

This fact sheet was prepared by Water Matters in consultation with the Environmental Law Centre. This information was compiled to help the public better understand the processes affecting the selection and construction of gravel mine sites in Alberta. However, it should not be used to determine legal rights or ability to engage in a process. Water Matters recommends that concerned citizens contact their local municipality and the province to confirm the process as it pertains to their local community. Please contact Water Matters if there is something we can do to improve this fact sheet.

Municipal Level

Gravel mining operations can be affected by municipal bylaws such as land-use and development permits.

Land-use bylaw

Most municipalities have a bylaw on land-use outlining designated land uses for a certain areas. Gravel mining operators may need approval under the bylaw to re-zone land such as change the use of land from public to private lands, or agricultural use to industrial use. Land-use bylaws vary among municipalities. Changes to bylaws may require public input.

Development permit

Municipalities also issue development permits. These permits outline where pits may be located, hours of operation, buffers, noise, dust, haul routes, and traffic control. Development permits could also address environmental concerns such as impacts to water. This permit is required before gravel mining operations can happen, and must be produced to provincial authorities by Alberta Environment on request.

A public notice sometimes followed by a public hearing precedes the issuance of a development permit. At these hearings, the public can ask about the following water-related concerns that are discussed in the *Guide to Codes and Practices for Pits*:

- Buffer zones for “safety, to prevent erosion and siltation into watercourses, to reduce noise and dust, to provide wildlife corridors or for aesthetic reasons” (Alberta Environment, 2004: 33)
- Geological stability
- Sensitive landscapes that are close to or in water-bodies, coulees, wetlands, river valleys or dry lakebeds. These areas may have rare plants or endangered wildlife or important wildlife areas. See Alberta Natural Heritage Information Centre (ANHIC) (www.gov.ab.ca/env/anhic) Call 780 427-5209) to determine if any rare species have been located in the project area. Also see the Status of Endangered Wildlife in Canada (COSEWIC) (www.cosewic.gc.ca).
- Effects to groundwater. The applicant should have information on the background of groundwater data (quantity and quality) and a survey that “survey includes water_quality, well depth, depth to water, completion details (i.e., screened, open or slotted interval) and pump intake depth for each well,” including the location and ownership of those wells (Alberta Environment 2004: 46).
- Fish: Will fish habitat be altered or destroyed

Provincial Level

Pits must be registered with Alberta Environment under the Environmental Protection and Enhancement Act (EPEA), see <http://environment.alberta.ca/644.html>. That registration number should appear in a viewer available to the public here: <http://environment.alberta.ca/1057.html>.

Registrations differ from approvals. Approvals can offer more opportunities for citizens to participate in the decision-making process as detailed in *Approvals and Registrations Procedure Regulation* (see http://www3.gov.ab.ca/env/protenf/approvals/factsheets/EPEA_RegistratiionProcess.pdf). Only the Director, i.e. Approvals at Alberta Environment or the Minister of Environment, can change a gravel pit's registration into an approval.

Pits are exempt from the Water Act under several types of diversions defined in the Water (Ministerial) Regulation under the following:

- (f) a diversion of water for the purpose of dewatering a sand and gravel site or construction site if
 - (i) the water diverted as a result of the dewatering is
 - (A) moved into and retained in an on-site pit, without using the water, or
 - (B) diverted back into a water body without using the water, if the water is equal to or of the same quality as the water that was originally diverted,
 - (ii) the dewatering site, the water body and the on-site pit referred to in subclause (i) are hydraulically connected,
 - (iii) there is no adverse effect on the aquatic environment or on a household user, licensee or traditional agriculture user, and
 - (iv) in the case of a construction site,
 - (A) there is no adverse effect on any parcel of land, and
 - (B) the maximum duration of the dewatering operation is 6 months or less for the entire construction project;

See: Schedule 3,

http://www.qp.alberta.ca/574.cfm?page=1998_205.cfm&leg_type=Regs&isbncln=9780779744510.

The application will have details of the construction, operation and reclamation plans for the pit, as well as security plans. The application process takes a minimum of 60 days. For more information on Alberta Environment's approvals process, please call the department's Regulatory Approvals Centre at (780) 427-6311.

Opportunities for Public Participation

The public may have a greater chance to participate in the decision-making process at a municipal level through the issuance of land-use bylaws and development permits.

Once a gravel mining application is approved at a municipal level, the opportunity for the public to participate is more limited at a provincial level. Occasionally, concerned citizens and citizen groups can appeal to the Director or local Alberta Environment Office's approval branch.

FACT SHEET: Gravel Mining Application Process



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Although rare, Alberta Environment can change the gravel mining operation from a “registration” under EPEA into an “approval” process increasing a community’s opportunity to participate in the decision.

Sources:

Alberta Environment. 2004. *Guide to the Code of Practice for Pits*. (Edmonton, AB: Alberta Environment) <http://www.environment.gov.ab.ca/info/library/5997.pdf> (accessed November 30, 2009).

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