consolidated response from SRD.

Glenn

From: Ernie Hui
Sent: Tuesday, June 08, 2010 10:46 AM
To: Glenn Selland; Deryl Empson

Cc: Bob Barradough
Subject: Aggregate Extraction in Water Bodies Policy

Glenn, Deryl:

Our respective Ministers have discussed previously the need for a clear policy to respond to requests the GOA has received for aggregate extraction activities within water bodies (specifically for most applications, within the active river channel). Minister Renner asked that a small government-stakeholder group be set up (see attached terms of reference) to develop and prepare a policy for consideration.

The government-stakeholder group has completed its work, although I understand that the designated representative from SRD, was not able to attend the meetings the group held. Attached is the proposed draft policy that was prepared, and which we intend to take forward to the Ministers for discussion and subsequent approval from government.

It would be helpful if your Department could review the proposed draft policy and let me know if it is a policy direction that you support. If there are changes or other comments that you wish to feed back to me that would enable your support, I would very much appreciate that as well. Your comments by the end of day June 25th would be appreciated.

Thanks, and if you need more information, please let me know.

Ernie



Gravel Extraction
Committee - ...

removed "Gravel Extraction in Rivers Policy"
as duplicate of pages 156-165 as non-
response