

Thoughts

on ARP Feb. 12/24 draft report from Hazel George

Section - Summary: Add in highlighted wording to the sentence:

- “*Responsible aggregate operations with effective compliance, inspections, and oversight* and” **“Ensure that the management of aggregate resources within the County is recognized as an important component in any comprehensive land use plan.** (page 4 of terms of reference document)

Section - Recommendations: 1. Regulate the Aggregate Industry

The quote, “*It’s like the wild west out there*’, is inflammatory and prejudicial. It should be struck from the comments. The committee should embrace a duty of care not to include inflammatory remarks. Stating that the aggregate industry is not regulated is misleading. The aggregate industry does have regulation through County Bylaws and Alberta Provincial government requirements. As per the Terms of Reference, we were charged with identifying gaps in the ARP, as directed in the Terms of Reference “*Ensure that the management of aggregate resources within the County is recognized as an important component in any comprehensive land use plan*”. The task for the committee was not to malign the aggregate industry but to ‘*build upon the vision of the previous ARP draft*’.

The term ‘landowners’ as currently used in the draft report is misleading and needs to be broken down into two sections, as per the way the committee was struck and is described, that is: agriculture; country residential and industry. “*Landowner committee members spoke in detail of their experiences and significant frustration in obtaining information from operators...etc.etc.* These comments were made by the representatives of Country Residential members whose opinions differ from those of large-tract landowners who derive their entire income from agriculture endeavors and are large-acreage operators. With respect, the one agriculture member who agreed with the Country Residential opinions appears to represent the smaller niche-type agriculture holdings whose income is not solely reliant on agriculture income.

While country residential members are indeed landowners, they tend to have a different set of concerns regarding aggregate extraction than the large-acreage agriculture landowners.

Section 3. Understand the Economic Effect of Aggregate Development:

In this entire recommendation and paragraph, there is no mention of the positive effect of aggregate extraction to the large-acreage farming community. An end-pit lake when aggregate is removed is a most positive asset to farming and ranching, especially in the drought years that the province is experiencing.

The reclamation of farm/grazing land once aggregate is removed is of great benefit because of the absence of equipment-damaging rock.

The income from the aggregate resource paid to the farming/ranching community assists in offsetting the vagaries and downturns for landowners who make their entire income from large-acreage agriculture endeavors.

If one singular demographic's opinion questions aggregate value and costs to the County, then the opposite opinion on the value of aggregate from the other demographics should be equally well represented in this section.

#### Section 5. Additional Recommended Regulatory Actions

- Third bullet: Typo - Reasons: *County pits should be held to the same standards as required for all operators; it would be hypocritical if they weren't, and **it's** the right thing to do.*

#### Section 8 Have Regard for Environmental Concern:

*'They also recommend that the County provide some funding to support community interventions in County gravel applications'.* I believe this thought came from the County Residential representatives. Some discussion was followed about using a portion of the current CAP levy to offset a committee for ongoing oversight.

Here again, the term 'landowner' should clarify that this request came from largely predominately country residential members.

Distributing extra funding to citizen groups would open a can of worms for every citizen group to demand funding from the County to cover their complaint and would result in the endless and unnecessary increase in taxes County-wide.

#### Section 11 Location of Aggregate Development

- Again, the word 'landowners' lumps agriculture in with country residential.
- Large-tract landowners do not want one demographic of country residential to 'sterilize' any of the uses that can be put forward on agriculture land.
- The sentence, "*Most landowners strongly believe that distance separation. Etc. etc., again, lumping agriculture with country residential.*"
- Through the entire section, the term landowners should be separated into two categories "country residential and agriculture." The term *landowners* should only be used when complete consensus was found on issues between country residential and agriculture.

- If the following strongly worded statement is allowed to stand  
“*Where there are already existing Country Residential designations, aggregate should not be allowed.*”, may I therefore suggest that a statement of equal strength be rewritten as:

“Where there are already existing aggregate extraction sites, Country Residential should not be allowed.”

The current bullet reads “The County *should be careful about approving* CR in areas etc.etc .....

I have further thoughts on the wording and recommendations in the sections on Performance Standards, Mapping, Stakeholder Engagement, Environment, Groundwater, Bill Hill Springs Park, and Aggregate Location but will leave comments and critique to a later date when perhaps more time is allocated to the committee to critique the entire report. hg

Feb. 21/24

## Comments regarding the Draft Aggregate Resource Plan Report from Gerry Bietz

Our committee has agreed on several areas for revisions to the Draft Aggregate Resource Plan, however there are some substantive issues on which we cannot agree. If this report is not sufficiently specific and directive in its recommendations, pressure from the gravel industry will erode implementation of a new ARP with resulting negative impacts on RVC residents' properties, their quality of life and their natural environment.

Residents believe gravel is a reasonably abundant resource. They believe access to the resource should be permissive, (as opposed to supportive) based on avoiding negative consequences.

These include financial costs incurred by the County, and negative impacts on residents and the environment from fugitive emissions, traffic safety, and barriers to wildlife. All of these are multiplied through cumulative effects when contiguous gravel mines are situated as they are at Big Hill Springs.

The industry and its lobby group, ASGA, fundamentally disagree. They assert that gravel is scarce and any regulatory restrictions such as set-backs will "sterilise" supply. The industry also assumes that residents should accommodate a level of disruption. They appear to believe RVC residents have a moral obligation to provide large volumes of low-cost gravel to support regional growth. They have provided no rationale to support this.

A comprehensive cost/benefit analysis of the county's gravel industry is needed. Such an evaluation would inform the County's decisions regarding regulation of existing operations, the need for any new gravel approvals, and planning to allow approvals in locations where they will do the least harm.

Conflicts over gravel production have been brewing for a long time – they started long before the County Plan was approved in 2013, which is why the County Plan required the development of an Aggregate Resource Plan (ARP). These conflicts were compounded by poor approvals and lax enforcement.

While the County Plan required an ARP, a draft was not published until 2018. The process to finalize that draft was stopped by the previous council, mainly due to objections from industry. As well, concerns were raised by residents that the draft did not adequately protect them and the environment from the adverse impacts of gravel mining. During this time the County approved numerous ad hoc gravel applications, at Big Hill Springs and elsewhere. Many of these approvals were provided in the face of strenuous opposition from residents.

Residents have often seen the RVC approvals process to be a "check box" exercise. Neither RVC administration nor Council had the necessary technical expertise to test the quality of the submissions supporting applications. In the past, some Council members were seen by residents to have predetermined their approval.

Gravel companies have a fiduciary responsibility to their shareholders to maximize profit. They must oppose regulation that increases their costs. They will not proactively evaluate potential harms caused by their operations.

Many times, we've heard industry members stress that haul distances must be minimized due to concerns for environmental and safety. More reasonably this is driven by concerns about higher transportation cost and reduced mine-face netbacks. The continuing push for profits places them at odds with RV Council and county residents. And it means that RVC must become an active regulator of the industry, which it has the jurisdictional authority to do.

Council and residents cannot rely on the Alberta Government or their departments to protect resident's lifestyles, property or environmental assets. The gravel industry has stated that oversight pertaining to health, safety and environment is the sole purview of the Province. This is not correct – those are all shared responsibilities. The Province's track record in this regard is poor.

Alberta Environment and Parks (AEP) ignored Alberta Parks own management recommendations for the protection of Big Hill Springs Provincial Park. At Cochrane West, RVC denied Burnco's land use redesignation application for gravel mining on several quarter sections along the Bow River. AEP ignored the County's denial when they provided a Water Act approval for these same lands; which permit gravel excavation into groundwater and gravel washing using water from the Bow River.

Big Hill Springs and Cochrane West are the current focus of the gravel debate and highlight issues which must be addressed by the ARP. However, the ARP must ensure that policies governing RVC gravel applications approvals and regulation are sufficiently robust and clear to locate and manage future developments in other areas.

At Big Hill Springs, there are now four gravel mines enveloping 800 acres which have been approved. These, plus 480 acres owned by Burnco, create a continuous swath for one and a half miles west of Big Hills Springs Provincial Park.

One of these, Hillstone, has been operating for years. Mountain Ash, has begun stripping and grading in advance of extraction operations. McNair-Buckley has an approved development permit, but has not yet started any operations. Hughes-Lafarge, has land use approval but does not yet appear to have applied for a development permit. The latter three new mines were all approved in 2017 through the ad hoc process after the County Plan had called for an ARP.

The Master Site Development Permits that were part of the 2017 approvals for each of the three new gravel mines include a nominal recognition of the potential cumulative effects of these mines - on local residents and on the Park. However, the development permits issued by the County for the pits along Highway 567 include no substantive conditions addressing cumulative impacts - no means to set or measure limits, identify exceedances, establish penalties or provide enforcement.

Pictures of the dust plumes billowing for more than a mile across the Bighill Valley demonstrate the inadequacy of current mitigation practices. They also illustrate the risks that will be compounded as multiple pits begin operations along Highway 567 unless an ARP imposes adequate and effective standards to address the cumulative impacts as more pits become operational in the area.

As well as the dust seen in these fugitive emissions, the cumulative impacts include noise, highway traffic safety, risks of groundwater contamination and the resultant disturbances to the recognized wildlife corridor from the barricades created by gravel pit berms and the pits' operations themselves. Even if effective performance standards are imposed for the pits that already have development permit approvals, it is unlikely that any more pits can be accommodated in this area. At least an 800-meter setback must be enforced to protect the Park from these cumulative effects.

The gravel industry points to the expert opinions provided in their applications, arguing that these are rigorous and unbiased. However, the validity of their claims is not tested by Rocky View since it does not have the technical expertise to adequately evaluate these reports. A lawyer defending a client is an expert and held to a professional standard. However, he will not point out to the judge weaknesses in the defence. That is the role of the opposing counsel and under Rocky View's current process, there is no effective opposing counsel.

A biologist preparing a report for a gravel application, takes a snap shot of only the specific property relevant for the application. The scope of the investigation is confined to his or her contractual agreement with the gravel company. Rocky View's current requirements for technical studies provide no detail on the scope of those studies. As a result, there is no need for a biologist to consider the seasonal or transitory species the land may host at different times. Nor is there any requirement to consider the impacts of physical barriers to wildlife nor those created by fugitive emissions.

Industry's hydrological studies merely measure groundwater elevations, not water chemistry. Such analysis would provide baseline data and allow identification of changes in water chemistry over time. This is critical in addressing the potential harm to the Big Hill Springs aquifer. The industry often states they "see no evidence" of harm, however absence of evidence is not evidence of absence. Scientific data collection requires time and investment.

The land use redesignation public hearings for the Lehigh Hanson Scott pit in Bearspaw and the Mountain Ash / Summit pit on Highway 567 both demonstrated that technical studies provided by professional experts that contradict the conclusions of the applicant's technical studies are given no consideration by Administration in its assessment of applications and little to no consideration by Council. This is unacceptable and must be addressed in an ARP by ensuring that all submitted technical studies are subject to an independent review by relevant subject experts.

The new ARP must require Rocky View County to:

1. Undertake a broad-based cost/benefit analysis of current and potential gravel operations to protect the interests of its residents.
2. Guide gravel extraction to locations where it will create the least harm to residents and the environment.
3. Create policies and regulations resilient to industry pressure for relaxation.
4. Establish a funding mechanism to protect to ensure that the County has sufficient independent technical expertise to assess the validity of information provided by gravel companies during land use and development permit applications and in the ongoing reporting required during mine operations. This funding also needs to be used to establish, monitor, and enforce the regulations in the ARP and to develop baseline environmental and economic data collection.

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Team

These comments have been raised during committee meetings and previous emails. Sadly I have been stuck in Islamabad for the past five days and unable to get a flight out of the country. Not sure what is going on as I have never seen a flight booked up with no available for that long.

We had discussed regulation and monitoring and Dale and Monte have agreed that industry welcomes that, at least the good operators. I would feel better if Rocky View comes up with something as currently we are aware of the huge shortfalls in just collecting the required information, let alone someone with expertise evaluating it. RVC has a responsibility under the Municipal Government Act to protect the environment and maintains safe communities.

There needs to be greater access to technical studies and operating reports and this data that is required to be submitted by the gravel operators needs to be more accessible to the public to address concerns and mistrusts. The example of Hillstone being over a year behind in their filing and then being delinquent with no adverse consequences is unfathomable.

So this bad behaviour makes it difficult for the acceptance of reduced red tape although for the extension example like Monte has pointed, out something that makes sense, a none starter.

As Hazel has pointed out, the agriculture owners in the east derive great benefit from gravel where as those around Big Hill Springs Park do not, except if they are willing to give up on agriculture and go into the gravel extraction business. But then I wonder if many of those would prefer responsible development to gravel pits. From an economic point of view it would be beneficial to them as well as more tax revenue for RVC.

There needs to be a balance to protect ag land, meaning hay and pasture land, not only cereal crop land. As pits near the park are much deeper it is doubtful they can be easily reclaimed as how does one farm in a deep hole?

The ARP needs to acknowledge the negative impacts from gravel operations and that at a minimum they are invasive for people who live on agriculture properties, just as they are for those who live on residential properties and acreages. Just because there are fewer of those who hold agriculture lands, doesn't mean the impacts are less. Those who have 20, 40 and 160 acre parcels are impacted and this is why setbacks and strict performance standards are critical to provide mitigation. In many cases agriculture residents will experience greater negative impacts by these gravel operations.

The proximity to Big Hill Springs Park and the agricultural properties in the NW corner of the county is more unique than perhaps the east where we have seen, welcomes gravel development. Although our committee was a voice for residents, industry, there was no one speaking for the Big Hill Springs Provincial Park and the thousand who visit it each year. As



Hazel points out, we don't want those with no interest in the county, being able to weigh in, the science shows that gravel pits around the park represent a tremendous threat to the safety of the resources. The risks are here and catastrophic and the potential to destroy and negatively effect the springs and creeks are real. Even though the gravel pit industry "experts" have given their opinion, in many cases, experts and many technical reports conclusively point out the risks. So with inadequate monitoring and poor adherence to current requirements, setbacks and buffers are the only answer. Allowing no new pits in proximity to the park would seem the minimum ask if the Big Hill Spring Provincial Park had a voice.

Barbara, thanks for combining these with my previous comments. I should have been home several days ago. Look forward to our efforts to make this ARP a document that can allow responsible gravel development while protecting landowners and residents in the county.

I do not believe it is acceptable that residents should suffer or have to sacrifice and forced to endure a "temporary" land use of 40 to 60 years so that Calgary and area has access to cheap gravel. As John has pointed out, there is enough gravel in the the area to meet demand for hundreds of years. It has a to be extracted safely and in a controlled and measured approach. If the ARP does not ensure that then I do not think it will be easily acceptable to the residents and voters in the county.

Thanks

Tom

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## **Tom Foss's Comments on the Draft Committee Report – the Perspective of the Agricultural Community in West Rocky View**

These comments are in addition to my earlier comments on the draft report. Since those were only shared with Barbara and Gerrit, I would appreciate it if they could forward my earlier comments to the other committee members.

### **Additional comments on the draft report**

#### **#1 – Regulate the aggregate industry**

- The comments in the background section accurately reflect the views of the agricultural community in west RVC. It is important that council hears these views.
- It is clear that stronger regulation is needed to protect both residents and our environment. It is also clear that industry will not willingly agree to this.
  - Industry's responsibilities to their shareholders mean that they can't willingly volunteer to things that might reduce their profits – but that doesn't mean they won't still operate under tighter rules.
- Council must recognize this is an irreconcilable difference and that it is their responsibility under the MGA to introduce and implement more effective oversight of aggregate operations in the county.
  - Sec. 3 of the MGA lists the purposes of municipal governments as including:
    - Fostering the well-being of the environment
    - Developing and maintaining safe and viable communities.

#### **#5 – Additional recommended regulatory actions – independent inspections of operations and expert review of operator reports**

- As I noted in my earlier comments, this is an important point, but it is critical that it is expanded to include all technical studies submitted by applicants for both land use redesignations and development permits.
- It is also important that these reports are all posted on a publicly accessible website. Easy access to this information is critical to addressing concerns of agricultural landowners in west Rocky View.

#### **#5 – Additional recommended regulatory actions – reduce red tape for some pit renewals**

- Agricultural landowners in west RVC think it is critically important that any reduction of application requirements must be carefully controlled to avoid scope creep. Experiences with both Hillstone and Burnco's Cochrane West pit have soured the attitudes and trust of area landowners. As a result, they are not supportive of making renewal applications more streamlined.

#### **#6 – Improve stakeholder engagement**

- It is important that this section differentiates between "rules" for notifications of applications and peoples' ability to participate in engagement on those applications. I made this point in my earlier comments – but it is critically important.
- So long as the County provides easy access to application information on its website, having defined rules about who should be notified directly makes sense.

For gravel applications, there needs to be different notification / circulation rules than the County's current general circulation policy – those are too restrictive.

- It is completely unacceptable to have any restrictions on engagement opportunities.

#### #6 – Be clear about the distinct county and provincial aggregate regulatory roles

- I think I made my concerns clear on this point in my earlier comments. But, just to be sure, it is totally unacceptable to use provincial responsibilities as a means to exclude Rocky View and/or its residents from legitimate municipal decision-making jurisdiction.
- Industry has made it clear that they would like to push the County and its residents out of critical aspects of decision making and oversight – this is unacceptable.

#### #6 – develop residents' confidence in technical reports

- The points I made in my earlier comments are extremely important – ensuring that applicants' technical studies are reviewed by independent experts is critically important. Without this, residents' confidence in the decision-making process will not be there.

#### #7 – understand and monitor cumulative effects

- Dealing with cumulative impacts in the ARP is critically important to everyone who lives in west RVC. It is not sufficient to have a technical report on cumulative impacts as part of applications. It is critical that performance standards effectively address cumulative impacts. As well, the ARP needs to address how those standards will be monitored and enforced.
- The ARP needs to recognize that there are “carrying capacity” limitations in all areas that cannot be exceeded, even with effective performance standards that deal with cumulative impacts.

#### #8 – Have regard for environmental concerns

- Industry's comments make it clear that they do not support the points in this section. It is a critically important issue to people in west Rocky View – the committee's report to council must make that clear. The information in the draft report (with the few edits I suggested earlier) needs to remain in the final committee report as representing the views of agricultural landowners in west RVC.

#### #9 – pay attention to concerns about groundwater & #10 – recognize potential impacts to Big Hill Springs Provincial Park

- My comments on these two sections are the same as for #8 – the issues are of critical importance to agricultural landowners in west RVC. If these issues are not dealt with effectively in the ARP, people will not see it as a success.

#### #11 – Location of aggregate development – landowners' perspectives

- The points included in this section of the draft report should all be included in the report to council – some of them should have more detail added to make the points clear to council.

## **Issues that need to be added to the committee's report**

- Agricultural landowners in west Rocky View hold quite different views than those expressed by the committee's agricultural representative from east Rocky View. In fact, I have heard from some ag operators in east Rocky View who are not as supportive of gravel operations as is their committee representative.
  - What is missing in those views is the importance of having the ARP protect agricultural land. Giving agricultural landowners the right to have gravel pits on their land does not protect that agricultural land for agricultural purposes.
- The focus in the County Plan and in the earlier ARP project was on balancing the need for aggregate with protecting residents and the environment. That misses an important factor – protecting agricultural land. We all need to eat and no one is making more ag land.
  - It is important to recognize that ag land isn't only prime cereal crop land, it also includes the hay fields and pasture land that are needed to sustain our livestock farmers.
  - Location criteria for gravel pit location needs to take this into consideration along with protecting environmentally sensitive areas and minimizing impacts on RVC's country residential communities.
- Agricultural landowners in west Rocky View have serious doubts about the compatibility of gravel pits, even after they have been reclaimed, with agricultural operations. Gravel pits in west RVC typically are very deep – so, after they are depleted and reclaimed what agricultural activity can happen in the massively deep pit that is left behind?
  - The gravel reserves act as a filter between agricultural activity and our ground water – if we permit all but 1 metre of that filter to be removed, how can we ensure that returning the land to ag uses (even if we can overcome the logistical issues of farming in a deep pit) will not contaminate the ground water? What will be there to filter out the pesticides, herbicides, fecal contamination from manure?
- For agricultural landowners in west Rocky View, other key issues include:
  - Ensuring that the locations of aggregate operations protect our fragile environment;
  - Cumulative impacts must be effectively controlled – the proliferation of pits is a serious concern that must be addressed in an ARP – residents along Hwy 567 have always said they can accept one pit at a time – this is an effective way to address cumulative impacts;
  - The ARP must recognize that the negative impacts from gravel operations are just as invasive for people who live on agricultural properties as they are for those who live on country residential properties. Just because there are fewer of “us” doesn't mean that the impacts are any less for us. In fact, they may well be greater because we live in more isolated and, therefore, quieter areas. Setbacks and strict performance standards are both critically important to provide effective mitigation for agricultural landowners.

## John Weatherill Comments on

### *Report of Aggregate Advisory Committee to Rocky View County Council (February 12, 2024)*

#### General Comments

1. We may wish to organize the report along the lines of the of the Terms of Reference, i.e.:
  - a. Agree on principles and approaches to guide the ARP which reconcile the interests of residents, landowners, aggregate operators, environmental stakeholders and the County
    - i. In the event that the Committee cannot achieve agreement, the Committee shall consider areas of particular importance that need to be addressed.
  - b. Identify gaps in the previous ARP draft or this ToR that should be addressed in any new document;
  - c. Suggest areas of improvement that are required to the previous ARP draft; and
  - d. Propose desired public and stakeholder engagement methods for the ARP project (e.g., frequency, type location and timing of engagement).
2. The report does not yet reflect the substantive nature of the committee's discussions, research and analysis. Comments from constituents are that the report feels superficial and truncated, relative to the depth of discussion that occurred and material that was shared in committee meetings.
3. The report includes dedicated sections for the environment (and Big Hill Springs Provincial Park specifically), for groundwater and for cumulative effects, but no sections for other impacts such as noise, surface water, air quality/dust, etc. There is no mention of human health in the draft report, which should be rectified. Silica dust is a carcinogen that causes irreversible lung damage. Silica concentrations are 50% to 65% in gravel in the greater Calgary area, and dust cannot be contained to site boundaries. Over the decades that a typical pit is in operation, the health of surrounding residents is put at risk.

#### Section Comments

1. Summary
  - Paragraph 5: Concerns for residents go beyond the three listed (environmental, groundwater and cumulative effects). Other significant concerns include disruptive noise incompatible with a country residential lifestyle, the health impacts of carcinogenic dust generated by gravel pits, impacts on surface water and wetlands, economic impacts, reclamation challenges and traffic impacts.
2. Gaps in the 2018 Aggregate Resource Plan
  - I've heard comments from constituents that the table format is confusing. Suggest perhaps splitting the responses between committee backgrounds (industry, country residential, agricultural) to better reflect perspectives.

3. Sec. 1. Regulate the Aggregate Industry
  - Add to second sentence of recommendation: “Regulation would include **location criteria**, clear performance standards, responsible and proactive monitoring, strict compliance, and active enforcement.”
  
4. Sec. 2. Set Performance Standards
  - Clarify in recommendation that “prescribed monitoring” should include noise and air quality receptors at prescribed intervals along the site boundary, with continuous data collection and automatic upload to a publicly accessible site. This will help greatly with transparency and education, which all committee members agree are important.
  - Under “Reasons”, in addition to noise monitoring, consistent and prescribed monitoring of air quality (dust, particulate matter) is required.
  
5. Sec. 3. Understand the Economic Effects of Aggregate Development
  - The second sentence of the recommendation is unnecessarily restrictive. Recommend revising to: “The assessment should consider **all** costs to the environment, **costs to residents**, along with costs to the County of administering, monitoring and enforcing aggregate development and operations, **road repair costs, legal costs, impacts on property taxes, and other direct and indirect costs to the county.**
  - The ~\$1M in annual CAP levy payments to the County is noted, but this pales in comparison to the costs incurred by the County and its residents as a result of aggregate development. University of Calgary PhD Economist Dr Matthew Ayres estimated that a proposed gravel pit in Bearspaw would result in residential property value destruction of \$163M and associated residential property tax loss of \$23M to the County – a figure far in excess of the CAP Levy and Property Tax that would be generated by the proposed gravel operation. See *Auburn University study on gravel pit impact on housing prices, 2015*:



- The point of the comprehensive economic impact assessment is not only that “The County should know if it receives a net benefit from the development of the resource and evaluate

if the industry is a net benefit or cost to the County”, but this understanding should inform the ARP’s location criteria for aggregate development within the county.

- It is possible, if the costs substantially outweigh the benefits to the County, that Rocky View may decide to prohibit all future aggregate development. More likely, the County will understand that cost impacts can be reduced through clear location criteria that separate aggregate development from areas of environmental sensitivity and/or population density. Per the Terms of Reference (Goals for ARP, Sec 13.3): “Recognize that the potential impacts from aggregate development vary between sites according to their location within the County, and their proximity to dwellings and environmental features”.
- It should be noted that many of the benefits of aggregate development accrue outside of the County (employment, profit, cheaper supply for building in Calgary, etc.), while the costs are borne almost entirely by residents, administration and the environment within the County. Canadian regulators have established that, where the burdens of a proposed project are imposed upon the public within a given jurisdiction, but the benefits substantively accrue to parties outside that jurisdiction, the project cannot be approved (see *National Energy Board Reasons for Decision, Sumas Energy 2, Inc., March 2004*).
- Consider the proposed Scott Property gravel development in Bearspaw. Over its 30-year operating life, after accounting for CAP Levy and tax revenue, this pit would have generated net costs of more than \$160M to the county and its residents in the form of property value destruction and residential property tax loss, before including any potential environmental, monitoring, enforcement, legal or road repair costs. While imposing significant financial costs, degrading the quality of life and risking the health of one-in-ten County residents, and permanently destroying an environmentally sensitive area, the pit would generate in the order of \$500 million in revenue and \$75 million in profit for its German-owned gravel company.
- Courts have reinforced that it “it is improper for...risks to be imposed solely on the public...particularly when the private sector earns enviable profits on the harvesting of these non-renewable resources” (*Sierra Club vs Strock, US District Court, July 2007*). It is the responsibility to Rocky View County administration and council to protect the County and its residents against exactly this sort of unacceptable wealth transfer, and this should be reflected in the ARP.

#### 6. Sec. 4. Map and Plan Long Term for Development of Aggregate Resources

- A key benefit of better mapping is that it will allow the County to be better informed about the relative abundance or scarcity of aggregate in Rocky View, which in turn can inform the degree to which aggregate supply can/should be protected vs the degree to which it can/should be sterilized to protect residents and the environment, without risking future supply.
- While there is uncertainty about the quality of mapping that currently exists, there are a number of facts that can inform the ARP even before additional mapping occurs, including:
  - Aggregate operations are currently in operation in all four quadrants of Rocky View County. The resource is broadly located across the County.

- Aggregate operations are also in operation in close proximity to Rocky View County, including within the City of Calgary, within Tsuut'ina Nation and Stoney Nation, and within each of the five counties neighbouring Rocky View.
- Based on demand estimates provide by the Calgary Aggregate Producers Group (*Rocky View Aggregate Resources Discussion Paper, May 25, 2015*) and typical supply in current and proposed gravel pits within the County, Rocky View could supply its share of aggregate demand in Calgary and the surrounding area for the next 200 years with just 3% of County land.
- The available evidence is not perfect, but overwhelmingly suggests that aggregate is not a scarce resource in the County or region. Given the costs and impacts vary significantly based on proximity to population and environmental features, the County has responsibility to locate future aggregate operations away from these areas.
- One component of the County's intentional development sequencing should be to approve pits further away from population areas now, so that they will be consumed before residential developments expand further out. In this way, RVC can continually limit the impact of operations on residents, and can proactively limit future conflict between industry and residents.

#### 7. Sec. 5. Additional Recommended Regulatory Actions

- Evolving Standards
  - This section is a bit unclear, as we've not included any assessment of worldwide trends. For example, it was discussed at one of our committee meetings that in Germany, regulations require gravel pit operations to be fully enclosed (extraction, crushing, etc.). This appears to be a global best practice – are we making this recommendation to administration? Industry often states they seek to apply best practices, and I'm sure residents would support this.
- Independent inspections of operations and expert review of operator reports.
  - This is a good suggestion. Recommend also requiring data underlying the reports to be made public.
- Use influence to improve operations of Provincially owned pits in the County
  - Reasons – there is not simply a moral obligation to follow local standards, there is an obligation to protect the residents and environment of the County and the Province.
  - Second paragraph – not sure why this would be considered unfair to industry, it would simply apply a standard across the county. Further, industry often says they seek to apply best practices, so why not in this case? There is indeed question about the legality of this approach, but the report recommendation should be that “The County should explore this and other options under the spirit of ‘whatever means available’”.
- Reduce red tape for some pit renewals
  - Only recommend that we change the requirement from “good compliance record” to “full compliance record with no opposition”.

#### 8. Sec. 6. Improve Stakeholder Engagement

- There is concern among residents and other stakeholders that ‘defining’ stakeholders for aggregate development will end up being a narrow definition, with many valid voices



silenced. Given the widespread impacts of aggregate development, and the desire to address the mistrust that has developed between residents and industry, the County should adopt a spirit of transparency and inclusion with regards to stakeholder engagement.

- We did not discuss AER Guide 56 in detail in the committee meetings, so I'm not clear to what extent it will align with the point above.
- It has been suggested to me that we should instead utilize Section 216.4(4) of the Municipal Government Act, which outlines who must and may be heard by municipal councils in public hearings, as follows: "In the public hearing, council (a) must hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and (b) may hear any other person who wishes to make representations and who the council agrees to hear."
- Given the widespread impacts of aggregate development on noise, air quality, property values and other factors, the notification area for any proposed new aggregate operation should be larger than for other types of redevelopment proposals in the County.
- It would be appropriate for the ARP to specify stakeholder engagement requirements both for industry and for the County in relation to new aggregate developments.
- The draft report does not address stakeholder engagement for the ARP itself. This is a requirement under the Terms of Reference, which was discussed at a committee meeting and those recommendations should be included in the report (e.g., widespread opportunities through various formats, separate engagement for ARP vs other initiatives underway within the County such as MDP, ASPs, etc.).
- Be Clear about the Distinct County and Provincial Aggregate Regulatory Roles
  - Add to last sentence: "...the County is ultimately responsible for **the protection of residents and environmental assets, land use planning, location criteria, performance standards**, day-to-day monitoring, enforcement, and compliance of aggregate operations."
- Determine a way to Develop Residents' Confidence in the Analysis of Expert Reports contained in Aggregate Development Applications
  - Third sentence – it is not just Land Owners' understanding of the process, this was confirmed by Geritt in a committee meeting. So we can strike the 'land owner understanding' piece.
  - This section is good. Ultimately, we have identified a gap in the current approval process, which needs to be closed. Closing the gap requires:
    - Providing intervenor funding for independent technical studies, and
    - Requiring administration to evaluate applications against policy AND land use planning objectives AND technical criteria using studies from applicants and other independent experts, before recommending approval or rejection of an application to Council.
- Minimum standards for technical study quality should be established. In previous applications:
  - Groundwater studies were found to draw incorrect conclusions about the presence of barriers between the water table and underlying drinking water aquifer,
  - Surface water studies ignored downstream impacts,

- Air quality studies relied on receptors placed on only one side of the subject property, despite population located on all sides,
- Noise studies assumed noise generation at subsurface levels that would not be reflective of most operations, and used average daily sound levels for a rock crusher (diluting the average with many hours overnight when the crusher would be turned off), understating the true sound impact of the crusher in operation,
- Cumulative effects studies scoped out or ignored obvious impacts without rationale, and
- Economic impact studies were incomplete and focused entirely on revenues, with no consideration of costs to the county, its residents, or its environment.
- Recommendation: determine how the County can optimize the revenue from CAP levies.
  - Given the costs and impacts associated with aggregate development, there is a question about whether the small amount collected from the CAP levy is sufficient relative to the damages caused, and whether a supplemental levy should be implemented.
  - County fees applied to industry should cover all costs associated with monitoring and enforcement of pits, road repair and other reclamation costs, and funding for third party review of technical studies.
  - This should be an outcome of the economic impact assessment outlined in Sec. 3.

#### 9. Understand and Monitor Cumulative Effects

- This section misses the mark as currently written. The point is not about assigning exceedances to specific operators for enforcement, although it is critical to ensure that performance standards and development permits effectively address cumulative impacts. The point is that an area will reach a tipping point where the combined impacts of all pits exceeds the carrying capacity of the environment – this should be clearly understood before that tipping point is reached, and will be the basis upon which additional pits will be rejected in a given area.
- Reference the *Government of Alberta Land Use Framework*. P. 25: “Cumulative effects management recognizes that our watersheds, airsheds and landscapes have finite carrying capacity. Our future well-being will depend on how well we manage our activities so that they do not exceed the carrying capacity of our environment.”
- A cumulative impacts assessment is already a requirement for aggregate development applications in the county. The challenge is that the requirements of the assessment are not clearly defined, the assessments are of poor quality, and they are treated as an item on a checklist rather than a meaningful criterion for approval or rejection.
- Insufficient cumulative effects analysis has already resulted in a court judgment against the County, and the reversal of a pit approval (subsequently appealed, although the Appeal Court’s decision did not dispute the lower court’s conclusion that cumulative impacts were not meaningfully disclosed). See *Koebisch v Rocky View (County)*, 2019 ABQB 205, *Reasons for Judgement at [119]*: “If the cumulative aspects of aggregate extraction are not meaningfully disclosed and addressed during the redesignation phase, then the opportunity of affected persons to make submissions to Council, and the opportunity of individual Councillors to participate in debate, to persuade their colleagues in a council meeting, or to deliberate on the redesignation, are undermined.”

- Cumulative effects studies in previous pit applications have been largely superficial, often incorrectly scoping out important factors (“valued components” in cumulative effects language). The County should clearly define the requirements for a cumulative effects analysis, including:
  - The terms of reference for a cumulative effects assessment, including appropriate temporal and spatial boundaries, with a minimum radius of the regional study area to be considered.
  - The valued components which must be included and cannot be de-scoped or excluded from a study, including at minimum: air quality, noise impacts, surface hydrology and wetlands, groundwater and hydrogeological impacts, land use, wildlife habitat and migration, fiscal impacts, property values and other socio-economic impacts, quality of life, soil and terrain impacts, and traffic impacts.
  - Complete and accurate assessment of the interaction of past, present and foreseeable future physical activities.

10. Sec. 8. Have Regard for Environmental Concerns

- Change section title to “Address Environmental Concerns”
- I agree with most of this section. However, it’s not just about “understanding the interactions with the surrounding environment”, it is about protecting our environmental assets from permanent damage.
- This requires clear language in the ARP about appropriate setbacks from environmentally sensitive areas, and these should include explicit prohibition of pits in proximity to our most important assets (parks, rivers, major wetlands, etc.).

11. Sec. 9. Pay Attention to Concerns about Groundwater

- Change section title to “Address Concerns about Groundwater”
- Particularly on the west side of the County, surface water is critical to sustain wildlife, livestock and quality of life for residents – this surface water is intricately linked to groundwater aquifers which can be disrupted by gravel mining.
- Critically, mining can affect residential water wells, impacting the safe supply of drinking water for county residents. Some aggregate mining operations have the foreseeable potential to lower the water table for surrounding inhabited properties, which is explicitly prohibited under Sec. 8.3.15 of the Bearspaw Area Structure Plan, and must be addressed for any pit application in the county.

12. Sec. 10. Recognize Potential Impacts to Big Hill Springs Provincial Park

- Provincial Parks are critical assets to Rocky View County, and make up only 0.4% of the total land area of the County. It is only logical to protect this small amount of land with generous setbacks to ensure that the parks are not harmed by gravel development.
- Final sentence in this sections states “Industry Committee members stated that setbacks are not required for either ground water protection or mitigation of fugitive dust and noise and recommend industry best practices to protect ESAs.”

- Photos were distributed to committee members on two occasions showing fugitive dust clouds from two separate pits located in west Rocky View County/Cochrane. Any suggestion that impacts can be contained to a property boundary have been disproven.
- What 'best practices' are industry suggesting? Fully enclosed aggregate operations, as per best practices in Germany?

### 13. Location of Aggregate Development

- More fulsome comments on Location Criteria provided in the following section, but in terms of the section as it is currently written:
- Landowner section:
  - It is not just "their experience" that aggregate operations can last 30 years or longer, this is fact. The McNair pit that we toured has been in continuous operation for approximately 50 years.
  - Pits cannot be considered temporary on a human timescale. Pits in Rocky View County operate for multiple generations – this is a 'permanent' land use when compared to the length of time someone owns a home, or the length of time a kid spends in their childhood home, or the length of time a couple spends in retirement.
  - Some of the points relate to performance standards, not location criteria. E.g. bullet points #5, #8, #9 should be moved to other sections of the report.
  - Strengthen point #4: "Most landowners strongly believe that distance separation between residences and aggregate operations is the ~~most~~ **only** effective mitigation." It is not logical that impacts of aggregate development can be contained to site boundaries. We saw examples of dust plumes escaping from pits in west Rocky View and in Cochrane, engulfing surrounding residences. We know that sound from gravel extraction and crushing can travel over miles. Academic research demonstrates that property value impacts occur more than three miles from a new pit. It is false to suggest that performance standards can effectively mitigate these impacts.
  - Point #12 (questioning if the County has an obligation to provide relatively inexpensive gravel for the City of Calgary) should be moved, perhaps to the Economic Impact section.
  - We make the point that is already present in the Terms of Reference: that costs and impacts vary within the County based on proximity to population and environmental features. Costs and impacts can only be minimized by restricting/prohibiting aggregate development in the most heavily populated and environmentally sensitive areas.
  - The County should apply sound land use planning principles when drafting the ARP:
    - The ARP should respect the broad current and future land use objectives of the MDP and relevant ASPs. Gravel development should be prohibited in areas covered by ASPs, which lay out other (more valuable) future land uses.
    - The ARP should respect well-established principles of separation between conflicting land uses.
    - The ARP should respect the land use planning principles around pre-existing land uses. Where residential development is already present/approved, new aggregate development should be prohibited. Conversely, where aggregate development is already present, approval for other land uses (including residential) should be made with the acceptance of the impacts that will occur.

## Location Criteria

Constituents of the Country Residential committee representatives have strong views on location criteria for aggregate development in the county. The perspective that we seek to have included in the report to council is as follows:

1. All available evidence suggests there is an abundance of aggregate resource supply in the County relative to future demand of city and region. Aggregate operations exist in all parts of the County, and in all surrounding jurisdictions, and some cities (e.g., Edmonton), successfully source aggregate from more than 300km away by rail. This is not a scarce resource, and Rocky View County can supply its share of the gravel demand in Calgary and region for the next 200 years with just 3% of the County's land area.
2. The Terms of Reference for the ARP and Committee recognize (and common sense dictates) that the costs and impacts of aggregate development vary throughout county based on proximity to population and environmental features. Impacts are greatest where population density is higher, and this varies throughout the county. All committee members commented on the diversity within the county, and it is appropriate for the ARP to reflect this diversity.
3. Aggregate development lasts for decades, and is a permanent land use in the timeframe of an individual's home ownership, or childhood, or retirement. The impacts are substantial. Gravel operations release carcinogenic dust, generate disruptive noise inconsistent with country residential life, can impact ground and surface water, and can permanently alter landscapes for the worse. Human health is put at risk, and many impacts are irreversible.
4. It was demonstrated through the Committee discussions and materials that impacts cannot be contained within site boundaries (e.g., images of dust plumes escaping from local pits), so separation is the only effective mitigation.
5. It is not possible to minimize impacts with performance standards alone. The associated companies of just one aggregate operator active in the region have been assessed US\$55 million in penalties for 701 violations in just the past 20 years. More than 94% of the monetary penalties related to environmental or health offences. Industry cannot be left to self-regulate through 'best practices'.
6. Fortunately, given the size of Rocky View and the widespread location of aggregate throughout the County, administration and council have the ability *and the responsibility* to locate aggregate development in the least impactful areas of the county. By separating aggregate development from conflicting and valuable land uses, including the most environmentally sensitive areas, and the areas of highest population density, the County can minimize the negative impacts and costs. This separation should include both explicitly prohibited areas for aggregate development (such as within Area Structure Plans), as well clear setback distances that vary based on proximity to environmental features and population density.
7. The ARP should not be used to circumvent well-established land use planning principles regarding pre-existing land uses and separation of conflicting land uses. The ARP should not allow for the County's intentional land use objectives to be circumvented, such as those outlined in the MDP and ASPs. Similarly, the ARP should not provide a shortcut for aggregate operations to be permitted in locations explicitly and repeatedly rejected by Council, such as the Scott Property in Bearspaw.

## Industry Representatives Response to Draft Report

In general, industry is disappointed that this first draft is so biased towards anti-gravel and the residents that supported that narrative. To answer some of the direct questions posed about the draft:

- Is it accurate? **No.** There are many inaccurate statements in the draft report.
- Does anything in the report need to be clarified? **Yes.** There are many statements which need to be clarified.
- Is important information missing? **Yes.** There is important information missing.

Overall, industry believes that the majority of items listed as recommendations are not actually recommendations, but rather discussion points where no agreement was able to be reached. While the mandate was consensus, we believe there were much fewer items agreed to than the draft report would suggest. If Council wants to hear the discussions, they have all been recorded. It also feels to industry that any of its own facts and opinions brought forward during these discussions have largely been left out of this summary. An example of this is the Cochrane West well accusation. Not only was factual information brought forward about this issue when the accusation was made, there was no mention of the Red Deer County well-water contamination allegations where a comprehensive and thorough investigation by AEPA found fault with the resident and NOT the producer's activities for the contamination.

**As a suggestion, Industry would prefer if most of the points were listed as discussion with equal sections for "Landowner" and "Industry" comments listed on both sides of the discussion, since consensus was rarely reached.**

Comments section-by-section:

### "Summary" Section:

- The term "Landowner committee member" is used many times in the report. The committee members have been defined as "Country Residential", "Agricultural Resident" and "Industry" representatives. The term "Landowner committee member" is misleading and should not be used in the report. Technically speaking, all members of the committee, with exception of one, are landowners in RVC. And many times, there was not consensus among all four "Landowner" representatives either.
- Industry does not agree with the statement that the Stakeholder Advisory Committee represents "all sides" of the aggregate development. It should be noted that regulatory bodies and the experts present in those organizations were not represented on the committee. This would include agencies such as Alberta Environment and Protected Areas, Alberta Transportation, Alberta Culture, the Aboriginal Consultation Office, Alberta Health services, and even planners/technical resources at Rocky View County.
- Industry does not agree with the wording in the paragraph stating that "action is needed". Industry does agree that the municipal process "could be improved". The wording in this paragraph seems to indicate that none of these items are currently happening. They are. New aggregate sites in Rocky View County must participate in a rigorous Land Use process including public hearings and development of Master Site Development plans posted to the County

website. Existing sites must continually renew their operating permits where performance standards are reviewed and set as development permit conditions. Operating sites provide annual reports to staff that include summaries of onsite operations and any monitoring data. The statement that the “County needs to lead and be active” is entirely out of place. This statement is especially humorous as it is included in a report being provided by a committee struck and funded by the County in an attempt to improve its regulatory process.

- The last paragraph of the Summary talks about the differences in the County from east to west with regard to aggregate development. There is very little difference in aggregate development from the eastern part of RVC and aggregate development north of Cochrane and West of Big Hill Springs Park. What differs between these two areas is the fact that aggregate development has existed in the east for 50-70 years whereas it is relatively new in the Big Hill Springs area. Otherwise, they are both located adjacent to agricultural parcels, both are located in the vicinity of farm residences, with Country Residential (Acreages) more prominent in Bearspaw.

#### “Stakeholder Advisory Committee Process” Section:

- Industry believes in good communication with stakeholders; however, the general public is not a Regulator. And there must be a limit to who can be determined to be a stakeholder.
- The comment about Residents wanting confidence in technical decisions is not something industry agrees is an issue. There have been numerous studies completed amongst the various applications made in RVC over the last 10-20 years. Industry hires independent, 3<sup>rd</sup> party professionals to generate reports as required. These reports are then reviewed by technical experts in the various regulatory agencies. Ensuring that such reviews have occurred is reasonable. However, achieving broad public understanding and agreement on such technical matters is not realistic. Experts have achieved such status through years of study and experience. This is not something that can be easily replicated for the broader public and should not be used as an argument against an aggregate application or approval.

#### “#1 Regulate the Aggregate Industry” Section:

It should be stated in the report that RVC has arguably one of the most robust, intense and comprehensive application processes for aggregate extraction in the Province of Alberta. A statement such as “it’s like the wild west out there” has no merit being included in this report, not to mention its inaccuracy. The report only includes stakeholder meeting comments from two committee members, a third member also provided comments from a stakeholder meeting which do not appear in the report.

The report needs to note the current regulatory process in Rocky View County.

The discussion around funding compliance was through the CAP levy, not through additional fees to operators.

#### “#2 Set Performance Standards” Section:

It should be noted in the report that industry strongly believes the impacts to local residences can be mitigated through reasonable performance standards, monitoring and enforcement. It is not necessarily “additional noise monitoring” but site specific, practical, and consistent requirements for any mitigation measures, including inspection and enforcement of operations. As much as any exceedances need to be reported and addressed, compliant operations also need to be recognized.

The report should also note that many sites in Rocky View County already monitor for noise and dust and provide such reporting to County Staff. Making such information available to the public is something industry is cautious about.

#3: Understand the Economic Effectiveness of Aggregate Development” Section:

The sentence *“Landowners point out, however, that this equates to less than \$25 per resident, and they question if the impacts to residents and the cost to the County are justified”* should be removed from the report. This comment came from one County resident when reciting third party comments received during their stakeholder meeting. Can whomever this person is honestly speak to the opinions of 44,000 other RVC residents?

Industry would wish to see this section refined in its scope and objective. Any net economic impact assessment would need to look beyond CAPL contributions. Industry pays industrial taxes on its properties. Industry pays Transportation Offsite Levy on acreage developed. Direct and indirect jobs creation would need to be accounted for. The report would need to explain how any environmental costs/impacts for materials sourced from a different location would be different ~~form~~ from those sourced in Rocky View. What costs should be included? Not all sites utilize County roads. In many instances, proponents have paid to upgrade municipal infrastructure or enter into road use agreements to cover road maintenance costs. Finally, what will the eventual calculation inform?

There was a request put forward to the County by industry to generate actual data from property assessments in proximity to existing gravel operations in RVC, vs. other assessments in the general area as well as in relation to average changes in County wide assessments over time. This information is available, easy for RVC to access and not based on assumptions or intangibles.

“#4: Map and Plan Long Term for Development of Aggregate Resources” Section:

It should also be noted that Industry members have stated that viable gravel deposits in the eastern part of RVC have been nearly depleted and reclaimed.

Industry does not agree with the statement that *“with good mapping, industry could be guided to areas where impacts to residents can be minimized”*. This is a naïve and unworkable statement. It is in direct contradiction to the early recommendations that sites be evaluated by experts for potential adverse affects. The concept that a broad swath of the county could arbitrarily set aside for aggregate development with no stakeholder engagement, no comprehensive, independent, objectives assessment of the potential adverse affects is unworkable.

Industry would see such mappings role as better informing residents and industry where future gravel development might be possible. A role beyond that is hard to envision.



Portions of recommendations 5, 6 and 7 as well as recommendations 8 through 11 in the report are not recommendations as discussed in the meetings. This can be verified by reviewing the summary notes from the January 11<sup>th</sup> meeting. These recommendations cannot form part of the report as they were not agreed to by the committee. The report should be based only on items the committee reached a consensus on. Everything else is simply discussion among the committee and can be found in the notes / recordings.

#### "#5: Additional Recommended Regulatory Actions" Section:

Bullet two "Independent inspection of operations and expert review of operator reports?" requires clarity. What is regulation model?

Bullet three "County Pits follow the same requirements for operation and reclamation as private operators". There are some assumptions made in this bullet that operators within Provincial pits do not follow County standards. While Provincial pits aren't required to adhere to Municipal bylaws, industry would suggest operators within the Star Pit (for example) are following Best Management Practices. There is not enough evidence to make this statement.

#### "#6: Improve Stakeholder Engagement" Section:

This recommendation is detailed in the January 11<sup>th</sup> summary notes under "Stakeholders". There are numerous avenues for input at Open Houses and consultation, as well as through well defined appeal processes. This is not a committee recommendation, but rather the public trying to insert themselves as a Regulator of industry.

Bullet three "Ensure that the tone of the Aggregate Resource Plan is Neutral and Balanced". The tone of the 2018 Draft ARP reads to some members as promotional and supportive of industry". Industry does not agree with this statement.

Bullet four – "Determine a way to develop residents' confidence in the analysis of Expert reports contained in the Aggregate Development plan" – The Industry's position is that landowners are not the regulators and professional subject matter experts are retained for applications and they support and defend their reports in the public hearing process of an application. All documents are available for any stakeholders to review and state their substantiated professional opinion to the county, but Industry questions whether "confidence" can be measured as typically the layperson simply doesn't agree with professional, without any basis for defense.

#### "#7: Understand and Monitor Cumulative Effects" Section:

Again, the term "Landowner committee members" as well as "Committee members" is used multiple times and is misleading. This is not a committee recommendation.

Anecdotal information should not be included in the report. The report should be based on facts and recommendations reached by consensus from the committee. The report needs to include the fact that cumulative effects are part of an aggregate extraction development permit application process in RVC. These include noise, air quality, ground water, and traffic. Aggregate developers are required to submit technical documents, by a qualified professional, on each of these topics, including cumulative effects.

#8: have Regard for Environmental Concerns” Section:

Again, the term “Landowner committee members” is used multiple times throughout this section. Industry believes that they have a high regard for environmental concerns, and a valid approval for operating does not imply otherwise. This is not a committee recommendation.

In the “Background” paragraph, it talks about operators requiring registration from Alberta Environment, under the code of practice for pits. The next statement reads, “*However, the Code doesn’t consider environmental impacts on groundwater or air quality*”. This statement is completely inaccurate. AEPA is very concerned about groundwater and most definitely considers environmental impacts on ground water. When a Water Act approval is not required, subject matter experts at AEPA have deemed it so. They are the regulatory authority on water in the province, and suggesting applications to AEPA are a ‘check box’ exercise is disrespectful to AEPA and simply false.

Certain groups being determined as a “directly affected party” is an already prescribed process. And the statement that appeals could be avoided if the County approval process fully recognized the *potential* negative consequences is simply stating if the County denied approval, then there would be no need for an appeal. The fact is that the County already has its ESA’s mapped, and the Province already recognizes ESA’s in its review as well. Industry follows all prescribed conditions and setbacks when it comes to ESA’s.

“#9: Pay Attention to Concerns about Groundwater” Section:

There was lots of discussion around groundwater, especially seeing as no aggregate operations in the County are mining within the groundwater. And then an accusation of well impacts is mentioned without any proof whatsoever. The facts are there have been no recorded groundwater impacts to date, and to suggest that this is due to a lack of monitoring and study is completely inflammatory and false.

Again, the term “Landowner committee members” is used and is misleading. This recommendation was not discussed among the committee, which can be verified by reviewing the summary notes. This is not a committee recommendation. Consensus was not reached on this issue. This recommendation should be removed entirely from the report.

Groundwater monitoring is required in RVC. RVC can provide factual information regarding the requirement to monitor groundwater, including any issues, in order for it to be included in this report.

**Including anything from a single hydrogeologist report is technical and should not be included. Not to mention omitting any of the previously accepted hydrogeologist reports, of which there are many. Additional justification for removing it:**

In the “Background” paragraph, there is a statement that reads; “*They cited work by a hydrogeologist, who had concluded that exposed gravel subjected to weathering would release harmful chemicals into the aquifer.....*” This statement is completely inaccurate. The quote from this hydrogeologist reads, “*that when buried sediments are excavated and exposed to the atmosphere the local geochemical conditions change. The increased chance of mineral oxidation combined, with the usual wetting and drying cycles from recharge and rainfall events, work to enhance weathering and leaching reactions and ultimately the release of various constituents into the local groundwater*”. The quote says, “there is an increased chance of mineral oxidation” and “release of various constituents”. What this hydrogeologist

fails to mention is that his paper is based off a study in Finland relating to acid rain conditions, is not peer reviewed, and borrows heavily from a Conference submission, not local aggregate conditions in Alberta that has been tested, reviewed, and verified by regional peers. In other words, it's unscientific and is misleading. This hydrogeologist's report has been refuted multiple times, including the "previous County proceedings" referred to in recommendation #9. Industry vehemently disagrees with this hydrogeologist's findings because it is unscientific and therefore unreasonably biased.

"#10: Recognize Potential Impact to Big Hill Springs Provincial Park" Section:

RVC has reviewed and approved multiple operations around Big Hill Springs Park. This was never a specific recommendation of the committee, and we do not believe it should be included.

Furthermore, the statement from Industry committee members is inaccurate. Setbacks are already in place to protect ESA (riparian areas) and the provincial park \*[as per AEPA?]. Industry does not believe additional setbacks are required \*[since AEPA is the authority in this regard and would make the recommendation if merited?].

"#11: Location of Aggregate Development" Section:

Operator's perspectives: Second bullet, aggregate deposits in the east are not short-term deposits. Aggregate development has existed in the east for over 50 years. The length of time an aggregate development is in operations is dependent on the market and the size of the deposit.

Eighth bullet, Calgary Metropolitan Areas including Balzac and Airdrie should be added here.

Last bullet, this statement is inaccurate and misleading. RVC confirmed existing land planning allows for the extraction of aggregate.

Landowners' perspectives: The term "Landowners" or "Most Landowners" should not be used as it is misleading.

Landowner(s) recommendations or suggestions appears in the report 9 times. There are no recommendations in the report from Industry.

**Industry recommendations that should be in the report include:**

- All residence of RVC should be treated equal/fair. Standards should be the same across RVC so not to create different class citizen.
- Aggregate be extracted close to market to minimize the environmental impact from hauling and to promote affordability.
  - A report by the Federation of Canadian Municipalities (FCM) estimates that it will require \$107,000 in public investments per new housing unit. This amounts to a total of \$620 billion in public funding needed – an additional \$375 billion beyond the current planned budget.

“These new communities need new roads. People need to be connected to their jobs, their schools, and their hospitals,” says Mary Van Buren, President of the Canadian Construction Association. “A growing population has growing demands. We not only need the road networks to support their movement; we also need to shore up our trade infrastructure, which includes roads, bridges and highways.”
- Placing processing equipment as far away from residence as practical as a measure to mitigate noise.
- That RVC allow those provincial regulatory agencies, such as [AEPA??] who have both the authority and appropriate subject matter experts, be the body that provides environmental regulation within their jurisdiction.