

Public Involvement Requirements
for
Activities in the Green Area of Alberta

by

John Lilley
Lilley Environmental Consulting
Sherwood Park, Alberta

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1.0 INTRODUCTION

Many types of activities take place on Alberta's public lands. These include forestry, oil, gas and coal exploration and development, tourism projects and grazing. This paper discusses requirements and opportunities for public involvement related to activities in the Green Area. These requirements and opportunities are made available under several Acts and through government policy. This paper provides an overview of these requirements and opportunities. Public consultation is discussed as it relates to five sectors: forestry, oil and gas, coal, tourism and grazing. The paper considers all activities related to a project including: obtaining mineral rights, obtaining land tenure, assessing project impacts and obtaining approvals for construction, operation and reclamation.

Projects and activities are discussed against a framework of natural resources management that includes integrated resource planning and municipal planning. Legislated requirements under Acts and regulations including both federal and provincial legislation are covered as well as less formal options resulting from government policy. The information presented was compiled from a review of provincial and federal legislation and regulations relevant to activities on Alberta's Green Area public land. In addition, policy documents were reviewed and interviews were held with provincial government staff to obtain an overview of non-statutory requirements.

The paper is intended to serve as a general guide to the public consultation requirements for a natural resource project proponent. In addition to public consultation undertaken by the project proponent, many actions related to public consultation may be undertaken by the government. These include public notification of the receipt of applications and notices of public hearings. These actions are reviewed because they may have significant implications for a proponent although the proponent does not initiate the consultation activity.

The large scope of the review necessitates that only specific, relevant sections of the legislation, regulations and policy are discussed. Furthermore, legislation and regulations have been paraphrased and summarized in most instances. In some cases, draft legislation or regulations are discussed. For example, the regulations under the Water Act, are in draft form and subject to change. Likewise, amendments are being made to the Canadian Environmental Assessment Act, which may affect the types of activities reviewed and the review process. For complete details, the reader should refer to the appropriate Act or regulation. Similarly, "policy" is a somewhat of a moving target. Many policies may be unwritten or open to interpretation in their implementation. This paper is intended to provide an overview. It was not the intent to provide a legal interpretation of public involvement requirements nor to evaluate legislation or policy, or suggest change. The danger in trying to highlight and discuss specific aspects of legislation, regulations and policy is that legal meaning and context is changed and errors of interpretation inevitably creep in. The author accepts full responsibility for these errors and for errors of omission.

The process of applying for approval for an activity on public land is complex. More importantly, it is discretionary. Acts and regulations often authorize departmental officials to

require whatever information is necessary to make an informed judgment regarding an application. Flexibility is a key word in decision-making with respect to activities in the Green Area. There are 130,000 users of public land in Alberta. Each project differs in location, extent, activities and impacts. Public concerns differ from place to place. Decisions concerning information requirements, in general, and requirements for public consultation, in particular, often are at the discretion of the local land use or forest officer. Where public concern about activities is high, the expectations for public involvement will rise accordingly.

2.0 MANAGEMENT OF GREEN AREA PUBLIC LAND

For administrative purposes, public land in Alberta is divided into two broad areas: the Green Area and the White Area. Generally, lands in the Green Area are more remote, have lower quality soils and have a more varied topography than land in the White Area. For the most part, public land in the Green Area is forested and the land base is managed for the production of timber. These lands also may be leased for a variety of purposes including oil and gas and coal development, tourism and grazing. Some land may be sold for farms, plant sites or commercial development. In the Green Area, management of public land and all activities on them are administered through Alberta Environmental Protection's Land and Forest Service, Land Administration Division.

Public involvement in decisions respecting public land and land use depend on the type of project and its location. Most projects and activities go through an internal government referral process. During this process, conditions on land use may be suggested by government personnel. Through this referral process, the project is considered from various perspectives including those of staff and agencies responsible for fish and wildlife, environmental assessment, water quality, energy, municipal affairs, agriculture, parks, tourism and economic development. Field staff, including the local land managers, is the primary source of comments during review of a land use application. For all projects, the local representative of Alberta Environmental Protection, Land Administration Division should be contacted for details on public consultation requirements. Based on their awareness of local issues and land use sensitivities, the land use manager may request that, even for relatively small projects, the proponent hold public meetings to identify and address public concerns. The proponent is responsible for organizing, advertising and conducting the necessary meetings.

3.0 INTEGRATED RESOURCE PLANNING FRAMEWORK

Integrated resource management and integrated resource plans are part of a land-use decision process, which applies to public land in Alberta. Integrated resource management is a process to identify, assess and compare all resource values and is used as a basis for decisions on the use of public land and resources. The process involves gathering information on natural resources, land use activities, and resource management issues. This information is considered along with the views of interested government departments, municipal authorities, the federal government, industry, First Nations, Metis, public interest groups (such as fish and game, trappers,

recreationists and environmentalists) and the general public. The planning process strives to ensure that all concerns and interests in public land management are identified and considered in developing a land use plan. Each Integrated Resource Plan indicates areas where certain activities may or may not be permitted and where surface access can be acquired.

Plans guide how public land may be used and provide direction to government agencies for private sector development on public land. Plans may be altered as new information becomes available or situations change. Land use decisions in the Green Area consider any integrated resource plan that exists for the area. If possible, these plans also are coordinated with municipal development plans. The local land use manager from Alberta Environmental Protection usually sits down with municipal staff to resolve outstanding issues.

4.0 THE MUNICIPAL ROLE

A development on public land requires the same municipal permits required for private land. Alberta Environmental Protection, in issuing surface leases for developments on public land, works to ensure these developments comply with municipal statutory plans as well as integrated resource plans. Typically, leases are issued subject to the proponent obtaining a municipal development permit. Final leases are not issued unless the development conforms with the local municipality's development plans or there is an assurance that these plans will be amended to permit the development. In the event that a development has facilities in more than one municipality, permits will be required from each municipality. Local municipalities are normally included in the project referral process and staff from Alberta Environmental Protection work with the proponent and the municipality to ensure compliance.

If a change is required to a municipal statutory plan, public notice of the proposed development is required. Furthermore, a public hearing before the municipal council is required under the Municipal Government Act. The hearing provides an opportunity for public comment about the development. Other opportunities for public consultation may be required at the discretion of the municipality. Often a municipality asks a proponent to provide notice to affected individuals and conduct public meetings to obtain and respond to public concerns or comments on the development proposal. The level of consultation required depends on the type of development proposed and whether or not changes may be required to the Municipal Development Plan, Area Structure Plan or Area Redevelopment Plan. The process of obtaining a development permit also provides for appeal by the proponent or affected individuals to the local Development Appeal Board.

The Municipal Government Act exempts certain activities from the planning process. These exemptions include a highway or road, a well or battery under the Oil and Gas Conservation Act, and a pipeline or installation of a pipeline or structure incidental to the operation of a pipeline. The planning provisions of the Act also do not apply to Metis settlements or a designated area of Crown land in a municipal district.

The Municipal Government Act also recognizes that Natural Resources Conservation Board and Energy and Utilities Board approvals may affect municipal statutory plans, land use bylaws and the municipal subdivision and development approval process. The Act gives overriding authority to decisions and recommendations made by these Boards and requires municipalities to amend their statutory plans and land use bylaws to conform with the Boards' approvals. As part of the application to either board, the proponent is required to document those aspects of the proposed project that may not conform with local land use plans and indicate the steps that have been taken to resolve municipal concerns (NRCB 1996).

5.0 ENVIRONMENTAL ASSESSMENT PROCESSES

5.1 Environmental Protection and Enhancement Act

Under Alberta's Environmental Protection and Enhancement Act all activities undergo an environmental assessment. An "activity" is defined through a Schedule of Activities included in the Act. The definition includes: release of substances that may cause an adverse effect (impairment of or damage to the environment, human health or safety or property); construction, operation or reclamation of a plant, structure or thing. Two lists of activities are included in the Schedule. These include: drilling, construction, operation or reclamation of a well other than a water well; drilling or reclamation of a water well or borehole; exploration operations that may result in surface disturbance; application of a pesticide; and any activity requiring approval under the Water [Resources] Act.

The environmental review process has four stages: Initial Review; Screening; EIA Report; and Final Review. Details of the environmental assessment and approvals process are provided in Part 2 of the Environmental Protection and Enhancement Act. "This process allows for full public participation and ensures economic development occurs in an environmentally responsible manner" (AEP 1994a).

Initial Review

The environmental assessment process begins when Alberta Environmental Protection is informed of a proposed project or activity. At this point, one of three things happens:

- an environmental impact assessment (EIA) report is automatically required for projects listed under the Environmental Assessment (Mandatory and Exempted Activities) Regulation;
- the Director reviewing the proposal believes the potential environmental impacts warrant further consideration and refers it to the Director responsible for environmental assessment. This Director reviews the proposal and determines if an initial environmental review will be necessary and advises the proponent of his decision; or

- the proponent is advised that further assessment is not required and he may apply for the necessary approvals under Environmental Protection and Enhancement Act or Water Act.

If further assessment is required, the proponent must provide public notice of the activity. As specified under the Environmental Assessment Regulation, a notice must be published in a least one issue of a newspaper that has general circulation in the area where the proposed activity is to be located. This notice gives the location and brief details about the proposed activity. It indicates that a person who is directly affected by the proposed activity may submit a written statement of concern to the Director (usually within 30 days).

Screening Report

If the Director responsible for environmental assessment decides that further assessment is required, he prepares a screening report and decides if an environmental impact assessment report will be required. The screening report includes a brief summary of issues contained in statements of concern received as a result of the published notice. The report also identifies environmental issues associated with the activity and significant adverse effects. The screening report is filed in a public registry. Notice of the Director's decision to have an environmental impact assessment report prepared is given to each person who submitted a statement of concern. If an environmental impact assessment report is not required, the Director advises the proponent that he may apply for the necessary approvals.

Environmental Impact Assessment Report

If an environmental impact assessment report is required, the Director asks the proponent to prepare proposed terms of reference for the report. The public is given notice of these terms of reference and the proponent is required to provide a copy to anyone who requests it. A final terms of reference is prepared taking into account any public comments received and the Director publishes notice of their availability.

The environmental impact assessment report then is prepared. This report normally includes information on public consultation programs related to the proposed activity. The proponent submits the report to the Director responsible for environmental assessment. The Director may ask for additional information but the proponent is required to publish a notice of the availability of the report within 10 days of submitting. The proponent is required to make the environmental impact assessment report available free of charge.

Final Review

Under legislation such as the Natural Resources Conservation Act or the Energy Resources Conservation Act, the proposed activity may require approval by the Natural Resources Conservation Board (see Sec. 5.2) or the Energy and Utilities Board (see Sec. 5.3). If it does, the proponent is referred to the appropriate board. If a hearing by either board is not required by legislation, the Director submits the environmental impact assessment report, along his

recommendations to the Minister of Environmental Protection for his decision. Based on the Director's report, the Minister decides whether to (a) advise the proponent that the environmental impact assessment is complete and that he may apply for the necessary approvals, or (b) request that Cabinet order the proposed activity to be reviewed by the Natural Resources Conservation Board.

5.2 Natural Resources Conservation Board

The Natural Resources Conservation Board Act was established in 1991 by the Natural Resources Conservation Board Act. It is the Board's responsibility to review applications for certain projects that affect natural resources in Alberta and determine if the projects are in the public interest. Forest industry and recreational and tourism projects fall under the mandate of the Board.

Public participation is a key part of the review process and helps ensure that the Board, in making its determination, has access to information from different perspectives. Project proponents are required to involve the public in the development of an application and applications must include identification and analysis of public interest issues. The Board also requires applicants to include any environmental impact assessment conducted under the Environmental Protection and Enhancement Act or the Water Act. In the submission to the Board, the applicant must outline those aspects of the proposed project that were identified as issues by the public during preparation of the environmental impact assessment report and that have not been, or cannot be, resolved prior to a Board hearing. The Board also expects proponents to advise First Nations communities of their plans so that First Nations may make decisions regarding their interest and participation in the development of the application.

When the application is submitted to the Board, the Board publishes a Preliminary Notice of Application in local and regional newspapers. The Board then determines the completeness of the application and may require additional information to address deficiencies. During the Board's review, Alberta Environmental Protection staff, the federal government, municipalities and parties outside the Board may also comment regarding potential problems with the application. When a completed application is received, the Board publishes a Notice of Application that indicates that submissions objecting to the application should be filed with the Board.

If the Board receives a written objection by a person directly affected by the project, a Notice of Hearing is published and a hearing held. The hearing provides an opportunity for those directly affected by the proposed project to intervene and make submissions expressing their concerns. The Board also may order a pre-hearing conference with the applicant and the interveners to discuss procedural matters, the exchange of documents, witness statements and similar matters to promote the efficient use of hearing time.

The Board's hearings provide a mechanism for resolving contentious issues and for deciding terms and conditions that might be placed on the proposed project. Because the Board is

reviewing the project to determine if it is in the public interest, efforts by the proponent to address public concerns are an important aspect of the review process. The scope and format of public consultation is at the proponent's discretion but the Board requires the proponent to communicate with the public well in advance of the hearings and work to resolve public concerns. Unresolved concerns are brought to the hearing.

The Natural Resources Conservation Board also requires proponents to include sufficient information in the application to allow the Board to assess the effects of the proposed projects on municipal land use, including effects on Municipal Development Plans and Area Structure Plans, conformance with development standards and codes. The Board proactively informs locally elected representatives about proposed developments in their areas. This interaction allows the Board to determine the impact its recommendations might have on municipal plans and work to accommodate municipal concerns.

5.3 Energy and Utilities Board

Under the Energy Resources Conservation Act, the Energy and Utilities Board (formed by the merger of the Energy Resources Conservation Board and the Public Utilities Board) has responsibility to control pollution and ensure environmental conservation in the exploration for, processing, development and transportation of energy resources and energy. The Board grants permits, approvals and licences to construct and operate most facilities related to the development of Alberta's energy resources. This authority includes coal mines, oil and gas exploration and development, pipelines, and production of electricity at any facility where this electricity is fed into the provincial grid system. This includes projects under the Oil and Gas Conservation Act and the Coal Conservation Act. Before an operator constructs any facility regulated by the Board, approval must be obtained from the Board.

When the Board conducts a hearing, inquiry, or investigation, it is responsible for ensuring that energy development is carried out in a manner that protects the public interest. Public interest is considered by examining the social, environmental and economic implications of a project. As with the Natural Resources Conservation Board, public participation is a key component of the review process.

The Board's approval process is very similar to that of the Natural Resources Conservation Board. The Energy and Utilities Board encourages identification and resolution of conflicts before an application is brought before the Board. Proponents are required to disclose information on their projects to the local community and to include interested public in the project development stage. The scope and extent of public consultation is at the discretion of the proponent. In general, the information required is that necessary to allow the Board to determine if the project is in the public interest. The information required may vary depending on the potential impacts of the proposed development, which in turn is related to the environmental sensitivity of the affected area.

6.0 PROJECT APPROVALS

6.1 Environmental Protection and Enhancement Act

Under the Environmental Protection and Enhancement Act, approval is required from Alberta Environmental Protection for any activity designated by the regulations. Activities include the release of substances that may cause an adverse effect (impairment of or damage to the environment, human health or safety or property), and the construction, operation or reclamation of a plant or structure.

An application for approval under the Act must include, among other items, a description of the public consultation undertaken or proposed by the applicant (Approvals Procedure Regulation). The scope and extent of the public consultation process is at the discretion of the proponent and will depend on the activity, location, environmental sensitivities and public concern. The applicant should discuss public consultation plans with the Director.

In most cases, except those involving routine matters, or where adequate notice has already been given, the applicant is required to provide public notice that the completed application has been submitted. The Director within Environmental Protection responsible for the review of the application also may require the applicant to "hold meetings in the area where the activity will be carried on in order that the public may obtain information from the applicant respecting the application" (Approvals Procedure Regulation sec.5(2)). The Director also may request additional oral or written information in making his decision concerning the application.

Following public notice of the application, any person who is directly affected by the proposed activity may submit, usually within 30 days, a written statement of concern. Subsequently, the Director may, before making a final decision, circulate the proposed decision to persons who have filed statements of concern. The Director also must provide notice to these persons if an approval is issued. Any person who previously submitted a statement of concern may appeal the Director's decision to the Environmental Appeal Board (see Sec. 6.1.1).

Within the Environmental Protection and Enhancement Act, Schedule 1 provides a list of activities to which the Act, including the requirements for an environmental impact assessment and for approvals, applies. An activity includes the following specifically related to this paper:

- the release of substances that may cause a harmful effect.
- construction, operation or reclamation of a plant, or structure for:
 - the manufacture or processing of petroleum products
 - the manufacture or processing of natural gas, its products or its derivatives,
 - the manufacture or processing of pulp and paper products,
 - the manufacture or processing of wood or wood products.
- drilling, construction, operation or reclamation of a well, other than a water well.
- construction, operation, or reclamation of:
 - pipeline, or battery

- facilities for recreational or tourism purposes
- exploration operations that may result in surface disturbance.
- any activity that requires an approval under the Water Act.

Other activities may be added to or deleted from the Schedule by Regulation.

6.1.1 Environmental Appeal Board

Section 83(1) of the Environmental Protection and Enhancement Act establishes an Environmental Appeal Board. This Board provides an opportunity for those directly affected by a decision under the Environmental Protection and Enhancement Act or the Water Act to appeal that decision. Parties to the appeal file written submissions with the Board. After these submissions have been filed the Board may hold a meeting to facilitate resolution of the appeal. If a resolution is not reached, a hearing is held with the Board and the parties to the appeal (Alberta Environmental Protection 1994b). Generally, the Board makes recommendations to the Minister who then makes the final decision. The Board's report and recommendations are made public and notice of the Minister's decision is given to anyone who submitted an objection or made representation on the matter.

6.2 Water Act

Activities that involve the alteration of water flows or levels, changes to drainage patterns, or that may cause erosion or affect the aquatic environment require approval under the Water Act. Similarly, under the Act, a licence is required for the diversion of water for any purpose or to operate a man made structure including dams and canals. A licence is not required if the water is for household purposes, or for a registered withdrawal for raising livestock or applying pesticides if this withdrawal is from water bodies adjoining land owned by the applicant. Temporary licences - issued for one year or less – also may be obtained.

According to the Water Act, an applicant for an approval, licence, renewal of a licence, amendment of an approval, preliminary certificate, or a transfer of an allocation of water under a licence, is required to provide notice of the application in accordance with the regulations. The requirement for notice does not apply if the licence is for a temporary diversion, or for things such as extending the expiry date or correcting a clerical error. The need to provide notice may be waived by the Director responsible for water resources where the activity or diversion will result in a minimal or no adverse effect on the aquatic environment or on household users, licensees, or traditional agricultural users, or where adequate notice has already been given.

Under the Water Act, any person who is directly affected by the application may submit a statement of concern, usually within 30 days. The Director must provide notice of his or her decision to any directly affected person. Again, a statement of concern may be filed in response to this decision. Any person who previously submitted a statement of concern or who is directly

affected, in cases where no public notice was required, may submitted a notice of objection to the Environmental Appeal Board and appeal the Director's decision.

The requirements for public notice are described in the proposed Water (General) Regulation. Several options are given for providing notice including: publication in a newspaper, through the registry, through a telecommunication system or electronic medium, in the Alberta Gazette, through the offices of the Department of Environmental Protection, or directly to the persons affected. As well, the Director may approve other means of giving notice that he considers appropriate.

The registry referred to is one that the Regulation requires the Department of Environmental Protection to establish. This registry will contain information, applications, and plans and specifications provided to the Director as part of an application.

Public consultation requirements, other than notices of an application and of the Director's decision, are not specified in the Water Act. However, the Act does authorize the Director to require an applicant to submit any additional information the Director considers necessary (sec. 37(2) and 50(2)). As under the Environmental Protection and Enhancement Act, there is an expectation that the information provided by the applicant/proponent will reflect local environmental sensitivities and public concern. Applicants may be requested to hold public meetings to explain the application and to determine public concerns and means to respond to these concerns. If the potential environmental impacts warrant further consideration, the activity or diversion may be referred to the environmental assessment process under the Environmental Protection and Enhancement Act.

The Water (General) Regulation provides for certain activities to be exempt from needing an approval. Among these activities are: cultivating and harvesting for agricultural purposes; harvesting of hay; installing, repairing, or removing fences across water bodies that do not interfere with the flow of water; installing, repairing, or removing culverts in water bodies without defined bed and banks; and constructing, replacing or removing ice bridges.

Certain water diversions also are exempt from licencing. These include: diversion of water from a dugout where the water in the dugout is from an unconfined drainage area and the dugout is not situated within a watercourse, the dugout is up to 12 500 cubic metres in volume and the total diversion is up to 6 250 cubic metres per year. A licence is also not required for diversion from a dugout where the water is from a confined drainage area on the owner's land. Diversion of surface water for grazing livestock where the livestock consume directly from the natural water body also does not require a licence.

In addition, some diversions of water for dewatering do not require a licence. These are primarily for dewatering sites in a floodplain directly connected to the water body and where the water from dewatering is retained on-site or diverted back to the water body with the same quality as the water that was originally diverted.

Under the Water (General) Regulation, diversion of groundwater in the Green Area for the temporary use for oil well drilling rigs or in a campsite associated with the drilling does not

require a licence. A temporary diversion of up to 5 000 cubic metres of surface water in the Green Area, made in accordance with the conditions on the surface disposition issued by the Land and Forest Service, is also not subject to licensing.

Under the Water Act, Water (General) Regulation, licences are issued with an expiry date. They may be renewed and the Director, in accordance with the Water Act (sec. 61(1)), may conduct a public review with respect to the renewal.

7.0 CANADIAN ENVIRONMENTAL ASSESSMENT ACT

The Canadian Environmental Assessment Act establishes the federal environmental assessment process. Among its purposes are to ensure an opportunity for public participation in the review of proposed projects and activities. Under the Act, the Canadian Environmental Assessment Agency is established to administer the process, taking into account public values and the goal of sustainable development.

A federal environmental assessment of a project is triggered where a federal authority is a proponent, or has a financial involvement in the project, where federal lands are involved, or where a federal government permit, licence or approval is necessary for the project. Review of a project also may be triggered if there are significant adverse interprovincial or international environmental effects, or impacts on First Nations reserve lands or other federal lands unless an agreement has been reached with the province on how an assessment of these impacts would be conducted. Projects include both physical works - construction, operation, modification, abandonment - and activities such as removal or vegetation, pesticide spraying.

Regulations under the Canadian Environmental Assessment Act prescribe:

- a list of laws and regulations "the exercise of which requires an environmental assessment (Law List Regulations). These include: Canadian Environmental Protection Act, Fisheries Act, National Parks Act, Navigable Waters Protection Act, the Migratory Birds Regulations, National Parks General Regulations, and the National Parks Wildlife Regulations.
- a list of activities and classes of activities that may require an environmental assessment (Inclusion List Regulations). These include activities under the Migratory Birds Regulations, the Fisheries Act, and the National Energy Board Act. Activities include the removal of vegetation, taking of water, alteration of fish habitat, activities related to the abandonment of pipelines, and so on, where these activities require approval under federal legislation.
- a list of projects and classes of projects that the federal government (Governor in Council) is satisfied are likely to have significant adverse environmental effects (Comprehensive Study List Regulations). These include: the proposed construction, or abandonment, or expansion that would result in an increase in production capacity

of more than 35 per cent of: an oil refinery, with an input capacity of more than 10 000 cubic metres per day; or a facility for the production of liquid petroleum products from coal with a production capacity of more than 2 000 cubic metres per day, or a sour gas processing facility with a sulphur inlet capacity of more than 2 000 tonnes per day.

- a list of projects and classes of projects for which the federal government (Governor in Council) is satisfied that the environmental effects are insignificant and for which an environmental assessment is not required (Exclusion List Regulations). The list includes many relatively minor activities, particularly if those activities are not carried out in or on or within 30 metres of a water body or involve the likely release of a polluting substance into a water body.

The Canadian Environmental Assessment Act establishes four types of assessment: screening, comprehensive study, review by a mediator, and review by a panel. Most assessments are conducted through screenings and comprehensive studies. Under certain circumstances, screenings and comprehensive studies can be referred for further assessment. This assessment is conducted by a mediator or a panel appointed by the Minister of the Environment. Panel review may be conducted jointly with the province. The Act also establishes a Public Registry to make environmental assessment information accessible to the public. It contains any report related to the assessment, any comments filed by the public, any reports prepared by the responsible federal authority, terms of reference for a mediation or review panel, and any documents requiring mitigation measures.

The level of public involvement varies with each type of environmental assessment. Screening is a self-directed assessment by the responsible federal authority. Screenings vary in time, length, and depth of analysis depending on the circumstances of the proposed project, the existing and likely environmental effects. If public involvement is required, the responsible federal authority gives public notice and an opportunity for the public to examine and comment on the screening report and any information filed in the public registry. Public comments are considered in reaching a decision on the next step. Following screening, the project may be permitted, not permitted, or referred to a mediator or review panel.

If the proposed project is on the Comprehensive Study List and there is a federal government trigger, a comprehensive study is required. After the comprehensive study report has been received, the public is informed through public notice and given an opportunity to provide comments on the report's conclusions and recommendations. Following review, the project may be permitted, not permitted, or referred to a mediator or review panel. If the project is not permitted, the responsible authority must file a notice of that decision in the public registry. Comprehensive reports must consider public comments.

If further study is required, a project may be referred to mediation or to a review panel. The mediator considers, among other factors, comments received from the public during the preparation of the environmental assessment. If a review panel is appointed, this panel ensures that the information required for an assessment is obtained and made available to the public and

provides an opportunity for the public to participate in hearings. The panel's report includes a summary of public comments.

When the Minister receives a report from a mediator or a review panel, this report is made public. Whether or not the project is permitted, the responsible authority advises the public of the decision. Furthermore, if the project is permitted, the responsible federal authority informs the public of any mitigative measures to be implemented and its response to the recommendations of the mediator or review panel.

8.0 Public Involvement Requirements For Specific Industry Sectors

The above descriptions provide a general framework of legislation and policy for projects and activities in the Green Area. Within this framework, there are certain aspects of the legislation and regulations that apply to specific sectors or industrial activities. These aspects are dealt with in the following sections.

8.1 Forestry Industry

The Minister of Alberta Environmental Protection is responsible for the management of public land in the Green Area. These lands are managed primarily for timber production. Under the Forests Act, the Minister may enter into a forest management agreement to enable any person to enter on forest land for the purpose of establishing, growing and harvesting timber in a manner designed to provide a perpetual sustained yield. The Minister may also issue coniferous timber quotas, deciduous timber quotas and timber permits. The Forests Act does not require public consultation by the Crown or by the proponents in establishing these agreements or in issuing quotas or licenses. However, before the government decides to make timber available, the proposal is referred to an internal government review process and conditions with respect to timber harvesting are noted. During this review, other plans and policies, such as integrated resource plans and the Eastern Slopes policy, that might affect timber harvesting are taken into consideration. Public input into this review may be requested if there are perceived to be significant environmental or social concerns.

Forest Management Agreements

A specific condition has been written into recent forest management agreements which requires public consultation in the development of the company's forest management plan. This plan identifies the company's intended methods of cutting, re-growing and managing the timber resources within the Forest Management Agreement area. Forest management planning is based on "recognizing forest management as an ongoing process and encouraging communication among people affected by public land use" (Alberta Forestry, Lands and Wildlife 1990). Key participants in the process include: the general public, interest groups, the Forest Management Agreement holder, Alberta Environmental Protection staff, related government departments, and petroleum, natural gas and mineral resource developers.

The Forest Management Agreement holder is responsible for developing public involvement plans and presenting them to government for review and approval. The requirement for public presentations and review, and incorporation of the public concerns into the forest management plan may be stipulated as it is in the agreement for the Alberta Pacific Forest Industries. The government provides advice on technical standards and regulatory policies, assists in resolving conflicts when industry and public concerns differ, and monitors plan implementation.

In recent Forest Management Agreements the Agreement holder is also responsible for establishing a Forestry Environmental Liaison Committee, where there is sufficient interest, and maintaining ongoing consultation with the Committee. These committees consist of representatives of local public groups that have an interest in forest management. They are to provide ongoing advice to the company on a wide range of forestry issues. The company should also consider concerns expressed by the public and address these concerns in its Forest Management Plan (Alberta Forestry, Lands and Wildlife 1990).

Timber Licences and Permits

Timber licences and permits provide the holder with access to timber. Permit and licence holders must follow the Timber Harvest Planning and Operating Ground Rules (Alberta Environmental Protection 1994c) for planning, implementing and monitoring timber operations. These ground rules are authorized under the Forests Act and the Timber Management Regulation. The ground rules include several statements related to consultation with the resource agencies and forest users. For example, a company's timber harvesting plans are to be referred to other resource agencies through Alberta Environmental Protection's internal referral system. This referral system is intended to address any concerns about the impact of the harvesting plans on other resources and other users. The timber harvesting plans must be prepared in accordance with any integrated resource plan for the area.

As well as the longer-term, timber harvesting plan, the operator must prepare and submit, annual operating plans. During the preparation these operating plans, the timber operator is required to consult with registered trappers, holders of grazing dispositions, recreation and tourism operators, private property owners, industrial operators and any other affected groups in or near his proposed harvest area (Alberta Environmental Protection 1994c). Timber harvest operators are requested to maintain contact with these people during the development of harvest plans to ensure their concerns are addressed properly. Staff from Alberta Environmental Protection provide the operator with referral comments. Operators may be required to describe how referral concerns for identified sensitive areas were addressed in their annual operating plans. The intent of this process is to ensure the timber operator has made a reasonable effort to resolve any conflict caused by his proposed harvest operations.

Implications of Other Acts

Activities associated with the removal and processing of timber may require approval under the legislation and policy as already discussed. As previously mentioned, the degree of public involvement in these decisions depends on the scale, location, timing and duration of the activity.

It also depends on likelihood of conflicts with other natural resources and resource users, and the environmental sensitivity of the area. Each project and associated activities is considered on its own merits. Specific projects should be discussed with the local forest/land use officer.

For example, the removal and processing of timber may trigger requirements for approvals under the Navigable Waters Act (Canada) for stream crossings, Fisheries Act (Canada) for activities in and around watercourses, and under the Canadian Environmental Assessment Act, if appropriate. Provincial legislation that might be called into play includes the Environmental Protection and Enhancement Act for approval of activities and for environmental impact assessment, if needed, and the Water Act if water is to be diverted or used.

As mentioned previously, under the Environmental Protection and Enhancement Act, the Schedule of Activities that may require approval or an environmental review includes: the manufacture or processing of pulp and paper products; the manufacture or processing of wood or wood products, and the construction, operation or reclamation of a waterworks system, a wastewater system or a storm drainage system (which might be necessary at a plant site).

Also under the Environmental Protection and Enhancement Act, Environmental Assessment (Mandatory and Exempted Activities) Regulation, the construction, operation or reclamation of a pulp, paper newsprint or recycled fibre mill with a capacity of more than 100 tonnes per day are Mandatory Activities and automatically require environmental assessment reports. On the other hand, plants for the manufacture of furniture, cabinets, structure members, boxes, pallets, or containers from wood are exempt under the same regulation.

Large projects, such as pulp mills, may require approval from the Natural Resources Conservation Board. Projects that include cogeneration, construction of gas pipelines or power lines also may require approval from the Alberta Energy and Utilities Board. In addition, approval is required from the local municipal district or county in the form of a development permit for any facilities. The Natural Resources Conservation Board publication Guide to the Approval Process for Forest Industry Projects in Alberta (1996) summarizes municipal, provincial, and federal approvals that may apply to forest industry projects in Alberta.

Involvement of the public by proponents of forest industry projects is an essential component of the Natural Resources Conservation Board's approval process. Under the Board's Rules of Practice (NRCB 1991) specific requirements for the content of an application are laid out for forestry projects referred to the Board in Appendix 1: Manufacture of Pulp, Paper, Newsprint and Recycled Fibre and Appendix 2: Manufacture of Lumber, Veneer, Panel Board, or Treated Wood. According to these requirements, the application shall include "a description of the process used ... to communicate with and involve the residents of the region in which the project is proposed, owners and users of resources that may be affected and other members of the public, and the manner in which those views and concerns have been reflected in the plans for the project". The application is also to include a summary reasons why the applicant believes the project is in the public interest and should be approved.

8.2 Oil and Gas Industry

Seismic Operations

Seismic operations in the Green Area require an exploration licence or permit from Alberta Environmental Protection under the Environmental Protection and Enhancement Act. The application is reviewed by the forest officer and public lands officer, as well as other appropriate government agencies, to determine whether the application meets the stated environmental and ecological operating conditions and to ensure appropriate site reclamation procedures.

Consideration of any existing integrated resource plans and the Eastern Slopes Policy zoning is part of this review. If environmental sensitivities and public concerns exist, the proponent may be asked to consult with the public and attempt to resolve these concerns before the application is submitted and goes through the approvals process under the Environmental Protection and Enhancement Act.

Dispositions

Oil and gas development requires a surface disposition (lease) under the Public Lands Act as well as a mineral rights disposition. The availability of parcels for lease is published in the Daily Oil Bulletin and distributed to a mailing list 8 weeks prior to the auction. This provides some opportunity for the public to react to the posting and express concerns about the availability of the parcel for disposition. Leasing of land for oil and gas exploration and development is done within the framework of the integrated resource plans. These plans, and certain other land uses such as research areas, and recreation areas, indicate whether oil and gas exploration and development are acceptable uses of the specific area of public land. Based on these plans, access for oil and gas development may be restricted. An interdepartmental committee reviews all proposed mineral rights dispositions to identify potential environmental impacts and may specify conditions on the tenure agreement. No public consultation is required: input by local government staff is intended to incorporate local issues and public concerns.

After a minerals tenure agreement has been obtained, a surface lease must be obtained from Alberta Environmental Protection. This lease may have conditions attached to protect the environment. Public consultation is not required but may be encouraged if local concerns and environmental sensitivities warrant. Similarly, approval from Alberta Environmental Protection is required to access public land to build a pipeline. Environmental concerns and conditions are addressed through the internal government referral process. Public consultation is not mandatory but may be suggested if local concerns and interest warrant.

Drilling, Construction, Operation or Reclamation

The drilling, construction, operation or reclamation of a well and well site or the construction, operation and reclamation of the pipeline may require an approval under the Environmental Protection and Enhancement Act. Part of the approval process is the consideration of environmental impacts. As discussed above, the process includes notice of the application and an opportunity to file a statement of concern. It is suggested that the applicant hold early

discussions with the regulatory authorities, municipal agencies, other occupants of the land, and other affected parties. These discussions are intended to ensure that all parties understand what is planned and have an opportunity for input (Alberta Environmental Protection 1994d).

The review of the activity may include an environmental assessment, except for smaller pipelines, which are exempt under the Environmental Assessment (Mandatory and Exempted Activities) Regulation. Larger pipelines require a formal application to Alberta Environmental Protection and consideration of environmental impacts through the environmental assessment process.

Approval is also required from the Energy and Utilities Board to ensure that energy development is carried out in an orderly and efficient manner. Approvals are coordinated between the Board and Environmental Protection. The results of any discussions with the public and affected parties should be incorporated into the application for approval from the Energy and Utilities Board.

Production facilities are licensed by the Energy and Utilities Board and must be approved prior to construction as must any modification to an existing facility where there may be environmental impacts. Public notice of the application is published in local papers. The information required in an application for an approval depends on the size and type of operation, the location, and the general complexity of the facility. Most applications include a section on the public involvement processes undertaken by the proponent, the concerns raised and the proponent's response to these concerns. The Energy and Utilities Board requires all companies to discuss their projects with individuals in the local area. The company must provide opportunities for affected residents and other individuals and groups to discuss their concerns with the proponent before the Board reviews the application. Most applications are reviewed internally by the Board and approved, if there are no outstanding public concerns. If there are outstanding concerns, a public hearing may be called.

Some projects may require an environmental impact assessment under the Environmental Protection and Enhancement Act and a public hearing under the Energy and Utilities Board Act. Both processes have extensive requirements for public input into the development of the terms of reference for the studies, and input into the study. If necessary, the Board may hold a public hearing to resolve issues relating to public interest. Under the Environmental Assessment (Mandatory and Exempted Activities) Regulation an environmental impact assessment report is automatically required for the construction, operation, or reclamation of a sour gas processing plant that emits more than 2.8 tonnes of sulphur per day. Construction, operation, or reclamation of a sweet gas processing plant that emits less than 384 kilograms of oxides of nitrogen per day is exempt, as is the construction, operation or reclamation of a pipeline with a length in kilometres times diameter in millimetres resulting in an index number of less than 2690, and the drilling, construction, operation or reclamation of an oil or gas well.

8.3 Coal Industry

The exploration for and development of coal resources requires a mineral lease, a surface lease, and approval from both the Energy and Utilities Board and Alberta Environmental Protection. The Board coordinates its approval of the development with environmental approvals from Environmental Protection. The Board ensures the necessary environmental approvals are obtained before it issues its approval. The environmental implications of the proposal are reviewed through an internal government referral process and any integrated resource plans are taken into consideration. If this referral process identifies significant environmental or public concerns, the proponent may be asked to conduct public consultations to determine the issues and develop means to mitigate these impacts.

Leasing of land for coal exploration and development is done within the framework of integrated resource plans. They also are guided by the Coal Development Policy for Alberta (1976). In accordance with this policy, no exploration for or development of coal resources is permitted in national or provincial parks, wilderness areas, natural areas and wildlife sanctuaries. Limited exploration and restricted development may be permitted under strict control in the Rocky Mountains and some foothills areas. Exploration for coal resources is deemed desirable and development is permitted in the northern forested region and eastern portions of the eastern slopes region.

An interdepartmental committee reviews the proposed mineral rights disposition parcels to identify potential impacts. The committee may attach specific conditions to the tenure agreement which take into account local environmental sensitivities and public concerns. After a minerals tenure agreement has been obtained, a surface lease must be obtained from Alberta Environmental Protection. This lease may have conditions attached to protect the environment. Public consultation is not required but may be encouraged if local concerns and environmental sensitivities warrant. A municipal development permit will be required from the municipal district or county in which the mine is to be located.

When an application is made to the Energy and Utilities Board to develop a mine that will be capable of producing more than 45 000 tonnes of coal per year, the development must first be authorized by Cabinet - called a preliminary disclosure. If Cabinet gives approval in principle for the development then there is public disclosure of the project. This occurs before an environmental assessment is prepared under the Environmental Protection and Enhancement Act or the application is considered by the Energy and Utilities Board. Proponents are encouraged to consult with the public throughout the process. Under the Environmental Assessment (Mandatory and Exempted Activities) Regulation the preparation of an environmental impact assessment report is mandatory for surface coal mine producing more than 45 000 tonnes per year, or a coal processing plant within the meaning of the Coal Conservation Act. The completed environmental assessment report becomes part of the application for approval from the Energy and Utilities Board. Public hearings are held if there are concerns expressed by parties whom the Board determines will be directly affected by the development.

8.4 Tourism

The process for obtaining a tourism recreational lease on public land is described in the Alberta Tourism Recreational Leasing (ATRL) Process (Alberta Environmental Protection 1995). The process applies to unsolicited tourism and recreational development proposals. Other mechanisms, such as calls for proposals, tenders and auctions, are also available for the province to dispose of public land for recreational development purposes.

As with other leases, the Department of Environmental Protection consults with other provincial agencies and municipal authorities before issuing a lease. During the preparation of an application, a proponent should identify major issues and concerns that could impede the project by consulting with the Land and Forest Service staff and local municipalities. Through this process regulatory and environmental problems are identified. The Department works with the developer to ensure these problems are considered and will not approve a lease until concerns are addressed satisfactorily. Integrated resource plans for the area are considered in the process.

Review of the application will also determine approvals and environmental screening that may be required under the Environmental Protection and Enhancement Act. Public notice of the application is required with an opportunity for interested parties to provide written comments. If concerns are received, the applicant is usually asked to conduct public consultation in an attempt to respond to these concerns.

If the referral agencies indicate that their regulatory or policy requirements will be met and approval would be certain after all deficiencies are addressed, a Letter of Intent is prepared by the Land Administration Division. If conflicts between agencies are identified or rejection of the application is recommended, the land manager will attempt to resolve the outstanding issues. If all issues are resolved, the Letter of Intent is issued with a statement of the conditions that must be met.

In some cases, the reviewing agencies may recommend further public involvement - usually the responsibility of the applicant - before a decision is made to issue a Letter of Intent. Additional public involvement may be required where there is a significant natural resource management issue at stake because of the size or location of the project or where the management of the water resources will become an issue. This request is made at the discretion of the local land manager. When conditions in the Letter of Intent have been satisfied, a lease is issued. Normally this lease is conditional on the applicant receiving a municipal development permit. If a project does not conform to the local Municipal Development Plan, a lease usually is not issued unless it is likely that the plan will be amended to permit the development.

If a lease is rejected, and an applicant is dissatisfied with the reasons given, an appeal may be held before a committee appointed by the Assistant Deputy Minister, Land and Forest Service. The public is not involved in this appeal, although representatives from the local municipal district or county may attend if the issue involves them.

Tourism projects may require an environmental impact assessment report under the Environmental Protection and Enhancement Act. An impact assessment report is mandatory for the construction, operation, or reclamation of a tourism facility that is expected to attract more than 250 000 visitors per year and will be immediately adjacent to an ecological reserve, natural area, or wilderness area (Environmental Assessment (Mandatory and Exempted Activities) Regulation). Under the same regulation, the construction, operation or reclamation of a day use recreation site and associated facilities, a campground, a facility for the interpretation and study of the environment, a downhill skiing facility, or a combined downhill and cross-country skiing facility in a non-mountainous area is exempt from the requirements for an environmental impact assessment report.

The Natural Resources Conservation Board reviews recreation and tourism projects when an environmental impact assessment report is required under the Environmental Protection and Enhancement Act. Approval is required from the Board before construction may begin. Preliminary Notice of Application is published and opportunities are provided for review and comment on the preliminary application. Notice of Application is published after the complete application has been received by the Board. If there are objections to the application, a hearing is held. The application requirements for recreational and tourism projects which come before the Board are specified in Appendix 3 of the Rules of Practice of the Natural Resources Conservation Board (1991). A description of the means of communication with, and involvement of, the residents of the region, owners and users of the resources and other members of the public is required. As well, the application should show how these concerns are reflected in the proposal and include a summary of the reasons why the applicant believes the project is in the public interest and should be approved.

8.5 Grazing

Grazing leases become available only occasionally. If they do, there is typically a tendering or auction process associated with their assignment. There is no specific provision for public input into the decision although there is public notice of the availability of the lease. This provides an opportunity for public comment. If there are known resource management concerns with regard to the lease area, the local land use manager from Alberta Environmental Protection may call for public meetings before the lease is offered for tender or auction. These meetings provide an opportunity for the land use manager and concerned individuals to discuss the need for conditions on the lease or for another planning process, such as the municipal area structure plan, to address the land use issues.

A request for a grazing lease on a piece of public land not previously leased is handled differently. In this case, the request triggers a review of the land's agriculture capability and public meetings, held by the local, land use administrator, to determine if the land should be made available for agricultural use. This decision is made in the context of the integrated resource plans, municipal development plans and the overall objective of managing the Green Area public land for the production of timber.

Timber operators on grazing dispositions are required, under the Alberta Timber Harvest Planning and Operating Ground Rules (AEP 1994c) to consult with the grazing disposition holders to address specific concerns before timber operations begin. The ground rules suggest that, where possible, timber operators schedule their activities in cooperation with grazing operators and require them to advise grazing disposition holders at least 10 days before operations begin on timber dispositions affecting a grazing disposition.

9.0 CONCLUSION

This report presents, in capsule form, the public involvement requirements for activities in the Green Area of Alberta. These requirements arise under several Acts, and regulations, and from government policy. They may arise at three levels of government - federal, provincial, and municipal. Involvement of the public may be required at any stage in the exploration, development, processing, or use of natural resources, or the construction, operation, abandonment and reclamation of a facility.

The primary considerations of public consultation are to ensure the proponent has received, heard, and responded to public concerns wherever feasible; and to ensure that a range of information is available when decisions made and approvals granted. To a large degree, the requirements for public consultations for activities in the Green Area are flexible. The consistent thread running through the legislation, regulations and policy is an expectation that a proponent will attempt to resolve public concerns about a proposed development before an approval is granted and will provide the decision-maker with whatever information is necessary to make a decision.

Some specific provisions are made for facilitating public input including publication or notices of applications, opportunities to file statements of concern, the public registry for information, and so on. This paper provides an overview of these requirements. It is clear that while there is a requirement for public consultation for many activities in the Green Area, for the most part, the means for responding to public concerns is at the discretion of the proponent. Public consultation should consider the scope, scale, timing and duration of the project, its location and the environmental sensitivities of the area, and the known or anticipated level of public concern in the project area. Local land use managers within Alberta Environmental Protection are key players in land use decisions and have considerable discretion with regard to public consultation requirements. They are often in the best place to identify local environmental sensitivities, and public and municipal concerns, and help the proponent resolve these concerns. Any person considering a development or activity in the Green Area of Alberta should contact the local land use manager and staff of the relevant government departments to determine specific requirements and expectations for public consultation.

10.0 REFERENCES

10.1 Documents

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- Alberta Environmental Protection. 1994b. Environmental Protection and Enhancement Act. Environmental Appeal Board. Fact Sheet. Alberta Environmental Protection. Edmonton, Alberta. 4 p.
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10.2 Legislation

Canadian Environmental Assessment Act. Statutes of Canada 1992. Chapter 37 plus amendment. Statutes of Canada 1994. Chapter 46.

Coal Conservation Act. Revised Statutes of Alberta 1980. Chapter C-14 with amendments in force as of January 1, 1995.

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Municipal Government Act. Statutes of Alberta 1994. Chapter M-26.1. Consolidated October 2, 1995.

Natural Resources Conservation Board Act. Statutes of Alberta 1994. Chapter n-5.5. January 1, 1994.

Oil and Gas Conservation Act. Revised Statutes of Alberta 1980. Chapter O-5. Office Consolidation May 25, 1994.

Public Lands Act. Revised Statutes of Alberta 1980. Chapter P-30 with amendments in force as of May 17, 1995. Office Consolidation July 5, 1995.

Water Act. 1996 Bill 41. Passed with amendments and given Royal Assent September 3, 1996.

10.3 Regulations

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Canadian Environmental Assessment Act. Inclusion List Regulations. 1994. SOR/94-637.

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Environmental Appeal Board Regulation. Alberta Regulation 114/93. Environmental Protection and Enhancement Act.

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Environmental Assessment (Mandatory and Exempted Activities) Regulation. Alberta Regulation 111/93. Environmental Protection and Enhancement Act.

Draft Regulations Under the Proposed Water Act. 1996. Water Management Policy and Legislation Review.

APPENDICES

Table 1: PUBLIC INVOLVEMENT REQUIREMENTS FOR THE FORESTRY INDUSTRY

STATUTORY REQUIREMENTS	POLICY REQUIREMENTS
<p><i>Alberta Environmental Protection and Enhancement Act</i></p> <p>Activities require an approval including description of public consultation – public notice when complete application submitted –public meetings may be required - opportunity to file statement of concern</p>	<p><i>Alberta Environmental Protection</i></p> <p>Timber Harvest Planning and Operating Ground Rules</p> <p>Public consultation during required preparation of annual operating plans</p> <p>Required to advise grazing disposition holders of operations</p>
<p>All activities undergo environmental assessment - initial review may require public notice - public notice and opportunity for comment on EIA terms of reference - notice and opportunity to comment on EIA report</p>	<p><i>Municipalities</i></p> <p>Local municipality may request public - notice and public meetings</p>
<p><i>Canadian Environmental Assessment Act</i></p> <p>A reviewable project may require public consultation, and hearings</p>	<p><i>Natural Resources Conservation Board</i></p> <p>Proponents required to communicate with the public and work to resolve concerns</p>
<p><i>Environmental Appeal Board</i></p> <p>Those who filed statements of concern under EPEA or Water Act may appeal decision</p>	
<p><i>Energy Conservation Act</i></p> <p>If project requires EUB approval, application, public notice, and hearing may be required</p>	
<p><i>Municipal Government Act</i></p> <p>Municipal development permits require public hearing before council</p>	
<p><i>Natural Resources Conservation Board</i></p> <p>Major projects may require NRCB approval – public notice, public comment and hearings</p>	
<p>Application must consider municipal concerns</p>	
<p><i>Water Act</i></p> <p>Activities require approval, diversions require a licence - public notice published - individuals may file statement of concern and appeal to Environmental Appeal Board</p> <p>Activities may require EPEA approval.</p>	

Table 2: PUBLIC INVOLVEMENT REQUIREMENTS FOR THE OIL AND GAS INDUSTRY

STATUTORY REQUIREMENTS

Alberta Environmental Protection and Enhancement Act
Seismic operations require approval Public consultation may be required

Wells, pipelines require approval - public notice, opportunity to file statement of concern

Activities undergo environmental assessment - initial review may require public notice - public notice and opportunity for comment on EIA terms of reference - notice and opportunity to comment on EIA report. EIA report mandatory for larger sour gas plants. Smaller sweet gas facilities and smaller pipelines exempt

Canadian Environmental Assessment Act
A reviewable project may require public consultation, and hearings

Environmental Appeal Board
Those who filed statements of concern may appeal decision

Energy and Utilities Board
Exploration, production, transportation require approval - public notice - public meetings may be required - opportunity to file comments. Hearing may be called

Municipal development permits require public hearing before council

Natural Resources Conservation Board
Major projects may require NRCB approval - public notice, public comment and hearings

Application must consider municipal concerns

Water Act
Activities require approval, diversions require a licence - public notice published - individuals may file statement of concern and appeal to Environmental Appeal Board

Activities may require EPEA approval

POLICY REQUIREMENTS

Alberta Environmental Protection
Public consultation may be requested for pipeline projects

Public consultation may be requested as part of lease application

Municipalities
Local municipality may request public notice and public meetings

Table 3: PUBLIC INVOLVEMENT REQUIREMENTS FOR THE COAL INDUSTRY

STATUTORY REQUIREMENTS

Alberta Environmental Protection and Enhancement Act
Environmental approvals required. Public consultation may be required

Activities undergo environmental assessment - initial review may require public notice - public notice and opportunity for comment on EIA terms of reference - notice and opportunity to comment on EIA report. EIA report mandatory for larger mines.

Canadian Environmental Assessment Act
A reviewable project may require public consultation, and hearings

Environmental Appeal Board
Those who filed statements of concern may appeal decision

Energy and Utilities Board
Exploration, production, transportation require approval - public notice - public meetings may be required - opportunity to file comments. Hearing may be called. Municipal development permits require public hearing before council.

Water Act
Activities require approval, diversions require a licence - public notice published - individuals may file statement of concern and appeal to Environmental Appeal Board

POLICY REQUIREMENTS

Alberta Environmental Protection
Public consultation may be requested as part of lease application

Municipalities
Local municipality may request public notice and public meetings

Table 4: PUBLIC INVOLVEMENT REQUIREMENTS FOR THE TOURISM INDUSTRY

STATUTORY REQUIREMENTS

Alberta Environmental Protection and Enhancement Act
Activities require an approval including description of public consultation – public notice when complete application submitted - public meetings may be required - opportunity to file statement of concern

All activities undergo environmental screening - initial review may require public notice - public notice and opportunity for comment on EIA terms of reference. EIA report mandatory for large projects - notice and opportunity to comment

Canadian Environmental Assessment Act
A reviewable project may require public consultation, and hearings

Environmental Appeal Board
Those who filed statements of concern may appeal decision

Municipal Government Act
Municipal development permits require public hearing before council

Natural Resources Conservation Board
Major projects may require NRCB approval - public notice, public comment and hearings. Application must consider municipal concerns

Public Lands Act
Public notice of lease application. Consultation may be required

Water Act
Activities require approval, diversions require a licence - public notice published - individuals may file statement of concern and appeal to Environmental Appeal Board. Activities may require EPEA approval

POLICY REQUIREMENTS

Alberta Environmental Protection
Public consultation may be requested depending on environmental sensitivities

Municipalities
Local municipality may request public notice and public meetings

Table 5: PUBLIC INVOLVEMENT REQUIREMENTS FOR THE GRAZING INDUSTRY

STATUTORY REQUIREMENTS

Municipal Government Act

Public hearings required if change to statutory plan

POLICY REQUIREMENTS

Alberta Environmental Protection

Notice of lease application. Public meetings may be required

Municipalities

Local municipality may request notice and public meetings if statutory plans require change