

**Consolidated Comments from John Weatherill, Tom Foss and Gerry Bietz on  
Draft Report of Aggregate Advisory Committee to Rocky View County Council (March 5, 2024)**

Please note, comments denoted in:

- **“Bold and quotations”** - should be inserted into the report as written.
- Unbold without quotations - suggestions to improve the clarity of the report.
- **[Red square brackets]** – comments for consideration by the committee, Barbara or Gerrit, and are not intended for inclusion in the report.

**Part 1: COMMITTEE RECOMMENDATIONS WITH CONSENSUS SUPPORT**

1. Recommendation #1, please include:

“The ARP must include sufficiently detailed guidance to ensure that Development Permits fully reflect commitments in the MSDPs and that conditions established in the DPs are easily enforceable.”

For note in the new section that Gerrit is drafting about how the ARP will apply to all new pits and existing pits when they renew Development Permits (and previously approved MSDPs will be updated to align with the ARP at that time), please note:

- Precedent exists in Alberta with regards to reversal and rescinding of resource rights by the Provincial Government where prior approvals conflicted with residential and/or environmental plans. Compensation in such cases was restricted to investment costs, not resource value opportunity cost. This could provide a model for RVC with regards to previously-approved aggregate operations that conflict with the new ARP.

2. Recommendation #2:

- **“It is recommended that the County require continuous collection of air quality and noise data, from monitoring stations located at prescribed intervals, at the site boundaries of all aggregate pits, and regular monitoring of groundwater quality and elevations.”**
- It was discussed that all extra financial burdens for regulation, monitoring and enforcement of the gravel industry by RVC and residents must be borne by the industry. No extra tax payer money should be allocated to this effort, which must be 100% paid for by industry.  
**[If there is not consensus on this point, we can note that in the report.]**

3. Recommendation #4:

- **“Air quality and noise data collected continuously from monitoring stations located at prescribed intervals at the site boundaries of all aggregate pits shall be made available to the County and to the public.”**
- **“Raw data will be made available in non-summarized and non-average format. This does not preclude operators from interpreting and summarizing data in their regular operating reports.”**
- **[Note: There was consensus at the Committee meeting on March 15 that there is no issue with making data transparent to the County and the public. There was concern raised that**

this could result in nuisance complaints, and it was agreed that Administration would consider ways to minimize or avoid that outcome, without restricting data access for the public.]

4. Recommendation #5:

- Clarify that this section relates to obligations of industry to engage with the public as part of the aggregate pit application and/or renewal processes.
- Clarify that the County has obligations for engaging with the public as part of the aggregate pit application and/or renewal review process. These obligations include notification requirements and public hearings for land use redesignation applications and Master Site Development Plan applications, and soliciting public feedback prior to establishing conditions for development permit applications and renewals.
- Note that Section 216.4(4) of the Municipal Government Act outlines who must and may be heard by municipal councils in public hearings.

## Part 2: COMMITTEE DISCUSSIONS AND AREAS OF NON-CONSENSUS

1. Locational criteria for Aggregate Development

*Discussion* section, second sentence, add:

**“It is important that the County coordinate all land use planning, including residential plans, with their plans for aggregate. Greater consideration must be given to post-reclamation land uses as part of aggregate applications; it is not sufficient to simply say that the land will be reclaimed to its former use or to a higher value use. The viability of returning to its former use post-reclamation must be assessed as part of the land use application, so that aggregate extraction does not sterilize higher value land uses.”**

Country Residential and an Agricultural Perspective:

- Bullet 2, add:  
**“Impacts are greatest where population density is higher or where environmental sensitivity is greater, and this varies throughout the county.”**
- Bullet 3, remove:  
~~“In the opinion of these members,~~ aggregate operations release carcinogenic dust, generate disruptive noise that is inconsistent with country residential life, can impact ground and surface water, and can permanently alter landscapes.”  
**[Note: this is not the opinion of any subset of committee members, these are accepted facts. Documentation was shared with the committee from the Alberta Sand and Gravel Association laying out the irreversible health impacts of silica dust inhalation.]**
- Add bullet:  
**“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.”

- Add bullet:  
“It is not possible to minimize impacts with performance standards alone, as these are often breached. The associated companies of a single 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. Physical separation from conflicting land uses is required. Setbacks to protect landowners in proximity to pits as well as effective monitoring, enforcement, and meaningful penalties for non-compliance are critical.”  
[Note: This is a factual statement, and is directly relevant to the recommendation put forth of these committee members, as it presents the rationale for our perspective. The source data reference was provided to all committee members and can be independently validated. The fines are not the result of a litigious environment in the United States, as they include only penalties imposed by federal and state regulators. Nor are they solely the result of companies acquired by a parent firm over time: fines were applied for more than 50 of the 701 violations in 2023 alone. In any event, this is a factual statement which is directly relevant to the terms of reference and must be included in the report.]
- Move bullet: “The County needs to understand the fundamental economics...” to Section 2 (Economic Assessment of Aggregate in the County).
- Move bullet: “These members observe that Big Hill Springs and Cochrane West...” to Section 7 (Recognize Big Hill Springs Park as an Environmentally Sensitive Area)

## 2. Economic Assessment of Aggregate in the County

- *Discussion* section, second sentence, add:  
“The assessment should consider all costs to the environment **and costs to residents**, along with all costs to the County of administrating, monitoring, and enforcing aggregate development and operations.”
- *Reasons* section, add:  
“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 and if the ~~existing approved aggregate sites~~ **supply in the County and elsewhere** can meet the expected market demand for the region. **This understanding should inform the ARP’s location criteria for aggregate development within the county.**”
- *Country Residential and an Agricultural Perspective* section, add bullet:  
“**Evidence was presented to the committee indicating that residential property values typically decline by 5%-30% for properties located within three miles of an active gravel pit. In the areas of Rocky View with highest population density (e.g., Bearspaw), a new**

**gravel operation could result in cumulative residential property value destruction of more than \$150 million (and associated residential property tax loss for the County)."**

[Note: see *Journal of Environmental Law and Policy* paper distributed to committee by email on 03/13/2024. Paper summarizes five different proximity studies covering more than 20,000 properties in different geographies.]

### 3. Mapping of Aggregate Resources in the County

- Add clarifying language to end of this sentence:  
"They find that the 2018 draft ARP shows a bias to protect aggregate resources and their opinion is that the County has sufficient aggregate resources to supply Calgary and area for over 200 years **with just 3% of County land area, and for over 500 years with just 7% of County land area.**"
- Add following in Country Residential perspective:  
**"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 hundreds of years with a small fraction of County land."**

### 4. Expanded Stakeholder Engagement

- Under *Reasons* section, remove:  
~~"Country Residential members and one agricultural member add that~~ the County is also responsible for the protection of residents and environmental assets, land use planning, location criteria."
- Second recommendation, add:  
"Determine a means to develop Residents' the **Confidence of Residents, Administration and Council** in the Analysis of Expert Reports contained in Aggregate Development Applications."
- First bullet, could Gerrit please clarify the second sentence, and consider whether the word "can" should be replaced by "typically":  
To these residents, the reports seemed only to be part of a checklist in the application. These members and one agricultural member understand that in the existing application process, administration can only look at information provided by a proponent.

[The discussion at committee we would like to highlight for Council is that there is a gap in the current process. Administration checks applications for presence or absence of technical reports, but does not have the technical resources to assess the quality or completeness of those reports. Administration's recommendation to council is based primarily/entirely(?) on the information provided by the proponent, so the process creates the potential for applications to be recommended for approval despite being incomplete with regards to technical study quality. This must be addressed in the ARP.]

- Second bullet, please clarify that there are two separate recommendations:

First: that Council and Administration retain independent expert advice on the technical reports in industry applications, and have more time to review and consider impacts; and

Second: that **intervenor compensation** and/or **capacity funding** be provided to residents and other stakeholders to address the imbalance in financial resources between industry and impacted persons, so that technical studies can be independently reviewed and impacts identified. This will assist the County by surfacing balanced perspectives to support more informed decision making.

- Third bullet, add:  
"They pointed out that the County does not have an acoustical engineer, although noise concerns and sound monitoring modelling are important issues in development applications, **as are groundwater, air quality and other impacts requiring technical analysis.**"

## 6. Cumulative Effects

- Under *Discussion* section, clarify:  
"Country Residential members and one agriculture member suggest that evaluation of cumulative effects should be **part of** the basis for which additional pits will be accepted or turned down in certain areas."
- Under *Background* section, add:  
"**The Government of Alberta Land Use Framework states that: '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.'**"

## 7. Recognize Big Hill Springs Park as and Environmentally Sensitive Area

- Add bullet:  
"**Agglomeration versus Consolidation: BHS will see the worst of all worlds - agglomeration without consolidation. We'll have five mines competing for available market and each contributing to cumulative impacts for 30 years. The proliferation of mines with 30 extraction lives demonstrates a grossly inefficient resource development model.**"

# Part 1: COMMITTEE RECOMMENDATIONS WITH CONSENSUS SUPPORT

## A. Performance Standards for Aggregate Development

**Recommendation #1: That the County develop Performance Standards specific to aggregate development in the County.**

Rocky View County should develop **reasonable** Performance Standards specific to aggregate development and operations across the County. All new Aggregate Master Site Development Plans, land use redesignation, and Development Permit applications shall comply with these Performance Standards.

~~For existing aggregate operations, applications for Development Permit renewal will be required to meet these Performance Standards as a new application. Previously approved Master Site Development Plans should be updated to align with the Performance Standards at the time of Development Permit renewal.~~ **This is an onerous requirement for operations with a MSDP previously approved. Existing pits cannot change operating area/berm sizes, reclaimed portions to comply with plans not previously approved.**

The County should periodically review the Performance Standards to ensure they are aligned with evolving industry best practices and that they are effectively mitigating offsite impacts. ~~to adjacent land uses and the community at large.~~

County operated pits should be held to the same set of Performance Standards and the County should advocate to the province that provincial pits adhere to these performance standards when operating within Rocky View County.

Reasons: The Committee agrees that consistent application of fair and enforceable Performance Standards should be applied to all aggregate operations in the County to mitigate offsite impacts. ~~on adjacent land uses.~~

Some Committee members suggest that Performance Standards that are actively monitored and enforced by the County would be sufficient to regulate aggregate operations. Other Committee members feel that Performance Standards alone are not sufficient to regulate aggregate operations and should be applied in addition to physical separation from non-compatible land uses (see Locational Criteria, Part 2, 1)

## B. Proactive Monitoring, Reporting and Enforcement by the County

**Recommendation #2: That the County actively regulate aggregate operations through responsible and **timely** site monitoring, timely expert review of submitted operating reports. ~~and strict enforcement of performance standards.~~**

Rocky View County should accept its role as an active and responsible regulator of aggregate operations. The County should adopt a Site Monitoring Bylaw that outlines a framework for monitoring, reporting, and enforcement that will hold aggregate operators in ~~strict~~ compliance with the new Performance Standards and other County regulations. This monitoring and enforcement framework should include procedures to conduct regular site visits and inspections, technical expert review of regularly submitted operating reports, and outline appropriate enforcement actions should an operator be in contravention of any relevant conditions imposed by a Development Permit.

Reasons: The Committee understands that the County monitors and enforces conditions of development strictly by means of a complaint-based system. Unless a development related complaint is received, the County does not proactively monitor aggregate development through site visits or review operating reports at the time of submission. It is noted that annual reports and the compliance record of each aggregate site are reviewed and considered at the time of Development Permit renewal.

The Committee supports effective regulation. Residents want confidence that the resource is well managed. Industry committee members stated that it would be beneficial to have the County take on the role of providing a transparent complaint process, resolving disputes, monitoring operations, overseeing industry reporting, and enforcing compliance. All members agree that the County needs to have its own technical knowledge to evaluate reports, and to provide bylaw services for on-site evaluations and enforcement. **Funding for a dedicated unit to cover this would be at the expense of the County.**

**Recommendation #3: That the County develop updated Application Requirements specific to aggregate development applications in the County.**

Rocky View County should amend the Municipal Development Plan (County Plan) to include detailed and specific Application Requirements for all planning and development applications related to aggregate extraction.

The Application Requirements should list the minimum submission requirements for new Aggregate Master Site Development Plans, land use redesignation, and Development Permit applications proposed aggregate development. ~~Upon receipt of a new application, County Administration will determine its completeness, and only proceed with a recommendation when the Application Requirements for Aggregate Development have been satisfied.~~ **Do not limit Administrations' ability to move an application forward in a timely manner. Some studies can be completed once the applicant knows they can proceed. The approval system currently works well; leave it as is.**

Reasons: A set of defined application requirements will provide clarity and consistency for both applicants and the public, allow County Administration to reference consistent application criteria, and increase confidence in the approvals process overall.

## C. Improved Transparency and Communication

**Recommendation #4: That the County develop a publicly accessible online platform dedicated to aggregate development within the County.**

Rocky View County should develop a dedicated website that allows the public to access information on all active and proposed aggregate sites in the County. Each aggregate site should be geolocated on a map and provide access to the approved or pending Development Permit(s) and Master Site Development Plan for each site.

~~For all approved aggregate operations in the County, a compliance report should be available on the website. This report should include an active record of monitoring activities undertaken by the County, it should list all exceedances and contraventions by the operator, provide details on the enforcement action taken by the County, and list the remediating activities taken for each infraction reported.~~ A timely report by Administration via social media that generally outlines any action taken monthly either positive or negative will give the public information with regard to operating activities without disclosing proprietary information.

Reasons: The Committee feels that transparency with the public is a necessary step in fostering trust between aggregate operators, residents, and the County. Comprehensive and publicly available reporting on the aggregate development activities and the monitoring and enforcement actions taken by the County would improve public confidence in the regulation of resource.

Some Committee members suggest that real-time monitoring data should be made available to the public through the website (i.e., utilizing remote sensing technology), however, other members of the committee are cautious about making such information available due to the technical nature of such information and the need to properly interpret this data. This data should be made available to the County only, in order that it will be properly interpreted. The general public should not become the micromanager of proprietary data.

**Recommendation #5: That the County define mandatory stakeholder engagement process for all new aggregate applications and renewals.**

Rocky View County should clearly define the requirements for stakeholder engagement that shall be an integral part of any aggregate development application or renewal. Stakeholder engagement should be listed as one of the Application Requirements (see Recommendation #3). This process is currently in place. This recommendation needs to be reworded to indicate this.

The engagement process should be open, for information purposes ~~engaging, inclusive, transparent, and solution focused~~ to encourage the understanding of the development and to clear a pathway for development of relationships and trust between landowners and industry. ~~Members of the public and other stakeholder groups should have the opportunity to provide input on new aggregate applications and provide feedback during Development Permit renewals prior to the public hearing process.~~



Reasons: Defining the communications, expectations, and engagement responsibilities of the County, industry, and residents and establishing a process that all parties can understand and participate in easily can assist in reducing potential conflict. Improved responses to concerns and appropriate follow-up is needed. ~~An industry member stated if a company is complying, they shouldn't be afraid to talk to landowners.~~

**Recommendation #6: That the County write an Aggregate Resource Plan with clear, accessible language, and prepare a separate, reader-friendly and educational document to complement the Aggregate Resource Plan.**

The Aggregate Resource Plan and all supplementary bylaws and regulations should be written in a neutral and balanced tone, using clear and concise language, and providing objective information. All policies and regulations adopted by the County should include the important technical requirements but should also be accessible and reader-friendly to a non-technical audience. The ARP and supplementary documents can serve as an educational resource that is relatable to the public.

Reasons: Clear, concise, and easily readable information can improve mutual understanding of the issues surrounding aggregate development and build trust amongst all parties throughout the aggregate development process.

## Part 2: COMMITTEE DISCUSSIONS AND AREAS OF NON-CONSENSUS

### 1. Locational criteria for Aggregate Development

Discussion: Committee members did not expect to find consensus on the topic of locational criteria (i.e., where aggregate development should be located); they participated in respectful and spirited discussions on the differing points of view, outlined below. It's important that the County coordinates residential plans with their plans for aggregate.

Background: ~~The County Residential members and one Agriculture~~ This wording leaves the reader to assuming that voting took place by naming individuals. The report starts out stating "some members" and then deteriorates into identifying the wishes of certain members and ignores thoughts and ideas from other members. At the initial meeting, the Chair indicated that the meetings would not be run under Robert's Rules of Order and no voting would take place and no votes would be recorded.

Some-members question the ability of industry to minimize impacts with performance standards alone. Their view is that industry should not be left to self-regulate through best practices, and

that physical separation of aggregate development from incompatible land uses is the only effective means of mitigation.

The Industry members and ~~another one Agricultural~~ member believe that offsite impacts to adjacent land uses and local residences can be effectively mitigated through reasonable performance standards, monitoring, and enforcement.

## **Agricultural Perspective**

- One ~~Agricultural~~ member shared the view that where there are already existing aggregate extraction sites, new **Country Residential** should not be allowed. The County should also ~~be careful about~~ **not approve** Country Residential in areas where there are known gravel deposits.

## **Country Residential and an Agricultural Perspective**

~~Country Residential and one of the agricultural committee representatives~~ **Some members** presented the following views on location criteria for aggregate development in the county.

- The available evidence suggests 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.
- The Terms of Reference for the ARP and the Committee recognize that the costs and impacts of aggregate development vary throughout the County based on proximity to population and environmental features. Impacts are greatest where population density is higher, and this varies throughout the county. They noted that all committee members commented on the diversity within the county, ~~and therefore believe that it's appropriate for the ARP to reflect this diversity.~~ **The ARP should not discriminate and indicate that some areas are more important than others. The ARP should cover the entire County equally and that one residence is as important as several residences.**
- 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. In the opinion of ~~these~~ **some** members, aggregate operations release ~~carcinogenic~~ **(inflammatory and prejudicial)** dust, generate disruptive noise that is inconsistent with country residential life, can impact ground and surface water, and can permanently alter landscapes. They believe that human health is put at risk, and that many impacts are irreversible.

- Through the Committee discussions and materials shared, ~~these~~ **some** members observed that impacts cannot be contained within site boundaries, so separation is the only effective mitigation.
- In the opinion of ~~these~~ **some** members, given the size of the County 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.
- 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. **Some members believe that some residents are more deserving than others and that the bylaw should not be uniform across the County.**
- The County needs to better understand the fundamental economics of gravel extraction so it can determine appropriate locations and mitigations. These residents question if the County has an obligation to provide relatively inexpensive gravel for the City of Calgary.
- These members encourage the County to investigate the use of agglomerated development like the Star pit in NW Calgary. Instead of allowing strips of individual pits to operate for 30 years, perhaps consider focussed, systematic and intensively developed and agglomerated development. There could be gravel nodes with agglomeration of development into certain areas that would have a relatively short life extraction.
- These members observe that Big Hill Springs and Cochrane West are the current focus of the gravel applications and concerns and highlight issues which must be addressed by the ARP. They point out that at Big Hill Springs, there are now four gravel mines enveloping 800 acres which have been approved. These, plus 480 acres owned by a company create a continuous swath for one and a half miles west of Big Hills Springs Provincial Park. They believe that that ARP policies governing County aggregate applications, approvals, and regulation must be sufficiently robust and clear to locate and manage future developments in other areas.

## Industry Perspective

- The aggregate supply in the County is not as abundant as maps depict because the existing maps do not indicate viability of the resource. The only way to understand viability is to drill test wells onsite.
- Location effects are different from east to west across the County. Aggregate development has existed in the east for over fifty years. The length of time an aggregate development is in operations is dependent on the market and the size of the deposit.
- It's responsible to develop a non-renewable resource that has a temporary land use before the area's ultimate land use and before the resource is rendered unavailable.
- Requiring that aggregate producers operate within specific setbacks would be a form of sterilizing the resource and 'no-development' areas could sterilize the resource.
- Conflicts between operators and residents occur because of operations, not because of location criteria. Industry members stated that best practices can certainly be better. Industry needs better mitigations (berms, shrouding, more dust control) and better communication with residents.
- Agglomeration of pits and unitized operations could lead to very high local impacts.
- Aggregate must be sourced somewhere, and industry believes that the County has a responsibility to its residents and to its neighbour, Calgary and the Calgary Metropolitan area to be a source of aggregate. If aggregate is not produced in the County, it would still have to be transported through the County, which would increase green house gases, time on the road, and the potential for traffic accidents. There are increasing impacts the further out industry must go to source aggregate.
- All residents Of Rocky View County should be treated equally and fairly. Standards should be the same across rocky view county so as not to create different class citizens.
- Aggregate should be extracted close to market to minimize the environmental impact from hauling and to promote affordability.
- Placing processing equipment as far away from residents as practical as a measure to mitigate noise.
- Rocky View County should allow those provincial regulatory agencies, such as Alberta Environment, who have both the authority and appropriate subject matter experts, to be the body that provides environmental regulation within their jurisdiction.

## 2. Economic Assessment of Aggregate in the County

*Discussion:* That the County prepare a comprehensive, independent, objective assessment of the costs and benefits and net economic impact of aggregate development. The assessment should consider all costs to the environment, along with all costs to the County of administrating, monitoring, and enforcing aggregate development and operations.

*Background:* Committee members recognize that aggregate has value for roads, building, and other infrastructure development and maintenance. Industry members quoted the use of aggregate per person in Alberta at 12 – 15 tonnes per year. Committee members understand that the County receives approximately \$1,000,000 in annual CAP levies from aggregate operators.

*Reasons:* 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 and if the existing approved aggregate sites can meet the expected market demand for the region.

### Agriculture/ Landowner Perspective

- An agricultural committee member emphasized the positive effect of aggregate extraction for large acreage farming operations, pointing out that an end-pit lake is an asset to farming and ranching, especially in drought times. The reclamation of farming and grazing land, once aggregate is removed, is a benefit because of the absence of rocks that can damage equipment. Income from aggregate resources paid to the farmers and ranchers assists in offsetting downturns for landowners relying on income from their large-acreage agriculture endeavors.

### Country Residential and an Agricultural Perspective

- ~~The Country Residential members and one agricultural~~ Some members point out that the CAP levy equates to less than twenty five dollars per resident, and they question if the impacts to residents and the cost to the County are justified. They would like to see an economic assessment that includes road repair costs, legal costs, impacts on property taxes and other direct and indirect costs to the County, and costs to residents. Their view is that much of the benefits of aggregate development occur outside of the County. They state that County fees applied to industry should cover all costs to the County associated with aggregate development. One member pointed out that the County receives income from TOL, CAP and land taxes from aggregate extraction. Rebuilding of haul roads to a higher standard is beneficial to industry and residents who also use the improved roads built by industry.
- These Some members surmise that although industry members stress that haul distances must be minimized due to environmental concerns, the real concern is likely higher transportation costs.

## Industry Perspective

- Industry members would like to ensure that an economic assessment includes industrial taxes, offsite levies, the effect of jobs, and the costs, including environmental, of sourcing materials from outside the County.

### 3. Mapping of Aggregate Resources in the County

*Discussion:* That the County prepare the best possible mapping of aggregate resources to guide long-term development.

*Background:* Committee members reviewed and discussed the County map relating to aggregate deposits which was developed during the previous ARP project. They did not reach agreement on the information provided by that map.

*Reasons:* Effective mapping would allow the County to make informed decisions. Currently, industry and landowners don't agree on the information regarding the supply and location of aggregate resources in the County. There is a need for clarity and for achieving the balance of protecting the resource and protecting residents and the environment. Mapping has a role in informing residents and industry where future gravel development might be possible.

## Country Residential and an Agricultural Perspective

- ~~The two Country Residential members and one agriculture member~~ **Some members** suggest that available mapping shows an abundance of aggregate. They advocate that better mapping will allow the County to be more informed about the relative abundance or scarcity of the resource. This information could inform planning decisions to protect residents and the environment without risking future aggregate supply. They find that the 2018 draft ARP shows a bias to protect aggregate resources and their opinion is that the County has sufficient aggregate resources to supply Calgary and area for over 200 years. They believe that access to the resources should be permissive and based on avoiding negative consequences.

## Industry Perspective

- Industry members believe that the current map overstates the supply of aggregate in the County and point out that viable gravel deposits in the eastern part of the County have been nearly depleted.

### 4. Expanded Stakeholder Engagement

**Be** *Clear about the Distinct County and Provincial Aggregate Regulatory Roles.*

*Discussion:* The County and the Province have distinct roles and responsibilities for aggregate applications and regulation. Clear information in the ARP for readers about these separate roles in aggregate applications, compliance, and enforcement should be provided.

*Reasons:* A preamble in the Plan could specifically define the County's responsibility for aggregate development and indicate that the County is ultimately responsible for day-to-day monitoring, enforcement, performance standards, and compliance of aggregate operations.

- ~~Country Residential members and one agricultural~~ **Some members** add that the County is also responsible for the protection of residents and environmental assets, land use planning, location criteria.

*Determine a means to Develop Residents' Confidence in the Analysis of Expert Reports contained in Aggregate Development Applications.*

*Discussion:* Country Residential committee members involved in past applications lacked trust in these reports and had little **con** confidence that the reports have had either the proper objective technical review by administration or thoughtful consideration by Council.

### Country Residential and an Agricultural Perspective

- To these residents, the reports seemed only to be part of a checklist in the application. These members and one agricultural member understand that in the existing application process, administration can only look at information provided by a proponent.
- They realize that Council receives a lot of information in a short period of time prior to a hearing and suggest that Council would benefit from access to their own expert advice. They suggest intervenor funding for objective reviews of the industry's technical reports is a way to improve confidence.
- These members stress that administration should have the ability and the expertise to review proponents' reports. They pointed out that the County does not have an acoustical engineer, although noise concerns and sound monitoring modelling are important issues in development applications.
- These members would like to ensure that administration can access objective, independent expert advice in their review of proponents' technical application information. They further suggest that administration 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.
- They suggest that administration show how this objective information is considered in their recommendations to Council. This could increase Council's confidence in the decisions that they are making and thereby increase public confidence in council decision making.

- They suggest that minimum standards for technical quality be established. They are of the opinion that in some previous applications groundwater, surface water, noise, economic impact, and cumulative effects studies were not completely scoped, and in some cases drew incorrect conclusions.
- Committee members understand that currently, administration reviews applications against policy. They recommend that administration separates policy assessment and the technical review of the application.

## Landowners with Operating Pits

No voice was given to these landowners who have aggregate extraction on their land. The large agriculture landowners in the County do not want their land sterilized. The positive value of aggregate to large agriculture operators should not be dismissed as being unnecessary. Land owners who wish to harvest aggregate and work with industry should not be penalized and lose value of a natural resource.

## Industry Perspective

- Industry members' perspective is that landowners are not the regulators and that professional subject matter experts are retained for applications as required by the County through application requirements, and they support and defend their reports in the public hearing process of an application.
- All application documents are available for any stakeholders to review and state their substantiated professional opinion to the County. Industry questions whether 'confidence' can be measured, as typically a layperson simply doesn't agree with the professional information without any basis for defence.

## 5. Additional Regulatory Actions

*Advocate to improve operations of Provincially owned pits in the County.*

*Discussion:* The County should use available means to encourage provincial aggregate operations in the County to follow County standards for operating and reclamation.

*Background:* The Committee members all supported the recommendation that County pits follow County standards. They discussed how the same standards could be extended to provincially operated pits in the County.

- ~~County Residential committee members and one agricultural~~ Some members suggest that the County could require operators who extract from provincial pits to follow County standards when they are operating in provincial pits and that this could be an eligibility requirement to operate in private pits in the County.



- Another member did not wish to see the proposed ARP adding clauses that are unmanageable and unenforceable. Permit conditions cannot be changed on a whim.
- Industry committee members stated that this would not be fair to industry, pointing out that when operators have permit conditions, they operate to those conditions. They further questioned whether the practice would be legal.

### *Reduce red tape for some pit renewals.*

*Discussion:* Subject to an enhanced aggregate regulatory regime, the County could consider using a streamlined approach for pit renewal applications for companies that have a full compliance record and with no opposition from affected stakeholders. Pit renewals would be held to the new standard being implemented by the County.

*Background:* Under the current situation, operators are required to apply for renewals every five years. Item 9(19) 3 in the 2018 ARP is interpreted to mean that when renewing development permits, operators are required to provide all of the same technical documentation that a new development permit application requires.

*Reasons:* The effects of an existing pit should already be known. With correct reporting and good compliance and with no complaints from stakeholders, studies on factors such as noise and air quality should not be required. These studies are expensive for operators. A streamlined approach would reduce the regulatory burden on operators.

## 6. Cumulative Effects

*Discussion:* ~~Country Residential members and one agriculture~~ Some members suggest that evaluation of cumulative effects should be the basis for which additional pits will be accepted or turned down in certain areas. They also recommend that the County clearly define the requirements for cumulative effects analysis, including temporal and spatial boundaries, minimum radius of the regional study area, and the valued components to be included.

*Background:* Noise, traffic, and air quality affected by dust from pit operations pose significant concerns for residents living close to the multiple industrial sized aggregate pits in the west part of the County. They described large dust plumes emanating from various large pits and shared anecdotal information about traffic congestion and their increasing safety concerns about the number of large gravel trucks using rural roads.

*Reasons:* Only one reference to cumulative effects in the 2018 ARP was found, and yet cumulative impacts are a significant concern for residents.

### ~~Country Residential and an Agriculture~~ Some Members Perspective

- Some members are concerned that the impacts from these factors are cumulative and have health and safety consequences. They observed that permits for some 2017

approvals included only a nominal recognition of the potential cumulative effects of those mines, while another pit had no substantive conditions addressing cumulative effects.

- They are concerned that areas in the County will reach a tipping point where the combined impacts of all pits will exceed the carrying capacity of the environment. They also are of the opinion that the requirements of previous assessments were not clearly defined, that the assessments were of poor quality and that they are treated as a checklist item rather than a meaningful criterion for application approval or rejection.

## Industry Perspective

- Cumulative effects are part of an aggregate extraction development permit application process in the County. These include noise, air quality, groundwater, and traffic. Aggregate developers are required to submit technical documents by a qualified professional on each of these topics, including cumulative affects.

## 7. Recognize Big Hill Springs Park as an Environmentally Sensitive Area

*Discussion:* Country Residential members and one agricultural members point out that Big Hill Springs Provincial Park is a seventy-acre park recognized for its thermal spring and tufa formations. The Park attracts more than 250,000 visitors per year. These members observe that contiguous lands, totaling over 1300 acres, held by gravel interests extend from the western boundary of the Park for approximately two miles.

### ~~Country Residential and an Agricultural Perspective~~

- **Some** members believe that Big Hill Spring Provincial Park requires protective setbacks. They recommend significant setbacks and strong emissions mitigation measures for all gravel operations near the park.
- They state that two more gravel operations have been approved by the County, one of which is less than 800 meters from the park. They observe that recent expansion for a pit, located approximately 800 meters east of the park has resulted in stock piles and conveyors being visible from the park.
- In addition to potential harm to groundwater, the large concentration and proximity of gravel operations at Big Hill Springs could result in negative cumulative impacts of dust and noise to the park and Bighill Creek, which would impact biodiversity. Wildlife corridors would be physically disrupted by berms and excavations and noise from a string of gravel operations.

- Park visitors could be negatively impacted by the experience of adjacent industrial sites.

## Industry Perspective

- 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 environmentally sensitive areas.

## Another Member's Perspective

As Big Hill Springs Park ( BHSP) is a provincial park, some members believe that any issues arising from air, water, excess visitation and the like should be dealt with through provincial bodies who oversee parks.

The ARP is a high-level document that should apply to the entire County. Micromanaging the ARP for one area, i.e. BHSP should not creep into this bylaw or into the aggregate rules and process. RVC is entering into provincial jurisdiction by including special attention to BHSP in the proposed bylaw.

It is clear some residents have concerns regarding this park and the proximity to aggregate. This should be handled by a separate bylaw by the County that would work with and be crafted in conjunction with the Province.

## 8. Specific Consideration for Groundwater

*Discussion:* On the west side of the County, potential negative impacts on groundwater have become a focal point with the potential proliferation of gravel operations on the Big Hill Springs aquifer and Cochrane West, and along the Bow River. Residents near Cochrane West operations believe hydrocarbons found in their well originated with the adjacent gravel operation.

### Country Residential and an Agricultural Members' Perspective

- ~~Country Residential committee members and one agricultural~~ Some members recommend setbacks and provision for adequate residual gravel filtration where pits would operate over the Big Hill Springs aquifer or other significant groundwater resources. They believe that harm to groundwater could be irreparable. They further recommend that the County use independent experts for observation wells where prospective gravel deposits overlay groundwater to determine groundwater elevations and quality and regular well monitoring to create baseline data to measure changes and to determine mitigation.
- In submissions to previous County proceedings residents, Alberta Parks, and environmental groups opposed gravel operations which could impair the aquifer and main spring which sustains the Big Hill Springs Provincial Park and Bighill Creek. They referred to work by a hydrogeologist supporting their concerns.

- These members are concerned that industry hydrological studies measure only ground water elevations, not water chemistry, which would be critical, they believe, in addressing potential harm to the Big Hill Spring aquifer. They assert that scientific data collection requires time and investment.

## Industry and an Agricultural Perspective

- It was pointed out by other committee members that several gravel operations in the eastern part of the County are located over sources of groundwater and that they have not experienced negative impacts on groundwater from these activities.
- Industry Committee members do not agree with the validity of the referenced hydrogeologist's findings based on their experience in the eastern part of the County and elsewhere.

### Another Perspective

- This area of expertise should be left to Alberta Environment. Consultation with AE could address a separate bylaw for water and wildlife concerns.

## 9. Address Environmental Concerns

*Discussion:* The Committee recommends that the County access an up-to-date inventory of environmentally sensitive areas (ESAs), such as is being done by the Calgary Metropolitan Regional Board. They recommend that the County engage environmental experts to assess ESAs which in the future could be impacted by gravel operations and understand the interactions with surrounding environment, including wildlife corridors and the environmental cumulative effects of aggregate development.

## ~~Country Residential and an Agricultural Perspective~~

- Some members recommend that the County take more responsibility for the long-term viability of the natural environment in the County impacted by aggregate development. They believe this is the County's shared responsibility with the Province. They recommend that there be clear language in the ARP about appropriate setbacks from environmentally sensitive areas with prohibition of pits in proximity to the County's most important environmental assets such as parks, rivers, and major wetlands.
- They recognize that operators require registration from Alberta Environment, under the Code of Practice for Pits. However, they do not believe the Code fully considers environmental impacts on groundwater or air quality. These members expressed the view that the Code approvals are a "check box" exercise.
- In the experience of these members, after a development is approved by the County, landowner concerns regarding regional environmental effects of proposed gravel operations must be pursued through Statements of Concern submitted to AEP under

specific regulations such as the Water Act. Achieving standing as a “directly affected party” in AEP reviews has been found to be difficult or impossible. When an opportunity to participate is provided, concerned groups must commit significant time and energy plus funding to engage expert support.

- These members believe that some appeals to AEP could be avoided if the County approval processes more fully recognized the potential negative consequences of aggregate development on surrounding ESAs. They suggest that this requires environmental inventories of potentially impacted areas by independent experts, creation of appropriate setbacks and ongoing requirements for industry best practices if an approval is given. These Committee members believe that applications to the County for aggregate developments should require notice and adequate time for participation by environmental stakeholder groups. They further suggest that the County provide some funding to support community interventions in County gravel applications.

## Industry Perspective

- Industry members of the Committee view environmental oversight as the jurisdiction of the Alberta Government. They recommend that provincial and municipal responsibilities for aggregate development should not overlap, and that the County should ‘stay in its lane’ in the approval process.

## Other Member’s Perspective

Alberta Environment has jurisdiction over the environment, and they should be the consistent voice on these matters within Rocky View County.

Taxpayers should be offended that they are being asked to provide funding to groups with an individual and inclusive agenda.

## Overall Conclusion from One Member

- As the committee was charged to “*Ensure that the management of aggregate resources within the County is recognized as an important component in any comprehensive land use plan*”. (Page 4 terms of reference), and as very little consensus was achieved by the committee members, it is recommended that Rocky View County does not enact a bylaw that pertains to ARP.
- Council and two appointed committees have been unable to come to a consensus on a workable ARP, therefore, it is recommended that all aggregate applications come under the jurisdiction of the NRCB, Natural Resources Conservation Board. This would take political, personal bias and perception out of the permitting of aggregate in RVC.

**ROCKY VIEW COUNTY AGGREGATE RESOURCE PLAN  
STAKEHOLDER ADVISORY COMMITTEE REPORT – SECOND DRAFT  
INDUSTRY FEEDBACK**

Industry's history with RVC and the ARP process has been challenging, primarily because a balanced approach has not been taken.

On September 25, 2018, Council rescinded the terms of reference for the ARP at that time because Industry would not support it for a variety of reasons pertaining to issues that included:

- an arbitrarily rather than scientifically sourced standard for setbacks.
- lack of grandfathering provisions for sites with current approvals; and,
- the unfair exemption of the ARP plan to county-operated sites (among other issues).

Industry cares for the environment and for the residents where operations are located. After all, they live and work there, too. Industry is held accountable through very rigorously enforced processes as set by the Ministry of Environment and Protected Areas, as well as the Ministry of Forestry and Parks. Those ministries and the scientists who enforce high environmental standards and continually monitor operators do so to keep residents and the environment safe for everyone. This work includes recommended setbacks, surety bonds, reclamation plans, and other such measures.

Throughout the various ARP iterations, industry has presented positions rooted in science, informed by provincially set standards required to operate, and real examples.

Attached are three documents (**Attachment A**) outlining some of the history and challenges the industry has had in various iterations of the ARP process, as well as some of the remedies proposed. Industry is eager to find a solution that works for everyone and hopes areas of concern brought forth by the community and the remedies proposed therein are rooted in facts while also respecting the strict environmental guidelines already in place that hold industry accountable on all matters related to planning, production, and reclamation.

**SPECIFIC COMMENTS TO THE 2<sup>nd</sup> DRAFT STAKEHOLDER ADVISORY COMMITTEE REPORT**

On Friday, March 15, 2024, the Stakeholder Advisory Committee (SAC) reviewed Part 1 of the draft SAC report in detail. Thus, the comments below are focused on Part 2 of the report.

**1. Locational criteria for Aggregate Development**

- Industry notes that, within the 'Background' portion of this section, there should be reference to the ability to use mitigation measures to responsibly develop close-to-

market aggregate deposits which are in limited supply. There was a shared understanding amongst Committee members that utilization measures can be effective.

- Within the Country Residential and Agriculture Perspective section, industry notes a couple inaccuracies:
  - The first bullet speaks to ‘the available evidence’ suggesting an abundance of aggregate supply. The only evidence that suggested an abundance of aggregate was the map provided in the 2018 ARP report. During several SAC meetings, industry refuted the accuracy of this map and noted that it was created using flawed methodology and poor-quality sources. Industry presented a separate map which illustrated a scarce resource supply in the County (**Attachment B**). Additionally, in a 2013 survey and report coordinated by the Alberta Association of Municipal Districts and Counties (**Attachment C**), Rocky View County reported that aggregate was only moderately abundant in the County and they did not have a strategic aggregate reserve to fulfill future public works maintenance and construction needs over the next 15 to 20 year period. Industry believes that any statement indicating there is an abundance of aggregate supply in the County should be removed from the SAC report. Alternatively, it should be made very clear that such a statement is based only on one map to which industry refuted its accuracy.
  - The second bullet implies that the Terms of Reference for the ARP and all Committee members believe the costs and impacts of aggregate development vary based on proximity to population and environmental factors which is inaccurate. This was the view of only some Committee members.
- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - Unlike other forms of development, aggregate is not relocatable since its location is based on geological conditions. Mitigation strategies can be used to minimize potential impacts to surrounding land users.
  - The aggregate supply in the County is not as abundant as maps depict. The map provided in the 2018 ARP grossly over emphasizes the location of aggregate in the County. Water well logs were used to generate the map which are frequently inaccurate and cannot be relied upon to accurately predict the extent or commercial viability of a deposit. The Beiseker area has been a good source of aggregate for many years however, it has been depleted with many of the pits reclaimed. Available exploratory testing would suggest there are no viable sources of aggregate between the Beiseker area and the Big Hill Creek area. The only way to understand viability is to complete field-level exploration activities (ex. drilling or geophysical surveys). Even if aggregate is present in sufficient quantities, it may be sterilized by other forms of development such as housing, utilities, pipelines, wellsites, etc. Additionally, commercialization of the resource requires that the current landowner is willing to entertain a lease or sale of the property. Viable sources of aggregate are in limited supply, particularly close to the end user. The responsible development of close-to-market aggregate sources is key to the

sustainability of our Province. Every kilometre a load travels away from site adds an additional \$0.15/tonne to the total cost of aggregate, including the 600,000 estimated tonnes that Rocky View County consumes each year. Producing aggregates as close as possible to the market supports affordability in the housing and construction sectors, minimizes greenhouse gas emissions, reduces infrastructure maintenance needs, and ensures the responsible development of a non-renewable resource prior to permanent development, such as housing. Sterilizing close-to-market resources, through locational restrictions and large setbacks, will create environmental and economic impacts that will increase with further transport distances.

- Due to the relatively low unit value of aggregates compared to other mineral commodities, it is unfeasible to transport from long distances. While one Country Residential referenced an aggregate operation that transports aggregates by rail, that is not common practice in the industry and limited by the existing rail network, availability of aggregate along rail, and quality of the material to warrant considerable price premiums.
- Aggregate extraction occurs throughout the Province in various jurisdictions that have either no or minimal setbacks from other land users, including residences. For example, there are active extraction and processing operations within the City of Edmonton and City of Cochrane that successfully operate adjacent to numerous residences by implementing mitigation measures and communicating with their neighbours.
- Aggregates are a non-renewable resource, and once land is developed, access to aggregate is forever lost on that site. *Alberta's Land Use Policies* require that municipalities identify areas where aggregate extraction should be a primary land use, direct subdivision and development activity so as not to constrain or conflict with non-renewable resource development, and utilize mitigative measures to minimize possible negative impacts on surrounding areas and land uses within the scope of their jurisdiction.
- Aggregate extraction is a temporary land use. It's responsible to develop this critical non-renewable resource before the area's ultimate land use while the resource is accessible. After aggregate mining has occurred, land must be reclaimed to a capability equal or better than prior to mining. Unique end land uses can be considered to provide community benefits. Some of Alberta's golf courses, lakes, and parks were once aggregate mining sites. These areas provide valuable space for nature and biodiversity post-mining. Operators must provide financial security to fund reclamation liability through the province which is reviewed every five years.
- A major component to the price of aggregates is the cost of transport from pits to market. Access to affordable housing is impacted by cost of aggregates, and thus where aggregates are sourced.
- There is no substantive evidence that suggests aggregate developments put the public's health at risk. In Alberta, silica dust is considered an occupational hazard,



managed by OH&S. Air quality concerns such as silica dust are carefully reviewed by Alberta Health Services during the application referral process.

- All residents Of Rocky View County should be treated equally and fairly. Standards should be the same across Rocky View County so as not to create different class citizens. Aggregate extraction is subject to a rigorous regulatory framework that includes provincial and municipal oversight. Industry's view is that jurisdictional overlap should be minimized and suggests that provincial regulatory agencies, including Alberta Environment, Alberta Transportation, Alberta Health Services, and Occupational Health and Safety, are well-suited for reviewing specific scopes for which they have the technical expertise and legislative authority.

## **2. Economic Assessment of Aggregate in the County**

- Within the 'Discussion' portion of this section, the explanation of an economic assessment should include a consideration of all economic benefits to the County that result from aggregate activity, in addition to consideration of costs to the environment.
- Within the 'Background' portion of this section, the following economic contributions should be added following the note on CAP levy contributions:
  - The committee members understand that aggregate sites pay municipal taxes at industrial rates, offsite levies, and that they hire employees who live in the County, and utilize other services and businesses in the County.
- The 'Reasons' portion of this section is heavily biased by implying that aggregate development might pose a net cost to the County. Instead, industry suggests that this rationale should be worded to avoid bias language such as the following:
  - An economic assessment would support an understanding of the economic impact of the aggregate industry for the County and its ratepayers.
- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - Industry members would like to ensure that an economic assessment includes an evaluation of the economic benefits derived from the aggregate industry, including CAP levy generation, payment of municipal taxes at industrial rates, offsite levies, and direct and indirect job creation. The Alberta Sand and Gravel Association commissioned a report in 2023 (**Attachment D**) that describes these benefits in more detail.
  - An economic assessment should consider the cost of alternatives to supplying the local and regional aggregate market if close-to-market resources in Rocky View County are sterilized. Unlike the oil and gas industry where alternative energy production methods are being increasingly developed, there is no replacement for aggregates. As such, if close-to-market resources are sterilized, aggregate will

need to be sourced and transported from further distances. Increased transportation requirements will result in higher costs for aggregates and thus higher municipal and provincial infrastructure costs, a loss of local jobs, and higher greenhouse gas emissions. Rocky View County alone maintains approximately 1,600 km of gravel roads, and an economic analysis should consider the economic impacts to the municipality if regulatory sterilization results in higher costs of materials.

- Industry notes that supply of construction materials is not optional and is a requirement to sustain our way of life. During the COVID-19 pandemic, aggregate production was one of the industries deemed critical and allowed to continue to operate. The value of construction materials cannot be assessed on a financial basis alone. After water, the most consumed material on earth is concrete, of which >80% is made from aggregates.

### **3. Mapping of Aggregate Resources in the County**

- Within the 'Discussion' portion of this section, industry suggests that the purpose of mapping aggregate resources isn't simply to "guide long-term development" and suggests this could be reworded to "better inform stakeholders in Rocky View County".
- Industry does not believe the 'Reasons' portion of this section accurately captures the discussions during the SAC meetings. Instead, industry suggests rewording as follows:
  - Effective mapping would allow the County to understand where aggregate development might be possible and, in line with Alberta's Land Use Policies, direct subdivision and development activity so as not to constrain or conflict with non-renewable resource development. Currently, industry and some committee members don't agree on the extent and location of aggregate resources in the County. Mapping has a role in informing residents and industry where future gravel development might be possible.
- Industry requests that the following wording be added to the Industry Perspective portion of this section:
  - Industry notes that updated mapping would need to be considered as guidance only and awareness of its limitations is important. Without site specific analysis, this mapping does not inform where aggregate development is economic or environmentally appropriate. There is also no guarantee that current owners of these lands wish to see aggregate development, or that future owners will be amicable to such a use. Additionally, other land uses such as houses, roads, utilities, pipelines, and/or wellsites may sterilize identified deposits and that granularity is likely difficult to add to any mapping.

#### **4. Expanded Stakeholder Engagement**

- Within the 'Reasons' portion of this section, industry requests that the following bullet is added:
  - Industry is unclear how this differs from Rocky View County's current approach to regulating aggregate development. However, this section should also identify areas where the County would defer to other regulatory bodies such as Alberta Environment, Alberta Transportation, and others.
- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - Both the province and Rocky View County require technical reports to be completed by professional subject matter experts (ex. Professional Biologists, Professional Agrolgists, Professional Engineers or Geoscientists). These professionals are regulated by their respective professional associations and have an ethical duty to protect the public through objectivity and competent practice. These professionals support and defend their reports through the provincial and municipal review processes, as well as public hearings.
  - All application documents are available for any stakeholders to review and state their substantiated professional opinion to the County. Industry questions whether 'confidence' can be measured, as typically a layperson simply doesn't agree with the professional information without any basis for defense.
  - Industry believes that residents are discounting the professional review capacity of staff at Rocky View County, Alberta Environment and Protected Areas, Alberta Transportation, Alberta Culture, Alberta Health Services, and the Aboriginal Consultation Office who are all typically involved in the review of a proposed aggregate development. Alberta Environment and Protected Areas has reviewed and issued authorizations to several gravel pit applications in Rocky View County **(Attachment E)**.

#### **5. Additional Regulatory Actions**

*Advocate to improve operations of Provincially owned pits in the County.*

- Within the 'Background' portion of this section, industry does not believe that the second bullet accurately captures the perspective shared by industry during the SAC meetings. Instead, industry suggests that this should be revised as follows:
  - Industry committee members commented that provincially owned aggregate operations are not legislatively required to adhere to municipal bylaws, nor are they certain that municipal bylaws are not being followed in these scenarios. Thus,

including details on the regulation of provincial pits in the ARP would not be an effective use of time and resources.

*Reduce red tape for some pit renewals.*

- The 'Discussion' portion of this section implies that the County does not currently have an enhanced aggregate regulatory regime. Industry does not agree and shared throughout SAC meetings that the aggregate industry is currently subject to a comprehensive regulatory regime provincially. Additionally, the County has one of the most comprehensive aggregate regulatory regimes of any of the municipalities in Alberta.
- Industry also notes that measuring 'full compliance' or "opposition" would be challenging and instead suggests that a streamlined approach for pit renewal applications could be considered for pits that "do not have a record of non-compliance" or "substantiated complaints from affected stakeholders".
- The 'Reasons' portion of this section does not fully reflect the Committee's discussion. In addition to new studies being costly, subjecting existing operations to new standards and study requirements creates business uncertainty. Similarly, in addition to reducing the regulatory burden on operators, a streamlined approach would also reduce the regulatory burden on Rocky View County administration and support investment in the County. Industry provided a couple other reasons for which a streamlined renewal approach should be considered:
  - Industry committee members stated that many sites complete project scale plans and assessments during the initial MSDP and Land Use planning stages. It is not necessary or appropriate to update plans every five years unless there is a change in circumstances that might warrant an update of such reports. There should be a standard process for all pit renewals to provide business certainty.
  - Industry committee members also said it is unrealistic to expect ongoing operations to cease if new studies and performance measures cannot be met. Investment in the development would have been based on the regulatory framework at the time and, once operations have commenced, continued operations are required to complete the project and ultimately reclaim the property to the approved end land use.

## **6. Cumulative Effects**

- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - Cumulative effects are part of the current aggregate extraction development permit application process in the County. Noise, air quality, groundwater, and traffic assessments are completed based on defined methodology which includes

a consideration of existing activity in the area and cumulative effects assessment. Aggregate developers must submit technical documents by a qualified professional for each scope.

#### **7. Recognize Big Hill Springs Park as an Environmentally Sensitive Area**

- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - Industry Committee members stated that setbacks are already in place for ESAs and the Provincial Park. The County has the ESA's mapped and the Province already recognizes ESA's in its review of applications. Additional setbacks are not required. Mitigation measures can be utilized to protect environmentally sensitive areas. The various environmental studies currently required by the province and Rocky View County identify whether adjacent land and water users, including ESAs and Provincial Parks, may be impacted by a proposed aggregate development.
  - Industry Committee members would point out that gravel pits operate successfully in Banff National Park, Jasper National Park, Kananaskis provincial park and many others. The idea that gravel pits and parks areas cannot co-exist is not supported.

#### **8. Specific Consideration for Groundwater**

- Within the Country Residential and an Agricultural Members' Perspective, industry believes it is important to note that the hydrogeology work being referred to is from only one hydrogeologist, Dr. Jon Fennell.
- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - It is pointed out that no impacts to groundwater from aggregate operations in the county, or the province have been proven. These are unsubstantiated allegations. The majority of aggregate operations do not operate within the groundwater.
  - Industry already completes groundwater impact assessments, including a collection of baseline data such as groundwater levels and chemistry, and ongoing monitoring at several sites. This work is completed by third party professional consultants and reviewed by technical experts at the provincial level.
  - It was pointed out by other committee members that several gravel operations in the eastern part of the County are located over sources of groundwater and that they have not experienced negative impacts on groundwater from these activities. Further, there are literally thousands of gravel pits in the province of Alberta that are monitored by appropriate provincial authorities to mitigate environmental

hazards. Alberta Environment has issued several Water Act authorizations to gravel pits in Rocky View County that contain monitoring and reporting requirements (**Attachment E**).

- Industry Committee members do not agree with the validity of the findings of Dr. Jon Fennell, the referenced hydrogeologist. The report prepared by Dr. Jon Fennell pertained to a specific pit and has not been peer-reviewed, nor used peer-reviewed references. The majority of conclusions contained within the report are unsubstantiated through proper use of peer-reviewed references and thus represent an opinion. Most significantly, the main reference utilized to support his claim that water quality in sand and gravel aquifers may be impacted by aggregate operations is from a conference submission paper that evaluated the impact of acid rain and bog water on groundwater in areas of gravel extraction in Finland. Dr. Fennell fails to explain that the source of changes to water chemistry in this paper are contaminants present in acid rain which is irrelevant to the discussion in Rocky View County. Industry believes that presentation of these irrelevant facts from a completely different environmental setting is misleading and unprofessional. Multiple independent professional hydrogeologists have studied the aggregate deposit in the local area to Big Hill Creek and the Provincial Park, using field-level data, and have completely refuted Dr. Fennell's concerns. As evidence, a letter from a hydrogeologist refuting Dr. Fennell's report is attached (**Attachment F**). Furthermore, the Provincial environmental authorities are not aligned with Dr. Fennell's findings.

## 9. Address Environmental Concerns

- The Industry Perspective portion of this section is not fully accurate or comprehensive. Industry requests that the content of this section be removed and replaced with the following:
  - The environmental assessments currently required by the province and Rocky View County evaluate the potential impact of proposed aggregate developments to surrounding land users, including environmentally sensitive features. For example, wildlife assessments include desktop and field level evaluation of wildlife typically present on the site and surrounding area, including wildlife corridors. These assessments identify mitigation strategies that can be utilized to minimize impacts.
  - An inventory of ESAs in Rocky View County already exists, and industry would suggest that the environmental benefits of pits should also be considered. Aggregate development, particularly at reclamation, can have many positive

environmental impacts such as increased biodiversity, the creation of wetlands and wildlife habitat, and improved agricultural capacity.

- Industry members of the Committee recommend the County should endeavor to reduce jurisdictional overlap with the province where possible (**Attachment G**).

#### **10. Respect for Property Rights**

- Throughout SAC Committee meetings, industry members discussed the importance of respecting the property rights of individuals.
- Regulatory certainty and the ability to recognize value from their property is critical to supporting investment in the County and province. In many instances, individuals and/or corporations have made the decision to purchase property in Rocky View County with an intention to develop aggregate resources and realize their value. These investment decisions were based upon an understanding of the regulatory scheme related to aggregate development at the time. New regulations, including setbacks and/or locational criteria, can sterilize millions of dollars of aggregate reserves and deprive landowners of their property rights to mine and sell their gravel.
- Property rights are a critical component in the development of a prosperous and thriving economy. As described in the attached paper by the Fraser Institute (**Attachment H**), the regulatory taking of a person's property constitutes a severe loss and a very significant interference with a citizen's private property rights which are critical in promoting freedom and economic activity.

#### **ATTACHMENTS**

<b>Attachment A.</b>	<b>ASGA submissions to Previous Aggregate Resource Plan Drafts</b>
<b>Attachment B.</b>	<b>Map of Potential Aggregate Deposits in Rocky View County</b>
<b>Attachment C.</b>	<b>Got Gravel? Strategies to Secure Gravel for Rural Municipalities</b>
<b>Attachment D.</b>	<b>Economic Impact Study of the Aggregate Industry in Alberta</b>
<b>Attachment E.</b>	<b>Regulatory Authorizations Issued by Alberta Environment and Protected Areas to Gravel Pits within Rocky View County</b>
<b>Attachment F.</b>	<b>Letter from Hydrogeologist Refuting Dr. Fennell Report</b>
<b>Attachment G.</b>	<b>Municipal and Provincial Processes for Aggregate Pits</b>
<b>Attachment H.</b>	<b>Fraser Institute Paper on Property Rights</b>