

# **Southwest Alberta Development and Consultation Roadmap**

*A guide for proponents and the community*

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## **Disclaimer**

This document provides an overview of likely regulatory processes and related issues in respect of potential development projects that may be proposed in southwest Alberta. The information provided in this document was derived from publicly available sources. Only limited direct consultation with government agencies was undertaken in support of this document. This document has not been reviewed nor endorsed by any lawyer or regulatory agency. This document is intended to provide an overview and does not constitute a comprehensive and exhaustive listing of all authorizations that may be required for any given project, and may not describe all of the information requirements related to any of the licences, permits, approvals, or other authorizations that are identified. Although care has been taken to provide accurate and up-to-date information, this document should be used only for general guidance. The proponent must confirm specific regulatory process and information requirements in relation to specific project proposals.

The information presented in this report should not be construed as legal advice, and no guarantee of project feasibility is implicitly or explicitly provided by this report.

## Acknowledgements

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## **1.0 Introduction**

### **1.1 Why this Guide was Developed**

Southwest Alberta is a diverse landscape encompassing prairie, foothill, and mountain ecosystems, within which a wide range of land and resource uses are carried out by individuals and companies, residents and visitors. In addition to town and country residential uses, the landscape currently supports oil and gas, mineral exploration and development, forestry, tourism, recreation, agriculture, commerce, processing, and manufacturing. The area is rich in biodiversity and natural capital, and there is a wide range of special interest groups and civil society organizations focused on various aspects of land and resource use and management.

As the level of activity on the landscape increases, so does the potential for conflict between competing land and resource uses. The needs, interests, and perspectives of residents and stakeholders of southwest Alberta are diverse. Our community – and by this we mean ‘community’ in a broad sense, encompassing towns and hamlets, Municipal Districts, the Piikani First Nation, and stakeholders throughout the southwest region of Alberta – is increasingly aware of the cumulative effects of development and other activity on the landscape. Stakeholders recognize the need for a more integrated approach to land and resource management that considers long-term economic, environmental, and social sustainability.

However, the processes by which existing and new development is approved and undertaken are often complex and poorly understood. This hinders the ability of stakeholders to effectively participate in development decisions that may affect them, which in turn makes it difficult for proponents and regulatory decision-makers to ensure that the issues and concerns of the community are adequately considered and addressed.

In addition, overlapping jurisdictions and regulatory requirements are not always fully understood by proponents or the public, making it difficult for proponents to efficiently plan work and for stakeholders to assess performance.

Finally, the lack of clarity regarding regulatory processes, particularly the requirements for consultation, is exacerbated by inconsistent approaches to community engagement before, during, and after such processes.

Consequently, the Southwest Alberta Sustainable Community Initiative (SASCI) identified the need for a guide – for both proponents and the community at large – to the regulatory processes typically applicable to development in the region and to the steps involved in effective community engagement.

## **1.2 Objectives of this Guide**

This guide is intended to facilitate dialogue among stakeholders in southwest Alberta with respect to development proposals by improving all stakeholders' understanding of the regulatory framework governing development activity, of the community context within which development may take place, and of the issues and constraints facing proponents and the community alike. This guide is also intended to promote timely and effective engagement with potentially affected stakeholders and the community at large. If successful, this guide will increase capacity within the community for constructively resolving issues, and will lead to better project planning and design and better decision-making.

The specific objectives of this guide are to:

- identify key regulatory requirements and the agencies and processes affecting public and private lands, in both the rural and urban environment of southwest Alberta;
- illustrate the major steps in the development process, in particular identifying the respective roles of the proponent, government and regulators, and the public;
- establish fundamental principles of engagement;
- review responsibilities for engagement and participation;
- recommend timely and effective engagement processes (e.g., open houses, public meetings, press releases, council presentations) by which developers will share information about their projects and receive feedback from the community; and
- recommend a method of inquiry for use by the public to ensure their issues and concerns are brought forward to and addressed by proponents.

## **1.3 Who this Guide is for**

This guide is intended for use by all stakeholders in southwest Alberta.

In particular, development proponents will benefit from a deeper knowledge and understanding of the community, of regulatory processes and responsibilities, of the expectations of stakeholders, and of the steps necessary to obtain and maintain a social licence to operate in the region.

The community at large, and particularly potentially affected stakeholders, will benefit from a better understanding of regulatory and consultation processes, of constraints facing the proponent, and of opportunities for engagement, and from access to tools enabling more effective participation.

Regulators and decision-makers will benefit from more effective participation by all parties in development application processes.



By using this guide, it is hoped that all stakeholders will build capacity to effectively engage in dialogue that will lead to economically, environmentally, and socially sustainable development decisions.

## **1.4 How to use this Guide**

The material in this guide is organized into three main parts: the Proponent's Guide, the Citizen's Guide, and Principles. The latter section regarding principles will be of interest and relevance to all stakeholders.

While the Proponent's Guide and the Citizen's Guide are each written specifically for those respective audiences, the material provided in these sections is likely to be of interest to all stakeholders. Proponents are encouraged to review the Citizen's Guide and likewise citizens are encouraged to review the Proponent's Guide, so that all stakeholders develop a shared understanding of the relevant context, issues, and approaches.

The Proponent's Guide provides an overview of our community, describing the range of stakeholders and identifying the primary issues of concern. The Proponent's Guide also includes an overview of the typical regulatory processes likely to apply to development proposals in the region, including municipal, provincial, and federal processes. Information regarding the importance and timing of community engagement is provided.

The Citizen's Guide provides an overview of issues and constraints typically faced by developers, and describes the opportunities for public participation in development application and decision-making processes. Tools are provided to support citizens in effectively participating in stakeholder engagement processes with proponents.

The Principles section of this guide outlines some recommended fundamental principles that are believed to be essential for effective community engagement.

Additional resources are provided in the appendices. In particular, contact information for regulators and government departments and for area stakeholders is provided in Appendices A and B, respectively. Available information regarding mandate or area of responsibility, interest, or focus of each department or group is also included in Appendices A and B. An illustrative overview of the regulatory and consultation process is provided in Appendix C. A best-practices guide to consultation for proponents and the community is provided in Appendix D. Best practices for stakeholder consultation prepared by and for the SASCI Oil and Gas Committee are included in Appendix E.

The procedures outlined in this document are not meant to replace existing formal regulatory requirements and processes, but rather they seek to enhance communication and assure inclusive, constructive, and effective participation by stakeholders in those procedures and processes. In the end, both proponents and stakeholders have responsibilities to fulfill. It is hoped that, supported by this guide, all parties will come away from the regulatory and consultation process with clearer understanding of each

other and of the 'big picture', and although neither may be totally satisfied with the outcome, all parties must believe that the path pointed out by this "roadmap" is a fair, legal, equitable, and ethical one.

This guide is intended to be a dynamic, 'living' document, one that will be updated from time to time to address stakeholder needs and to reflect experience and learning. To this end, SASCI welcomes feedback from users of this guide. A feedback form is included for this purpose (Appendix G).

## **1.5 About the Southwest Alberta Sustainable Community Initiative (SASCI)**

SASCI is a not-for-profit organization dedicated to the promotion of sustainable economic, environmental, and social development in southwest Alberta. The core of our approach to contributing to community sustainability is the provision of good information, and promotion of thoughtful cooperation and broad community involvement through a multi-stakeholder synergy group.

SASCI is not an advocacy group, and is neither for nor against any particular development proposal. SASCI is a neutral organization that works with all sectors of the local economy and society. One of SASCI's goals is to identify proposals with potential for conflict, and to facilitate communication and cooperation that will lead to satisfactory resolution of issues without the need for a formal hearing or legal process (which are often confrontational).

While our individual members hold specific views on the wide range of issues facing our community, SASCI, as an organization, remains neutral, and strives to promote a balanced presentation of information that reflects the full range of issues of affected and interested stakeholders, not limited to our members. While it is not always possible to achieve balance in any single meeting, forum, or event, we strive to promote balance by encouraging stakeholders to solicit other views and/or providing alternative venues for differing views to be presented, so that, overall, a balanced perspective may be achieved.

We recognize that stakeholders in the region hold views, often differing and sometimes opposing. SASCI strives to bring those views forward through our activities. The structure of our Board, with Board seats designated for key sectors in the community, was originally designed to promote the representation of a wide range of views in Board deliberations and activities. While we do not purport to speak for any sector or stakeholder, be they individuals, groups, or companies, we do strive to consider, in our own activities (such as planning information sessions, developing tools, and making information resources available), the full spectrum of issues and concerns that may be held by area stakeholders. Moreover, we encourage any stakeholder proposing an action that may affect others to solicit and address the issues and concerns of those affected stakeholders in respect of the proposed action.

To effectively fulfill our mission, it is important for SASCI to build and maintain relationships with the many stakeholders in our community, and to seek new approaches to sharing of good information, cooperation, and involvement. SASCI believes that the sharing of good information within and between stakeholder sectors and groups supports the goal of community sustainability, by enabling community issues and concerns to be identified and addressed through informed, cooperative, and constructive dialogue. This conviction led us to the creation of this guide.

Key features and attributes of SASCI include the following.

- A Board of Directors with close connections to: agriculture, oil and gas, small business, environmental organizations, First Nations peoples, renewable energy, government, forestry, tourism/recreation, community health, and the community in general. The Board guides policy and activities. Each Board member provides a unique perspective, based on their background knowledge and experience.
- An information resource centre with a growing collection including: industry literature, environmental studies, government program information, and general information of interest to industry and the community.
- Committees and Working Groups from industry sectors to identify and implement projects that will benefit them and the community.
- A manager with a broad and deep knowledge of the community.
- A growing reputation in the community as a source of good information and a neutral promoter of constructive cooperation and consultation.
- Community engagement planning and facilitation services.

SASCI's services are available to any current or prospective resident, proponent, or other stakeholders considering or concerned about a development proposal or ongoing activity in southwest Alberta. All requests for confidentiality are respected. SASCI does not claim to be the final authority on any subject, but is rather a place to gather information and make contacts with the community.

SASCI enjoys an increasingly diverse funding base, with contributions from local municipalities, the oil and gas sector, the renewable energy and forestry sectors, and foundations, as well as in-kind support from other stakeholders. Businesses with the potential to benefit from SASCI's services are encouraged to become supporting members. Individuals, groups, or companies seeking information about the community, development proposals, and relevant regulatory and consultation processes are encouraged to contact SASCI as early as possible. Please see Appendix F for more information about SASCI.

Contact	David Green, Manager
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Hours	9:00 am to 5:00 pm, Monday – Friday

## **2.0 The Proponent's Guide**

This part of the document is primarily directed at proponents – individuals or companies – proposing any kind of development in southwest Alberta. The aim of this part is to assist proponents in engaging the community appropriately and effectively, so that projects that contribute to the sustainability of the community may be successfully advanced. Thus, information is provided about our stakeholders, the issues and expectations of the community, applicable regulatory processes, and consultation requirements, principles, and practices, in an effort to increase the proponent's understanding of, and capacity to address, community issues.

This part of the document also may be helpful to the community at large in understanding the obligations and responsibilities of proponents, as they navigate the regulatory approvals processes in our community.

### **2.1 Our Community – What to Expect**

This section provides an overview of the region and the community, offering information which a proponent needs to successfully launch and advance a project in the region. This section addresses typical issues of concern, key stakeholders, and expectations that the community may hold with respect to the role and obligations of proponents.

#### **2.1.1 Community Overview**

##### ***First Nations***

The Piikani First Nation reserve is a neighbour to Pincher Creek. As part of the Blackfoot Nation, the Piikani have occupied this land for thousands of years. The archaeological record tells the story of millennia of sustainable occupation. The southwest corner of Alberta is still rich with archaeological sites that are protected by provincial law; disturbance of such sites is prohibited without clearance from the Heritage Resource Management Branch of Alberta Tourism, Parks, Recreation and Culture (formerly Alberta Community Development) (see Section 2.2.1.2.6).. The traditional territory of the Piikani extends beyond the reserve boundaries, and the Piikani take an active interest in development proposals on and off the reserve. The Piikani have a number of business ventures on the reserve and various outreach initiatives have been undertaken to establish relationships with neighbouring communities and stakeholders. Contact information for the Piikani First Nation is provided in Appendices A and B.

##### ***Farming and Ranching***

The ranchers who settled here at the end of the 1800s counted on native grasses and the frequent Chinooks to make it possible to raise huge cattle herds with very few fences, barns, or equipment. Homesteads were spread far apart, and the horse was a

logistical necessity. However, the same west wind that eases winters also dries the land so that cultivated crops are hard to grow. Recognizing that some of the technological "improvements" to farming over the past century may have caused environmental damage, ranchers in the new millennium have ushered in a movement toward planned sustainability and greater emphasis on stewardship. Attention is given to the protection of riparian areas and waterways in particular, and the use of chemicals is carefully managed. Crop strains have been developed for the specific southwest Alberta climatic conditions. Even so, farm and ranch income has been steadily shrinking over time. Most farm and ranch families have at least one and sometimes two off-farm jobs/incomes in order to support them. The number of young people willing to take over the family farm has been declining, while the number of middle-aged people who are buying farms for weekend recreation and retirement is increasing. Those people who remain on the land as producers are possessive (attached to the land) but practical and pragmatic. They are organized and have adopted a tactical approach to development. They see development through cautious eyes, are willing to listen, and more importantly, willing to educate proponents in their values and stewardship philosophies.

### ***Local Business and Industry***

In the beginning, the merchants and small industry that followed the ranchers did well. Of course, the economy of the area has fallen and risen with the ebb and flow of the global economy. Our region is not exempt from the impact of the vagaries of commodity markets and prices, interest rates, and politics at all levels.

Today, small communities like Pincher Creek fall victim to the advances offered by fast cars and excellent highways. Although driving times to major centres like Lethbridge and Calgary are shortened and it has become easier for locals to "shop away", local businesses continue to operate, albeit on tight margins. Light industry in the region has expanded from agricultural service to oil and gas, wind energy, recreation, and tourism. Unlike other small towns that died because the rural population left, there has been enough diversification in this region to maintain a healthy business survival rate. We see local businesses persisting with creative stubbornness, and so a diversity of services offered in the region are still required. Any new activity or development that contributes to sustainability will be viewed with enthusiasm, providing the the proponent is forthcoming and the proposal transparent and consistent with the regional flavour.

The oil and gas industry has operated in the region since the early 1950s. Largely based on sour gas, multi-national conglomerates such as British American Oil and Gulf Canada tapped the vast reserves of natural gas lying deep under the foothills. Over the past four decades, Shell Canada has been the largest employer, municipal tax payer, and contributor to local causes. In 2003, we began to see interest from other companies like Petro-Canada and Talisman. By 2006, there were 14 oil and gas operators, plus pipeline and seismic companies, health & safety crews, and welders, electricians, and other oilfield services, working in parts of the community that had never seen a drilling rig before.

Also, since the mid 1980s, Pincher Creek has been home to the development of a substantial wind energy industry. At present, there are 187 wind turbines installed in the area, with another 118 approved for installation, bringing the total output to 302 megawatts (MW). New applications are pending. The extension of transmission infrastructure to connect new wind generation capacity is planned. With this industry has come a heightened awareness of cumulative industrial impact as well as economic spin-off. One of every six tax dollars collected by the Municipal District of Pincher Creek now derives from the wind energy industry.

The newest economic immigrant is often referred to as the “amenity migrant”. These new arrivals could not have settled here before the personal computer and access to the Internet made it possible to work from home, take on contracts for research, writing, software programming, investing, and what ever else can be done through the Internet. Now, young families with this type of business can choose to live here for the lifestyle, and not be dependent on the traditional local wage economy.

Recently, entrepreneurs have installed towers for wireless high speed Internet. Access to high-speed internet will be commonplace very soon. These “children of the technology age” are similar to the dozens of artists and artisans that have taken up residence in the area over the past two decades. They have come for the “beauty of place” and are able to make a living while here.

The diverse landscape of mountains, foothills, prairies, forest, and rivers attract thousands of people here for recreation. A summary list might include: off-road enthusiasts (i.e., all-terrain vehicles, quads), random campers, horseback riders, hikers, mountaineers, painters, fishermen, hunters, berry pickers, cross-country and downhill skiers, cavers, bird watchers, photographers, boaters, rafters, and researchers. With the massive increase in use, comes the potential for increasing land use conflict. Not all forms of recreation are compatible with each other or with other land uses. Added to the mix are the forestry and oil and gas industries, grazing leases for cattle, and resort development. Our public lands and wilderness are busy places. In the southwest corner of Alberta, the need for integrated land management and long-term land-use policy development has become apparent. Informed development proponents will understand this aspect of our community.

### **2.1.2 Community Issues and Concerns**

This section describes primary issues of concern common to area stakeholders. A proactive proponent should anticipate and address these issues to ensure successful community engagement.

Residents have the right to be involved in decisions that will impact their lifestyle. For some, that means protecting the things that make this area so special, at any cost (e.g., beauty of landscape, amenities, clean air and fresh water, recreation and wildlife habitat). Others are willing to compromise and trade off some of these values, believing that without some development, their ability to live here becomes precarious.

Every proposal for development will be scrutinized by people who have concerns. Following are examples of questions that may be raised by a justifiably inquisitive, concerned, and aware community:

- Does this development fit within the existing regional urban and rural context?
- How will human access to wilderness areas be affected as a result of this development?
- If you look at the cumulative effects of human activity in this area, how significant is the impact of this development?
- Does the development show awareness for a balance between economic, environmental, and social values?
- Does the development honour the present land use bylaws or does it request an exemption?
- What impact will the development have on the regional ecosystem?
- What positive outcome will result from this use of the land?
- Is the impact permanent or reversible, renewable or non-renewable?
- How will the impacts be mitigated or compensated?

A well-prepared proponent will be aware of and willing to answer these and a multitude of other questions in a forthright manner (see Section 3.3). Most importantly, the proponent must be prepared to be flexible and genuinely conciliatory and adaptable if necessary. Good public consultation is good business.

### ***Wildlife and Wildlife Habitat Fragmentation***

While some people feel that wildlife should be controlled for the safety of the people who want to live, recreate, and work near wilderness areas or “wildland”, this philosophy is changing. In Alberta’s southwest, there is a growing constituency that believes growth and human encroachment must also be controlled for the protection and ongoing survival of the wildlife.

Typical community concerns, primarily based on the well-being of indicator species such as grizzly and wolf, include:

- the constriction or separation of wildlife corridors by the growth of recreation areas, more access roads and highways, and increased industrial activity;
- lack of regulatory enforcement within existing wildlife corridors; and
- incremental encroachment and cumulative impacts leading to more habitat fragmentation and reduced habitat effectiveness (the gradual degradation of sensitive ecosystems leading to loss of biodiversity).

As a result of these concerns, any development infringing upon or bordering a key wildlife area is likely to encounter informed, well-organized, and sophisticated scrutiny.

## ***Loss of Agricultural Land Base***

Land use bylaws within the Municipal District of Pincher Creek govern land use based on a long agricultural heritage, now coupled with industrial encroachment. While the permitting of resource extraction and energy installations do not fall within municipal jurisdiction, there exists a goal of “mutual consent” whereby provincial regulators require developers to consult with and gain the approval of the municipality prior to proceeding with development activities and projects. At the very least, any activity that impacts farmed land, native grassland, or water, whether it be through access road construction, formal lease agreement, residential subdivision, or facility installation, will be viewed and assessed by both the municipal development authority and the citizens/ratepayers they represent. The MD of Pincher Creek maintains a strong pro-agriculture and ranching stance as it participates as regulator in the development processes.

## ***Water***

Southern Albertans live under the threat of water shortage. Any water shortage, of course, is coupled with the threat of declining water quality. The recent announcement that no new water licences will be issued by the Province in southern Alberta sends a strong signal to the agricultural, industrial, municipal, and urban communities that water is already at a premium. Any development that impacts water, whether surface or groundwater, and no matter the volume, will come under close scrutiny by regulators and the community. Examples of such development might include:

- intensive livestock and confined feeding operations;
- aquaculture operations;
- irrigation;
- resource extraction; and
- processing (*i.e.*, ore, meat).

## ***Air***

Air quality is taken very seriously by the community. Pincher Creek is located against the eastern slopes of the Rockies, home to Chinook winds and some of the cleanest air on the continent. Citizens have experienced threats to air quality and have risen to the challenge without exception. Compromises have been made to allow some intensive livestock activity in the area (*e.g.*, feedlots, hogbarns) and to forgive periodic intrusions of “bad air” (emissions) from the oil and gas sector. Anything that promises even the slightest further erosion of air quality will result in careful scrutiny.

## ***Aesthetics***

It is hard to miss the fact that the landscape in this area offers a majestic view of the Rocky Mountains and rolling plains in any direction. It is less easy to define what interventions render those views less spectacular than they have been. The measurement of aesthetic value and beauty is subjective. Human structures and



disturbances alter viewsapes in ways that may be considered positive by some and negative by others. To the extent that some economic activities and land uses, such as recreation and tourism, depend on viewscape integrity, the issue of aesthetics takes on even greater import. Public regulators must weigh in on the discussions and rule on what constitutes “adverse effect”. A proponent should therefore be prepared to describe and justify the location, size, and colour of whatever structure they are intending to erect and may be required to mitigate real or perceived adverse effects on the viewscape. Proponents are advised to tread carefully when dealing with this emotionally charged issue.

### ***Land Use***

Stakeholders will take an interest in the compatibility of proposed land uses with existing neighbouring land uses, as well as in the capacity of the land to support the proposed land use.

### ***Security & Sustainability of Lifestyle***

Many people in this region have chosen to live in a small community because they appreciate “small town” values (e.g., having space, knowing the neighbours, and feeling safe on the streets). Stakeholders concerned about security and lifestyle may want to know if a proposed development will:

- bring a large number of newcomers and strangers into the community?
- place an extra burden on the police and other human services organizations?
- increase traffic?
- increase noise?
- decrease or increase the value of land and urban properties?
- affect property tax levels?
- leave the community with a problem if and when the project ends or goes out of business (e.g., need for clean-up of environmental damage, removal of structures)?
- represent a genuine opportunity or a threat?
- place an unusual burden on local infrastructure?
- bring a responsible, participatory, and contributory corporate culture to the community?

### ***Cumulative Effects***

Cumulative effects occur when the effects of one activity combine with the effects of other activities and natural processes that may have occurred in the past or are ongoing. Although effects considered in isolation may appear to be not significant, when combined with other natural or human-caused changes they may in fact result in significant and often adverse effects to the biophysical or socio-economic environment. There is a high level of awareness and concern throughout the community regarding the cumulative effects of historic, ongoing, and proposed development and other activities

on the landscape. Every proponent should address the potential for cumulative effects that may arise from their development proposal. Proponents also are encouraged to explore opportunities for integrated land management, consulting with other users to identify existing or planned access and facilities that may be shared to reduce cumulative effects.

The Southern Foothills Study is a reflection of the importance of cumulative effects to the community (see sidebar).

#### **Sidebar: The Southern Foothills Study**

In the fall of 2005, the Southern Alberta Land Trust Society (SALTS), three Municipal Districts, and Landowner Groups and other stakeholders commissioned the Southern Foothills Study (SFS) to identify development and land use trends in the foothills region of southwest Alberta. The goal of the SFS was to develop a scientific understanding of the potential cumulative effects of all types of development within the study area and to use this information to inform and engage local stakeholders and to provide information to local and provincial planning bodies.

The methodology to examine this challenge and develop solutions centered on the science of landscape cumulative effects and the use of the ALCES landscape simulation model created by Dr. Brad Stelfox. This model was used to develop a 'Business as Usual' scenario which was then presented to local people during a series of public meetings in the fall of 2006.

The participants believe that uncontrolled development and land use could seriously damage a significant provincial asset by fragmenting the landscape, reducing the quality of the watershed, accelerating the loss of native fescue grassland, and degrading the quality of wildlife habitat.

The initial phases of the study provided clear evidence that current trends are having far-reaching, negative effects on the landscapes and ecosystems of the southwest foothills. It has suddenly become important that any new development recognize these trends and incorporate appropriate planning and implementation practices to avoid or offset possible further damage to the long-term benefit provided by the ecological services flowing from these foothills.

Phase 3 of the SFS is currently under way. This phase focuses on the practices of agriculture, forestry, the oil and gas industry, recreation users, and other stakeholders, and how improvements to their on-the-ground practices will change the projections of the ALCES model.

Participants in the study now believe that the implementation of "better practices" by all stakeholders will help to protect the watershed, ecosystem, and local communities that steward this special place.

The Southern Foothills Study (Phase 2 Report) is now available on CD or video from the Southern Alberta Land Trust Society. Contact information is provided in Appendix B.

### **2.1.3 Community Stakeholders**

This section identifies key stakeholder groups in the community, highlighting the focus of each. Preferred methods of engagement (as determined by the stakeholder groups

themselves) will be added as discussion takes place. Contact information for these groups is provided in Appendix B.

### ***Landowner Groups***

There are now five landowner groups organized in the southwest region of Alberta. These are:

- Livingstone Landowners Group;
- Pekisko Group;
- South Porcupine Hills Stewardship Association;
- Southwest Pincher Creek Landowners Group; and
- Chinook Area Landusers Association.

These groups, most fairly recently formed, have arisen as a direct result of concerns about various development activities in the region. Some individuals are involved as second, third, and fourth-generation farmers and ranchers. Some are new to the agriculture business. There are some who are acreage owners wishing to protect their investment. In total, the groups represent ownership of thousands of hectares of land. Collectively, the groups are knowledgeable, have a very diverse resource base, and are sophisticated in their communication strategies. Although each group is focused on a distinct geographic area of interest and has issues and concerns specific to that area, there are a number of issues common to the groups. These include but may not be limited to cumulative effects, ecosystem integrity, water quality and quantity, land use conflict, sustainability of the ranching way of life, health and safety, access, and property value.

Generally, landowner groups prefer to be engaged as a group, rather than individually, so that all of their members receive consistent responses to shared questions. While proponents may have a regulatory obligation to consult one-on-one with potentially affected parties within a specified distance of their proposed facilities, proponents are advised to consider group consultation in addition to such individual consultation.

However, proponents also should be aware that not all landowners in a given area are members of, or represented by, established landowner groups. The proponent must ensure that their consultation activities do not inadvertently omit interested stakeholders.

### ***Environmental and Conservation Organizations***

As a result of various kinds of development activity, southwest Alberta has been the focus of environmental and conservation concerns for decades. As development pressures mount in the region and the cumulative effect of development and other activity on the land is recognized, the work of civil society organizations focused on environmental and conservation issues continues, building on studies and findings amassed over decades. Environmental and conservation organizations in the region

tend to be well informed, sophisticated, and active. Some are able to mobilize and leverage local and regional celebrities to raise public awareness and bring political pressure to bear on key issues and campaigns. Many conduct or participate in on-the-ground research and initiatives aligned with their objectives. Local, provincial, and national organizations are active in the area. Key groups include but are not limited to:

- The Castle-Crown Wilderness Coalition;
- The Bert Rigall Environmental Foundation;
- Pincher Creek Watershed Group;
- Friends of the Livingstone;
- Crowsnest Forest Stewardship Society;
- Crowsnest Environmental Action Society;
- Piikani Friends of the River;
- Southern Alberta Land Trust Society;
- Southwestern Alberta Conservation Partnership;
- Cows and Fish Alberta (Riparian Habitat Management);
- Alberta Conservation Association
- Alberta Wilderness Association;
- Ducks Unlimited;
- Canadian Parks and Wilderness Coalition; and
- Nature Conservancy Canada.

### ***The Business Community***

The Town of Pincher Creek and the Municipal District of Pincher Creek have strong and diverse business foundations. Membership in the local (Pincher Creek) Chamber of Economic Development consists of agricultural businesses, main street businesses, and home-based businesses located in town and throughout the MD. The Crowsnest Chamber of Commerce represents existing businesses in the Pass. The region has attracted amenity migrants, able to conduct business over the internet. A strategic location, diverse service sector, wealth of recreational, educational, and service amenities, reasonable real estate prices and a history of regional economic stability have attracted many new businesses to the area.

### ***Recreation and Tourism***

Unique geography with proximity to the mountains and foothills continues to attract thousands of visitors each year. Hiking, fishing, skiing, boating, quadding (off-road), snowmobiling, and biking are just a few of the activities enjoyed in the area. There is a strong hotel/motel, bed and breakfast, campground, and service component related to the area business structure. With a major ski resort located 40 km southwest of Pincher Creek, the region is now the focus of four-season tourism and recreation activity. A number of special interest groups representing some of these activities exist (such as the Quad Squad, Crow Snow Riders, Pinch-o-Crow paddling club), but many activities are informally undertaken.

## ***Oil and Gas***

The oil and gas industry has been present in the area for over 50 years and continues to actively pursue resources in the region. Although Shell Canada Limited has been a mainstay, at the time of writing, there are 14 oil and gas companies with active interests in the area. These companies form a subcommittee of SASCI and have been instrumental in promoting “Best Practices” protocols for seismic, drilling, pipeline, and gas plant operations and public consultation in the region. Companies active in southwest Alberta include (“\*” denotes SASCI members):

- Shell Canada Energy Limited\*;
- Petro-Canada\*;
- Win Energy Corporation\*;
- Choice Resources Corporation\*;
- Compton Petroleum Corporation\*;
- TransCanada PipeLines\*;
- Apache Canada Limited\*;
- Devon Canada Corporation\*;
- Chamaelo Exploration Ltd.\*;
- Talisman Energy Inc.\*;
- Pennine Petroleum Corporation;
- Penn West Energy Trust;
- Advantage Energy Income Fund; and
- BG Canada Exploration & Production Group.

At this time, there is no exploration for or production of coalbed methane in the region.

## ***Wind Energy***

Pincher Creek was the focus of some of the first major wind farm development in Canada. The industry has carried on and the area is now home to several major wind farms with more in late development stages. With the Southwest Transmission System Upgrade expected to be completed by the fourth quarter of 2008, several hundred megawatts of fully permitted, new wind energy are ready to be constructed. Companies active in the area include (“\*” denotes SASCI members):

- Benign Energy – Kettles Hill Wind Farm;
- Canadian Hydro Developers Inc.\*;
- Greenwind Power Inc.;
- GW Power Corp.;
- Vision Quest Windelectric;
- Wind Power Inc.; and
- Vestas Canada Ltd.

## ***Local Government***

Municipal governments in the region include the Town of Pincher Creek, the Municipal District of Crowsnest Pass, and the Municipality of Crowsnest Pass. Each of the municipal jurisdictions in the region has staff to advise potential developers about the availability of land and resources, and the land-use and development bylaws in their respective jurisdictions.

In addition, the Piikani First Nation has distinct governance systems in place on the reserve.

Approval processes relevant to each local government are described in Section 2.2.1.3 below.

## ***Economic Development Organizations***

The Pincher Creek & District Chamber of Economic Development and the Crowsnest Pass Economic Development Department each work on strategies to make the community attractive to compatible development, and to enhance existing economic drivers. They can provide information and statistical data about the area to help proponents with their research.

In addition, the Southwest Alberta Business Development Centre is a regional initiative based in Pincher Creek which services the region. This agency nurtures economic growth through business plan analysis and consultation, loans, training opportunities, and expansion strategies.

## ***Southwest Alberta Sustainable Community Initiative (SASCI)***

Unique to this community, SASCI is a synergy group established to provide information and education and to facilitate public cooperation through a multi-stakeholder group for the sustainable economic, social and environmental future of southwestern Alberta. SASCI is a neutral, non-profit organization that does not promote development, but can be used as a sounding board for further meaningful and directed community consultation. The SASCI resource library can be a starting point for research and SASCI staff and Directors can provide advice and guidance about the community, its stakeholders, regulatory and consultation processes, and current issues. Additional information regarding SASCI is provided in Appendix F.

## **2.2 From Plan to Project**

This section of the document is intended to assist proponents in understanding and successfully navigating regulatory and community consultation and engagement processes applicable to development proposals in southwest Alberta. First, this section provides an overview of the federal, provincial, and municipal regulatory frameworks,

highlighting those processes and authorizations considered most likely to apply to development proposals in southwest Alberta. Second, this section discusses the importance of timely and effective community engagement, identifying key steps in engaging potentially affected stakeholders and the community at large, drawing on existing best practices.

## **2.2.1 Regulatory Approvals**

A development project may be subject to federal, provincial, and/or municipal legislation and regulations that govern the manner in which development activities must be conducted, and may require one or more federal, provincial, and/or municipal licences, permits, approvals, or other authorizations. This section provides an overview of the federal, provincial, and municipal regulatory frameworks, highlighting those processes and authorizations considered most likely to apply to development proposals in southwest Alberta.

It is important to note that this document is provided as a guide only. While the information provided in this report has been derived from publicly available sources, and every effort has been made to ensure the information is accurate, this guide cannot and does not substitute for direct, project-specific guidance from pertinent regulatory authorities. This report does not constitute a comprehensive and exhaustive listing of all authorizations that may be required for any given project, and may not describe all of the information requirements related to any of the licences, permits, approvals, or other authorizations that are identified. This document has not been reviewed nor endorsed by any lawyer or regulatory agency.

**Every proponent is strongly encouraged to directly consult the applicable legislation, regulations, and other instruments, and to contact pertinent regulatory authorities and/or retain legal counsel to confirm specific regulatory process and information requirements.**

See Appendix A for contact information for various government departments.

### **2.2.1.1 Federal Approvals**

#### **2.2.1.1.1 Federal Permits and Authorizations**

Some projects may require one or more federal permits or authorizations. Federal permits or authorizations that are most common and/or most likely to be required in respect of projects and activities in southwest Alberta, and which trigger federal environmental assessment responsibilities, are listed in the following table.

<b>List of Common Federal Permits or Authorizations</b>			
<b>Permit or Authorization</b>	<b>Legislation or Regulation</b>	<b>Responsible Department</b>	<b>Activity</b>
Navigable Waters Permit	<i>Navigable Waters Protection Act</i> , Section 5	Transport Canada - Coast Guard	Water crossings for bridges, pipelines, utilities
Authorization or Letter of Advice	<i>Fisheries Act</i> , Sections 35(2), 32, 36(4)	Fisheries and Oceans Canada	Harmful alteration, disruption or destruction of fish habitat; Destruction of fish; Deposition of deleterious substances in water frequented by fish
Licence for magazine	<i>Explosives Act</i> , Section 7(1)(a)	Natural Resources Canada	Temporary storage of explosives during construction or use in geophysical operations (i.e., seismic)
Permit	<i>Migratory Birds Regulations [Migratory Birds Convention Act, 1994]</i> , Section 4(1)	Environment Canada	Hunting, scientific research, husbandry, release, scaring, capture, killing, damage, or disposal of migratory birds
Approval	<i>Canada Transportation Act</i> , Sections 98(2), 99(3), 101(3)	Canadian Transportation Agency	Construction of a railway line (with some exceptions), road or utility crossings
Disposal, with the consent of the council of the band, or temporary permit	<i>Indian Act</i> , Section 58(4)(b)	Indian and Northern Affairs Canada	Taking of sand, gravel, clay and other non-metallic substances on or under lands in a reserve
Lease or permit	<i>Indian Mining Regulations [Indian Act]</i> , Sections 5(2) and 6(1)	Indian and Northern Affairs Canada	Disposition of surrendered mineral rights under reserve lands
Exploratory licence, surface lease or right-of-way, right-of-entry, production lease	<i>Indian Oil and Gas Regulations [Indian Oil and Gas Act]</i> , Sections 6(4), 27(4), 32(1), 39(1)	Indian and Northern Affairs Canada	Oil and gas activity on reserve lands
Permit	<i>Indian Reserve Waste Disposal Regulations [Indian Act]</i> , Section 5	Indian and Northern Affairs Canada	Waste disposal or storage on reserve lands
Ministerial approval	<i>Radiocommunication Act</i> , Section 5(1)(f)	Industry Canada	siting of radio apparatus, including antenna systems, and erection of masts, towers and other antenna-supporting structures



<b>List of Common Federal Permits or Authorizations</b>			
<b>Permit or Authorization</b>	<b>Legislation or Regulation</b>	<b>Responsible Department</b>	<b>Activity</b>
Ministerial authorization	<i>Canada National Parks Act</i> , Section 14(3)(c) and 14(3)(e)	Parks Canada	Provision of basic user facilities or access by air to wilderness areas
Permit	<i>National Parks General Regulations</i> [ <i>Canada National Parks Act</i> ], Sections 11(1) and 12(1)	Parks Canada	Removal, defacing, damage or destruction of any flora or natural objects
Permit or agreement	<i>National Parks General Regulations</i> [ <i>Canada National Parks Act</i> ], Sections 18(1), 20(1), and 20(2)	Parks Canada	Taking of water for domestic, business or railway water supply purposes
Building permit	<i>National Parks Building Regulations</i> [ <i>Canada National Parks Act</i> ], Section 5(1)	Parks Canada	Excavation for, or erection, alteration, reconstruction, structural repair, relocation or removal of a building
Licence	<i>National Parks of Canada Businesses Regulations</i> [ <i>Canada National Parks Act</i> ], Section 4(1)	Parks Canada	Carrying on of a business
Authorization	<i>National Parks Wildlife Regulations</i> [ <i>Canada National Parks Act</i> ], Section 15(1)(a)	Parks Canada	Removal, relocation or destruction of wildlife for scientific purposes or park management purposes
Ministerial approval	<i>Railway Safety Act</i> , Section 10(1)	Transport Canada	Railway work in respect of which there is an outstanding objection

### 2.2.1.1.2 Federal Environmental Assessment Process

#### **Triggers**

Some projects may require an environmental assessment pursuant to the [Canadian Environmental Assessment Act](#), if:

- the federal government is a proponent;
- the federal government provides funding for a project;
- the project is located on federal land (including reserve land); or
- the project requires a federal permit that is specified in the regulations (the [Law List Regulations](#) [SOR/94-636]).

In southwest Alberta, the most likely triggers of a federal environmental assessment would be: funding from Western Economic Diversification, Prairie Farm Rehabilitation

Administration, or another federal department; location or routing of a project on or across Piikani Nation reserve lands or national park lands; and federal permits pursuant to the *Fisheries Act* and *Navigable Waters Protection Act* related to physical works in or across surface watercourses or pursuant to the *Explosives Act* in relation to the use and storage of explosives during construction.

There are many other provisions of federal legislation and regulations that trigger the need for an environmental assessment, which authorizations may be relevant to projects proposed in southwest Alberta. These include but are not limited to: chemical, fuel, and dangerous goods storage; liquid effluent from metal mining; mining, forestry and oil and gas activities on reserve lands; and railway construction. **The proponent should review the *Law List Regulations* to determine whether any of the listed provisions are relevant to the proposed project.**

### ***Initiating the Federal Environmental Assessment Process***

The federal environmental assessment process is initiated by submission by the proponent of a Project Description to the [Canadian Environmental Assessment Agency](#) or a federal department. Once a Project Description is received by the Agency or a federal department, it will be circulated to all relevant federal departments for review and determination of any environmental assessment responsibilities. This process is governed by the [Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements](#) [SOR/97-181] (the *Federal Coordination Regulations* or FCR). Within a specified time frame, federal departments will confirm if they have (or are likely to have) an environmental assessment responsibility in relation to the project (*i.e.*, they are a “Responsible Authority”) or, if not, if they have specialist or expert information or knowledge pertinent to the project (*i.e.*, they are a “Federal Authority”). Typically, the Agency will coordinate this circulation process and will provide a consolidated response to the proponent.

The Agency has prepared an Operational Policy Statement, [Preparing Project Descriptions under the Canadian Environmental Assessment Act](#), to provide guidance for proponents in preparing descriptions for projects that may require assessment under the *Canadian Environmental Assessment Act*.

### ***Level of Review***

A federal environmental assessment may be conducted by a screening, comprehensive study, panel review, or mediator. The vast majority of federal environmental assessments are assessed by screening. A comprehensive study is required if a project is listed in the [Comprehensive Study List Regulations](#) [SOR/94-638]. If significant adverse environmental effects are likely to occur or are uncertain, or if public concerns warrant, a project may be referred for review by a panel or mediator.

The factors to be considered in a screening or comprehensive study are specified in section 16 of the *Canadian Environmental Assessment Act*. A comprehensive study typically involves a slightly broader scope of assessment and includes mandatory public participation.

### ***Coordination***

If there is more than one Responsible Authority in respect of a project, they will typically coordinate their reviews so that a single environmental assessment is undertaken. Depending on the level of review, the process may be coordinated by a lead Responsible Authority or by the Canadian Environmental Assessment Agency.

If a provincial environmental assessment is also required, the Canada-Alberta Agreement on Environmental Assessment Cooperation (2005) will apply, and the provincial and federal parties will together determine the Project-specific environmental assessment and review process and information requirements pursuant to the Agreement.

### ***Timing***

The determination by federal departments of the need for an environmental assessment typically will be made within 40 to 60 days of receipt of a Project Description. Timelines for this determination are specified in the *Federal Coordination Regulations*. There are no other timelines prescribed in the federal environmental assessment process. However, the [Cabinet Directive on Implementing the Canadian Environmental Assessment Act](#) (November 2005) does require the establishment of a workplan, which may include timelines, if there is more than one Responsible Authority in respect of a project. Also, where there is more than one Responsible Authority in respect of a project, the federal environmental assessment coordinator, which may be either the Agency or a Responsible Authority, has the authority to establish timelines.

The duration of the federal environmental assessment process may vary widely, and will depend on the nature and location of the project, the availability of project-related information and environmental data, the scope of the assessment, the level of public participation, the workload of regulators, and other factors. A screening may take from several weeks or a few months to 12 to 14 months to complete. A comprehensive study may take 12 to 24 months to complete. A panel review or mediation may take 18 months to more than two years to complete. However, these ranges are estimates based on past assessments; any specific assessment may take more or less time to complete.

### ***More Information***

The Canadian Environmental Assessment Agency will assist proponents in determining whether a federal environmental assessment may be required. Individual federal

departments will also assist in determining whether any federal authorizations are required, and if so, whether such authorizations trigger the need for a federal environmental assessment.

**Proponents are encouraged to contact the regional office of the Canadian Environmental Assessment Agency for assistance in determining whether the *Canadian Environmental Assessment Act* will apply to their project, and if so, for assistance in developing the necessary documentation.**

Comprehensive guidance is available from the Agency, covering a wide range of topics, including:

- overviews of the legislation and review process;
- determining whether the Act applies;
- federal coordination;
- public participation and funding;
- procedural and methodological guides;
- preparing Project Descriptions;
- establishing the scope of assessment; and
- approaches to addressing specific requirements and issues, such as climate change, biodiversity, cumulative effects, and alternatives.

See Appendix A for contact information for the Agency and key federal departments.

### **2.2.1.2 Provincial Approvals**

A development proposal may require one or more provincial approvals. The most common approvals likely to be required are described below. However, it is important to note that any project may require additional permits, licences, approvals, or authorizations, and may be subject to various standards, codes of practice, or other legislative or regulatory instruments in addition to those identified here.

**Proponents should directly consult the legislation, regulations, and other regulatory instruments, and contact pertinent regulatory authorities and/or retain legal counsel to confirm specific regulatory process, information, and performance requirements.**

#### **2.2.1.2.1 Energy and Utilities Board**

Most energy-related projects in Alberta, including the construction, operation, and decommissioning of facilities related to the exploration, production, processing, and transmission of oil, natural gas, oil sands, coal, and electricity, require approval from the [Energy and Utilities Board](#) (EUB).

Before making an application for approval to the EUB, a proponent must notify and consult with the public who may be directly and adversely affected by the proposed

activity. Minimum notification and consultation requirements are established by the EUB in the various directives (particularly [Directive 056](#), for Energy Development Applications), but generally include provision of project information and EUB publications, responding to issues and concerns, discussing alternatives and appropriate mitigation to resolve issues and concerns, and seeking confirmation of non-objection from directly and adversely affected parties. The area within which persons must be notified and/or consulted varies depending on the nature of the activity proposed.

An application for approval to the EUB must then include documentation of the public notification and consultation, and must indicate if there are any outstanding unresolved concerns. If there are outstanding concerns, the application will be handled as a non-routine application.

An application also must identify the applicant, provide contact information, specify the applicable legislation, describe the proposed development, and provide the information specified in the applicable guide to content (e.g., [Directive 056](#) for Energy Development Applications, including facilities, pipelines, and wells and [Directive 028](#) for Power Plants, Substations, Transmission Lines, and Industrial System Designations).

If there are no outstanding concerns, and if the application is complete and technically sound, ensures public safety and environmental protection, and is otherwise in the public interest, the EUB will process the application routinely and may approve the application without a public hearing.

A public notice of application will be required if there are outstanding concerns or if the EUB determines that a public notice is warranted. Those persons who are directly affected by the application may submit a written statement outlining their concerns (and may later have a right to request a review of or to appeal a decision). The EUB may use facilitation or alternative dispute resolution to resolve outstanding concerns prior to a hearing. If outstanding concerns of directly affected parties cannot be resolved, a hearing may be held by the EUB. In particular, the EUB will hold a hearing if it considers that the proposed activity may directly and adversely affect a third party by having an adverse effect on safety or economic or property rights (e.g., by causing an environmental impact, interfering with the use of the land, causing damage to the land, or endangering safety of people or animals).

If the EUB decides to hold a hearing, it will notify directly affected parties of the hearing and invite intervener submissions documenting any outstanding concerns or objections in respect of the application. The EUB may also notify the general public, who may participate in the hearing without 'standing' as a directly affected party. There may be requests for and exchange of additional information regarding the project and concerns or objections prior to a hearing.

A pre-hearing meeting may be held by the EUB to address procedural issues. A hearing may be oral or written. The EUB may request the filing of additional evidence

during or after the hearing. The EUB will issue a decision report within 90 days of the close of the hearing or the last receipt of the additional evidence that may have been requested.

“Local interveners” (*i.e.*, owner or occupant of land that is or may be directly and adversely affected) are eligible to recover costs incurred in an EUB hearing. Guidelines for Energy Cost Claims ([Directive 031A](#)) and application forms are available from the EUB.

### ***Reviews and Appeals***

A directly affected party may request a review of a decision by the EUB within a prescribed time limit after the decision, if a hearing was not held or if the decision was made without the participation of the directly affected party. A review of a decision by the EUB may also be requested if there are new facts or evidence that could lead the EUB to materially vary the decision or a legal or factual error was made that raises a substantial doubt as to the correctness of the EUB’s decision. A review of an EUB decision is conducted by the EUB.

A decision of the EUB can only be appealed to the Alberta Court of Appeal.

### ***More Information***

Information requirements and procedures of the EUB are outlined in the [Rules of Practice](#) [AR 101/2001]. The EUB provides a comprehensive range of bulletins, directives, information letters, forms, and guidelines for public consultation and the preparation of applications, all of which are available on-line on the EUB’s [website](http://www.eub.ca/portal/server.pt?open=512&objID=233&PageID=0&cached=true&mode=2) (<http://www.eub.ca/portal/server.pt?open=512&objID=233&PageID=0&cached=true&mode=2>) or directly from the EUB.

A comprehensive citizen’s guide to the regulatory and consultation processes related to oil and gas development, entitled [When the Oilpatch Comes to Your Backyard: A Citizen’s Guide](#), has been published by the Pembina Institute (Griffiths et al. 2004).

**Proponents are encouraged to contact the EUB for assistance in determining what codes and standards may apply and what approvals will be required, and for assistance in developing the necessary documentation.**

See Appendix A for contact information for the EUB.

#### **2.2.1.2.2 Natural Resources Conservation Board**

The Natural Resources Conservation Board (NRCB) reviews proposals for non-energy natural resource development projects in Alberta pursuant to the [Natural Resources](#)

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[Conservation Board Act](#), and also regulates confined feeding operations (CFOs) and manure storage facilities pursuant to the [Agricultural Operation Practices Act](#).

The NRCB will review an application to determine whether the project is in the public interest, taking into consideration the potential economic, social, and environmental effects, including cumulative effects. In conducting its review, the NRCB considers the concerns of all parties, including those of neighbours, the municipality, the regional health authority, and government departments.

### ***Natural Resource Projects***

An approval from the NRCB is required for forestry, metallic or industrial mineral extraction, tourism and recreation, and water management projects.

An application for approval must identify the applicant, provide contact information, specify the applicable legislation, and describe the proposed development, and may include an Environmental Impact Assessment, if one is required for the project. The specific information requirements to support an application may be obtained from the NRCB.

Once an application is deemed to be complete, other parties who may be directly affected or have an interest in the matter are invited to make submissions regarding the application. Intervener submissions must identify the intervener, provide contact information, and include information supporting the position of the intervener. If a directly affected party submits a written objection to an application, the NRCB will hold a hearing. If there are no substantive intervener submissions, the NRCB may decide the matter without a hearing.

As the NRCB is a quasi-judicial body, its hearing are formal, involving evidence and argument, witness testimony, and examination and cross-examination. An approval by the NRCB must be authorized by the Alberta cabinet (Lieutenant Governor-in-Council), and does not obviate the need for other applicable licences, permits, approvals, or other authorizations.

The NRCB may grant intervener funding to directly affected parties who are considered to provide information that would assist the NRCB in understanding the implications of the proposal and to use any money awarded to good effect.

### ***Confined Feeding Operations***

An application to the NRCB is required for any construction or expansion of new or existing CFOs or manure storage facilities in Alberta. There are three types of permits that may be issued by the NRCB. Registrations are issued for small CFOs, approvals are issued for large CFOs, and authorizations are issued for manure storage facilities.

An application may require a list of affected parties, construction plans, an assessment of hydrogeologic and soil conditions and effects, location and site plans, and other requested information. The application process was updated in October 2006 to reflect changes in the *Agricultural Operation Practices Act*.

Applications for registrations or approvals for CSOs or authorizations for manure storage facilities are made to the regional office of the NRCB, and reviewed by a regional approval officer. A request for a board review may be made within a prescribed time limit following a decision made by a regional approval officer.

### ***More Information***

The NRCB provides guides to help applicants complete the necessary documentation for an application. [Guides](#) and [fact sheets](#) related to CFOs and manure storage facilities are available on-line and at regional offices. Application [forms](#) for CFOs and manure storage facilities also are available on-line and at regional offices. Guides and fact sheets related to natural resources projects are available from the Edmonton office of the NRCB. A [Guide to Cumulative Effects Assessment](#), developed collaboratively by the NRCB, the EUB, and Alberta Environment, is available for projects requiring an Environmental Impact Assessment.

**Proponents are encouraged to contact the NRCB for assistance in determining whether an application pursuant to either the *Natural Resources Conservation Board Act* or the *Agricultural Operation Practices Act* will be required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the NRCB.

#### ***2.2.1.2.3 Environmental Protection and Enhancement Act***

Certain activities require registration, approval, notice, and/or environmental assessment pursuant to the [Environmental Protection and Enhancement Act](#) (EPEA) and its regulations.

### ***Registrations and Approvals***

Activities requiring registration or approval include chemical manufacturing, processing, and storage, building products manufacturing, food or animal by-product processing, metal and mineral processing, oil and gas processing, waterworks and wastewater systems, wood products manufacturing and processing, biotechnology products manufacturing, and electronic components manufacturing. Generally, registration or approval is required for activities that involve some aspect of waste management, substance release, conservation and reclamation, pesticide use, or potable water use.



Activities requiring approval are specified in Schedule 1 and those requiring registration are specified in Schedule 2 to the [Activities Designation Regulation](#) [AR 276/2003], made pursuant to EPEA. Generally, activities requiring approval are larger in scale and scope than those requiring registration.

An application to Alberta Environment must be made in respect of a new activity or a change or amendment to an existing activity.

An application for a registration or approval must contain a broad range of information, including, but not necessarily limited to:

- the name and address of the applicant;
- the location, capacity and size of the activity to which the application relates;
- the nature of the applied-for activity (or change or amendment);
- an indication of whether an environmental impact assessment is required;
- copies and dates of existing approvals or registrations that were issued to the applicant in respect of the activity;
- schedule for construction and operation;
- a list of substances, the sources of the substances and the amount of each substance that will be released into the environment, the method by which the substances will be released, and the steps taken to reduce the amount of the substances released;
- a summary of the environmental monitoring information gathered during the previous approval or registration period;
- a summary of the performance of substance release control systems used for the activity during the previous approval or registration period;
- the justification for the release of substances into the environment;
- the measures that will be implemented to minimize the amount of waste produced, including a list of the wastes that will or may be produced, the quantities and the method of final disposition of them;
- any impact, including surface disturbance, that may or will result;
- confirmation of filing of any necessary emergency response plans;
- confirmation that there are contingency plans in place to deal with any unforeseen sudden or gradual releases of substances to the environment;
- the conservation and reclamation plan for the activity; and
- a description of the public consultation undertaken or proposed by the applicant.

The information requirements for an application for registration or approval are set out in the [Approvals and Registrations Procedure Regulation](#) [AR 113/93], made pursuant to EPEA. Codes of Practice and accompanying guides may prescribe additional information requirements for specific activities, such as waterworks and wastewater systems, sawmills, forage drying, pits, energy recovery, exploration, land treatment of soil containing hydrocarbons, and small incinerators. A list of available Codes of Practice and accompanying guides is available on-line, on Alberta Environment's website (<http://www3.gov.ab.ca/env/protenf/codes/index.html>). Codes are available from the [Queen's Printer](#).

An application is made to the Regulatory Approvals Centre in Edmonton, and must be accompanied by the applicable fee. The applicant must notify the public of an application for an approval, and those persons who are directly affected by the application may submit a written statement outlining their concerns (and may later have a right to appeal a decision). Once an application is deemed to be complete, it is reviewed by the regional office of Alberta Environment. An applicant may be required to provide additional information or to hold public meetings. If an EIA report is determined to be required in respect of an activity, it must be prepared and reviewed prior to the processing of applications for registration or approval (see below).

A registration or approval will include terms and conditions under which the activity may be carried out, and approvals generally are issued for a term of ten years or less.

### ***Appeals***

A decision regarding a registration or approval may be appealed by the applicant, a directly affected party, or a person who submitted a statement of concern (and who is determined to be directly affected). Appeals are made to the [Environmental Appeals Board](#), and must be made within a prescribed period of time following the decision that is being appealed, using [forms](#) provided for that purpose by the Board. A 'stay' of the diversion or activity must be requested by the appellant.

The Environmental Appeals Board may use mediation to resolve issues, or may hold a preliminary meeting or hearing. The appeals process is described on the Board's [website](#) and set out in the [Environmental Appeal Board Regulation](#) [AR 114/93] pursuant to EPEA.

### ***Environmental Impact Assessment***

An Environmental Impact Assessment (EIA) report is mandatory for certain activities considered to have the potential for significant adverse effects on the environment or which are likely to be of public concern. Activities in respect of which an EIA report is mandatory are specified in the [Environmental Assessment \(Mandatory and Exempted Activities\) Regulation](#) [AR 111/93] pursuant to EPEA. This regulation also specifies activities, generally those that are routine in nature and whose effects are predictable and mitigable, which are exempt from the requirement for an EIA report.

The need for an EIA report in respect of activities that are neither mandatory nor exempt will be determined on the basis of an application or on preliminary project information provided by the proponent in advance of an application. A Screening report may be required to enable a determination of whether an EIA report is required. Prior to preparation of a Screening report, the proponent is required to publicly disclose the project, and the public is given the opportunity to comment on the project and the appropriate review process. Alberta Environment has published guidelines for the [Preparation of Disclosure Documents](#). Alberta Environment then prepares a Screening

report that considers the available information and public comments to determine the appropriate review process.

An EIA report must be prepared to meet approved Terms of Reference, the development of which includes opportunity for public comment on proposed Terms of Reference drafted by the proponent.

An EIA report generally includes a description of the project, a description of the existing baseline environmental and socio-economic conditions in the project area, an assessment of potential effects of the project, including cumulative effects, a description of mitigation, monitoring, and follow-up programs, and documentation of public consultation undertaken in relation to the project.

The public is given an opportunity to comment on the EIA report. The review of the EIA report may involve other federal, provincial, and/or municipal government departments, depending on the applicable legislative requirements and the potential effects. Additional supplemental information may be requested to ensure a complete EIA report. Once the EIA report is determined to be complete, it is referred to the EUB or the NRCB, if approval from either of those boards is required, at which time the boards may proceed to review the application, or to the Minister of Environment for consideration, recommendation of terms and conditions, and permission to proceed with applications for licences, registrations, or approvals.

### ***Coordination***

If a federal environmental assessment is also required, the Canada-Alberta Agreement on Environmental Assessment Cooperation (2005) will apply, and the provincial and federal parties will together determine the Project-specific environmental assessment and review process and information requirements pursuant to the Agreement.

### ***More Information***

Alberta Environment provides guidelines for the preparation of [applications](#) and [disclosure documents](#). Various fact sheets and procedural information regarding the [registration](#), [approval](#), and [EIA](#) processes are available on-line or from the regional offices.

**Proponents are encouraged to contact the Regulatory Approvals Centre and/or regional office of Alberta Environment for assistance in determining whether a registration, approval, and/or EIA report pursuant to EPEA will be required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for Alberta Environment.

#### **2.2.1.2.4 Water Act**

All water in the province, including groundwater, is owned by the Province. The administration and management of water resources are governed by the [Water Act](#). Diversions and uses of water, and activities that may affect water, are authorized through a framework of licences, registrations, approvals, or exemptions pursuant to the *Water Act*.

#### **Licences**

Any diversion and/or use of water (including both surface water and groundwater) requires a licence pursuant to the *Water Act*, unless exempted.

A person who owns or occupies land that adjoins a natural watercourse or water body or under which groundwater exists is allowed to divert and use that water for household purposes without a licence (subject to certain limitations in the event of subdivision or municipal water supply). However, the number of households on a parcel of land diverting and using water may be limited by Ministerial order or an approved water management plan. Household use of water has priority over all other water uses.

A person who owns or occupies land that adjoins a natural watercourse or water body or under which groundwater exists also is allowed to divert and use up to 6,250 m<sup>3</sup> of that water for the purpose of raising animals or applying pesticides to crops (referred to as traditional agricultural uses) without a licence, if the diversion predated the coming into force of the legislation. However, this use has no priority assigned to it.

Other diversions for which a licence is not required include fire-fighting, certain small-scale farm operations and livestock watering, and dewatering of construction sites and sand and gravel pits. Exemptions particularly pertinent to the oil and gas sector include diversion of saline water and temporary diversions for camp use and oil and gas well drilling in accordance with applicable guidelines, or for other uses in compliance with the conditions of the applicable surface disposition. Diversions that are exempt from the requirement for a licence are specified in Schedules III and IV to the [Water \(Ministerial\) Regulation](#) [AR 205/98], made pursuant to the *Water Act*.

The temporary diversion of water for hydrostatic testing of pipelines is designated as a temporary diversion of water that must be undertaken in accordance with the [Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing of Pipelines](#).

Generally, licences are used to authorize diversions of water for purposes other than household use and limited traditional agricultural uses, such as municipal water supply, industrial uses, and irrigation. Licences may also be issued to government to meet water conservation objectives, such as protection of fish and aquatic ecosystems, wildlife management, and protection of other uses (e.g., tourism, recreation,

transportation, waste assimilation). Temporary licences are used to authorize diversions for emergency (other than fire-fighting) or short-term uses (up to one year).

An application for a licence must identify the applicant, provide contact information, specify the location of the water source and volume to be diverted, indicate the timing of the diversion, and describe the purpose of the diversion (including plans of related physical works). Certain applications may require additional supporting information, such as a detailed project description, hydrologic analysis, consideration of the effects on the environment and other users, an agricultural feasibility assessment (*i.e.*, for irrigation), and geotechnical information (for water impoundment structures).

Issuance of a licence will depend on the capacity of the water source to supply the proposed and existing uses and whether or not the diversion will adversely affect the source, other users, and the environment.

Licensees must also obtain rights of access and other applicable authorizations.

A licence identifies the source of water supply, location of the diversion site, allocation of water allowed from the source(s), the priority of the water right established by the licence, the duration of the diversion, and the conditions under which the diversion and use must take place.

Allocation of water pursuant to the *Water Act* is based on the principle of “first in time, first in right”. Thus, in times of water shortage, the right to divert water is suspended in reverse order of priority, generally from most recent to earliest licensees. In an emergency, any water diversion may be suspended.

A licence is appurtenant to the land in respect of which it was issued, and transfers with property ownership; in such cases, the diversion may continue, with the same priority, for the purposes of the original licenced use.

To facilitate ongoing development and alternative uses of water, particularly in watersheds where water is already fully allocated, the *Water Act* also provides for the transfer of licenced water rights (and with them, the transfer of the attached priority). This type of transfer can enable a use other than the use contemplated in the original licence. In such cases, the application for transfer is reviewed in the same manner as an application for a new licence, with consideration given to the capacity of the water source and potential effects on the source, other users, and the environment.

Water diversion rights held under licence or for traditional agriculture uses can be temporarily assigned to a third party through an agreement.

## ***Registrations***

Diversions of water for traditional agricultural uses that predated the coming into force of the legislation also may continue pursuant to a registration, which protects the priority of

the use. A registration is appurtenant to and inseparable from the land in respect of which it was issued. Registrations must have been applied for prior to 2002.

## **Approvals**

Construction in a water body (or on the banks or in the floodplain of a water body), the drilling or reclaiming of a water well, and/or any activity that could result in a change in the level, flow, location, or direction of flow of water, the siltation of water, or the erosion of any bed or shore of a water body, or that may result in an adverse effect on the aquatic environment, or that may impair the exercise of (water) rights of any household user, traditional agriculture user or other licensee, requires an approval pursuant to the *Water Act*, unless exempted.

Activities that are exempt from the requirement for an approval are specified in Schedules I and II to the [Water \(Ministerial\) Regulation](#) [AR 205/98], made pursuant to the *Water Act*.

Certain activities are exempt from the requirement for an approval provided that they are undertaken in compliance with Codes of Practice specified in and forming part of the *Water (Ministerial) Regulation* and notice of such activities is given to Alberta Environment. The pertinent Codes include the [Code of Practice for Pipelines and Telecommunication Lines Crossing a Water Body](#), [Code of Practice for Watercourse Crossings](#), and [Code of Practice for Outfall Structures on Water Bodies](#).

An application for an approval must identify the applicant, provide contact information, and include plans of physical works. New developments must include storm water management. Certain applications may require additional supporting information, such as a detailed project description, hydrologic analysis, consideration of the effects on the environment and other users, an agricultural feasibility assessment (*i.e.*, for irrigation), and geotechnical information (for water impoundment structures).

An approval will specify conditions under which the project may proceed, including time limits for construction. Once a project has been completed, the applicant must submit a Certificate of Completion to certify that the project has been completed in accordance with the approval.

## **Applications**

Applications for licences and approvals are made to Alberta Environment, and must be accompanied by the applicable fee. Application forms and supporting tools (*e.g.*, worksheets, calculation charts, example plans) are available on-line, on Alberta Environment's website: (<http://www3.gov.ab.ca/env/water/Legislation/Forms/Index.html>). A [single application form](#) is used for projects that involve modification to shorelines of water bodies, which require approval pursuant to the *Water Act* and the *Public Lands Act*.

Once deemed to be complete, an application may be referred to other government departments or agencies that may have an interest in the project. Public notice of the application also may be required, and is the responsibility of the applicant. Alberta Environment may require the applicant to resolve any concerns that may be raised through the referral or notification process.

In reviewing the application, Alberta Environment will consider the capacity of the water source to supply the proposed and existing uses and whether or not the proposed diversion or activity will adversely affect the source, other users, and the environment.

## **Appeals**

A decision regarding a licence or approval may be appealed by the applicant, a directly affected party, or a person who submitted a statement of concern (and who is determined to be directly affected). Appeals are made to the [Environmental Appeals Board](#), and must be made within a prescribed period of time following the decision that is being appealed, using [forms](#) provided for that purpose by the Board. A 'stay' of the diversion or activity must be requested by the appellant.

The Environmental Appeals Board may use mediation to resolve issues, or may hold a preliminary meeting or hearing. The appeals process is described on the Board's [website](#) and set out in the [Environmental Appeal Board Regulation](#) [AR 114/93] pursuant to the *Environmental Protection and Enhancement Act*.

## **More Information**

Guidelines, fact sheets, and other information are available on-line, on Alberta Environment's website (<http://www3.gov.ab.ca/env/water/Legislation/Forms/Index.html>).

**Proponents are encouraged to contact the regional office of Alberta Environment for assistance in determining whether a licence or approval pursuant to the *Water Act* will be required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the regional offices of Alberta Environment.

### **2.2.1.2.5 Public Lands Act**

Provincially owned Crown lands (public lands) are administered and managed by the [Lands Division](#) of Alberta Sustainable Resource Development pursuant to the [Public Lands Act](#). The use and occupation of public lands is authorized by the Act, the regulations, and/or by a disposition, which may comprise a conveyance, assurance, sale, lease, licence, permit, contract, agreement, or other form of consent. A disposition of public lands may be made for commercial, industrial, agricultural, recreational,

conservation, or other purposes. More than one disposition may be made in respect of the same land.

A prospective user of public lands must consult with the disposition holder(s) of those lands and, if necessary, make an application for authorization of the use or disposition of the lands.

Typical uses of public lands which may require disposition or other authorization include: grazing; cultivation; geophysical exploration; oil and gas development (including pipelines); metal, industrial and aggregate resource extraction; road construction and use; timber harvesting; and commercial and recreational uses.

Forms and supporting tools (e.g., guidelines, handbooks, maps, Industry Directives, Information Letters, sample applications and plans, calculation tables, information requirements) are available on-line, on Alberta Sustainable Resource Development's website ([http://www.srd.gov.ab.ca/land/fp\\_1.html](http://www.srd.gov.ab.ca/land/fp_1.html)). A [single application form](#) is used for projects that involve modification to shorelines of water bodies, which require approval pursuant to the *Water Act* and the *Public Lands Act*.

### ***More Information***

Guidelines regarding the management and use of public lands are available on-line, on Alberta Sustainable Resource Development's website ([http://www.srd.gov.ab.ca/land/fp\\_1.html](http://www.srd.gov.ab.ca/land/fp_1.html)).

**Proponents are encouraged to contact the regional office of the Lands Division of Alberta Sustainable Resource Development for assistance in determining whether an authorization or disposition pursuant to the *Public Lands Act* will be required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the regional office of the Lands Division of Alberta Sustainable Resource Development.

#### **2.2.1.2.6 *Historical Resources Act Clearance***

In Alberta, all archaeological, historical, or palaeontological resources belong to the Crown, and are protected by the *Alberta Historical Resources Act*. The Heritage Resource Management Branch in the Cultural Facilities and Historical Resources Division of Alberta Tourism, Parks, Recreation and Culture (TPRC) (formerly Alberta Community Development) requires that industrial developers seek clearance under the *Historical Resources Act* prior to ground disturbance. If the Minister of TPRC considers an activity likely to result in the alteration, damage, or destruction of an historic resource, the company or person undertaking the activity can be required to:



- conduct an Historic Resources Impact Assessment (HRIA) on lands that will be affected by the activity and submit a report to TPRC discussing the results of the HRIA; and
- avoid any historic resources endangered by activity or mitigate potential impacts by undertaking further comprehensive studies.

TPRC regulates archaeological and palaeontological fieldwork through a permit system, and only qualified archaeologists recognized by TPRC are granted permits. All decision-making in regard to the management of historical resources rests with TPRC. Once the HRIA has been completed, and the obligations of the permit are satisfied, the Minister will grant Historic Resources clearance, and the project will be allowed to proceed. However, if a historical resource is uncovered at any time during construction, despite the fact that clearance has been granted by TPRC, the developer is obliged under the *Historical Resources Act* to cease construction activities and report the discovery to TPRC. TPRC will then determine whether or not there is a requirement to conduct further investigations to assess the historical resources potential in the area before further project work can proceed.

**It is highly recommended that a proponent undertake an Historical Resources Overview Assessment (HROA) as early as possible in the planning stages of a project.**

An HROA typically includes a detailed review of available records, of known sites, and of environmental features in the vicinity of the project to determine the potential for historical resources to occur. An HROA may include reconnaissance in the field to identify additional resources and physiographic features of interest (*e.g.*, water sources, heights of land). An HROA will enable the determination of the need for an HRIA, and will help to focus the HRIA on areas of greater potential.

An HRIA typically includes a program of site walkovers, intermittent (shovel) testing and focused testing, the latter in particular in areas of greater potential. The purpose of the HRIA is to confirm the presence and significance of historic resources, evaluate the potential impact of the project on these resources, and to determine the need for and extent of mitigation.

Mitigation may include avoidance, preservation in place, or excavation, documentation, and conservation of artifacts. The HRIA and any necessary mitigation can be time-consuming and costly. Moreover, historical resources investigations may require consultation with Aboriginal peoples, and also possibly Aboriginal participation. Therefore, it is critical that the historical resources components be initiated as early as possible.

## **More Information**

More information regarding the protection and stewardship of heritage resources, including HRIAs, is available on-line, on TPRC's website (<http://www.cd.gov.ab.ca/preserving/heritage/pands/index.asp>).

**Proponents are encouraged to contact the Heritage Resource Management Branch of TPRC for assistance in determining whether clearance pursuant to the *Historical Resources Act* will be required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the Heritage Resource Management Branch.

### **2.2.1.3 Municipal Approvals**

Projects typically require a Development Permit from the municipality within which they are located. The Development Permit process ensures that a project is consistent with land use zoning established by the municipality. The need for and scope of a Development Permit application is usually stipulated in the municipality's bylaws.

#### **2.2.1.3.1 Town of Pincher Creek**

The Town of Pincher Creek [Land Use Bylaw No. 1547](#) governs development within the Town boundaries. A Development Permit is required before commencing any development within the Town (except for activities which are exempt from a Development Permit, listed in Schedule 3 of the bylaw).

An application for a Development Permit requires the following:

- contact information for the applicant and landowner, if different from the applicant;
- a description of the property to be developed;
- details of the development, including proposed use and site plans, floor plans, elevations, and cross-sections;
- description of the main and accessory buildings, including setbacks, floor area, and percentage of lot occupied;
- a statement indicating the manner in which the applicant intends to conform to the conditions and standards applicable to the proposed development (as described in the regulations for different land uses included as Schedule 2 of the bylaw); and
- the application fee.

A land survey, proof of ownership or right of access, geotechnical information, percolation tests, soil stability analysis and/or the preparation of an area structure plan may be required from the applicant prior to a decision being rendered on a development application.

The Development Permit application form is included in Schedule 11 of the bylaw.

Notification of an application may be given to any person who may be affected prior to a decision being rendered, and notification of permit issuance will be given to the applicant and any person likely to be affected.

Any person affected by a Development Permit application has the right to present a written brief (within a prescribed time limit) prior to a meeting of the Municipal Development and Subdivision Authority and/or to be present and be heard at the meeting.

As a condition of approval, the Municipal Development and Subdivision Authority or the designated officer may require that a development agreement (e.g., addressing the construction of public roadways and utilities to the satisfaction of the municipality) be completed with the municipality and registered by caveat against the title. A Development Permit may include additional conditions considered necessary to ensure that the bylaw and any statutory plan adopted by the Town of Pincher Creek are complied with.

**Proponents are encouraged to contact the Town of Pincher Creek for assistance in determining whether a Development Permit is required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the Town of Pincher Creek.

### **2.2.1.3.2 Municipal District of Pincher Creek**

The [Municipal District \(M.D.\) of Pincher Creek](#) Land Use Bylaw No. 1050-02 governs development within the M.D. boundaries. A Development Permit is required before commencing any development within the M.D. except for activities which are exempt from a Development Permit, listed in Section 14 of the bylaw. Activities not requiring a Development Permit (subject to various conditions) include, but are not limited to, extensive agriculture or grazing of land, cutting or harvest of trees on private lands, agricultural fences, building maintenance and repair, temporary buildings, outdoor recreation, landscaping and paving (that does not affect adjacent land), certain outbuildings, and farm buildings and structures with setbacks.

An application for a Development Permit must include:

- name and contact information for the applicant;
- a statement of the proposed use or occupancy;
- an area structure plan, if one is required;
- plans showing, as required, the location, layout, elevations, architectural treatment, access, storm water management, utility servicing, parking, and setbacks;
- project schedule and costs;
- the application fee; and
- other requested information.

An application for a permitted use that conforms with the Land Use Bylaw generally will be approved by the Development Officer with or without terms and conditions. However, the Development Officer may refer the application to the Municipal Planning Commission for a decision.

An application for a discretionary use will be reviewed by the Development Officer and referred, with recommendations, to the Municipal Planning Commission. Prior to making its decision, the Municipal Planning Commission may hold a public meeting to solicit input from potentially affected parties, and may refer the application to any municipal department or external agency for comment. Applications for discretionary use may require public notice, and any objections or public comments received as a result of the notice will be considered by the Development Officer or Municipal Planning Commission in their review of the application.

As a condition of approval, the Development Officer (in the case of a permitted use) or the Municipal Planning Commission (in the case of a referred permitted use or a discretionary use) may require that a development agreement (e.g., addressing the construction of and payment for public roadways, pedestrian walkways, parking and loading facilities, and any off-parcel levy or redevelopment levy) be completed with the municipality and registered by caveat against the title. The developer must comply with the Land Use Bylaw and conditions attached to the Development Permit, which may include a Real Property Report, financial guarantees, or other conditions.

Commencement of the activity in respect of which a Development Permit has been issued generally must occur within 12 months of the issuance of the Development Permit.

Temporary Development Permits may be issued for temporary or short-term activities.

A decision regarding a Development Permit application may be appealed to the Subdivision and Development Appeal Board.

The Land Use Bylaw, Municipal Development Plan, area structure plans, and application forms (e.g., for wind turbines, buildings, and signs) are available [on-line](#) or directly from the M.D.

**Proponents are encouraged to review the Land Use Bylaw and related instruments and to contact the Development Officer of the M.D. of Pincher Creek for assistance in confirming compliance with the bylaw and applicable plans and determining whether a Development Permit is required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the M.D. of Pincher Creek.

### 2.2.1.3.3 Municipality of Crowsnest Pass

The [Municipality of Crowsnest Pass Land Use Bylaw No. 632-2004](#) governs development within the Municipality boundaries. A Development Permit is required before commencing any development within the Municipality except for activities which are exempt from a Development Permit, listed in Schedule 3 to the Bylaw. Activities not requiring a Development Permit (subject to various conditions) include, but are not limited to, building maintenance and repair not altering the external appearance, temporary buildings, landscaping, installation, maintenance, alteration and/or repair of any public works, service or utility on land which is publicly owned or controlled, fences and similar enclosing structures, certain outbuildings, and any use requiring provincial or federal approval.

An application for a Development Permit must include:

- name and contact information for the applicant;
- a statement of the proposed use or occupancy;
- an area structure plan, if one is required;
- plot plans and drawings;
- development value;
- the application fee; and
- other requested information, such as proof of land ownership or surface rights.

An applicant may also be required to provide geotechnical information, percolation tests, or soil stability analysis.

An application for a permitted use that conforms with the Land Use Bylaw generally will be approved by the Development Officer with or without terms and conditions. However, the Development Officer may refer the application to the Municipal Planning Commission for a decision. An application for a discretionary use will be submitted by the Development Officer to the Municipal Planning Commission.

Development Permit applications may require public notice, and any objections or public comments received as a result of the notice will be considered by the Development Officer or Municipal Planning Commission in their review of the application. An application for a discretionary use may also be circulated to neighbouring municipalities for information and comment.

In reviewing Development Permit applications, the subdivision and development approval authority considers the objectives and policies of the [Municipal Development Plan \(Bylaw No. 556\)](#). The Plan addresses land use objectives and policies for residential, country residential, commercial, industrial, transportation and utilities, recreation, municipal and community service, environmental, and cultural purposes.

In reviewing a Development Permit application, the Development Officer or Municipal Planning Commission will consider compliance with applicable municipal policies,

bylaws, and standards, potential environmental effects, and public comments that may have been received.

As a condition of approval, the Development Officer (in the case of a permitted use) or the Municipal Planning Commission (in the case of a referred permitted use or a discretionary use) may require that a development agreement (e.g., addressing the construction of and payment for public roadways, utilities and other services) be completed with the municipality and registered by caveat against the title. The developer must comply with the Land Use Bylaw, Municipal Development Plan, and conditions attached to the Development Permit.

A decision regarding a Development Permit application can be appealed to the Municipality of Crowsnest Pass Subdivision and Development Appeal Board.

A Building Permit may also be required for construction of foundations, new buildings, or structures, or changes to an existing structure. Information regarding exemptions and application requirements is available [on-line](#) or directly from the Municipality.

The Land Use Bylaw, Municipal Development Plan, and [Development Permit application forms](#) and [Building Permit application forms](#) are available on-line or directly from the Municipality.

**Proponents are encouraged to review the Land Use Bylaw and related instruments and to contact the Development Officer of the Municipality of Crowsnest Pass for assistance in confirming compliance with the bylaw and applicable plans and determining whether a Development Permit is required, and if so, for assistance in developing the necessary documentation.**

See Appendix A for contact information for the Municipality of Crowsnest Pass.

#### **2.2.1.3.4 Improvement District No. 4 (Waterton)**

Improvement District No. 4 encompasses lands outside of the M.D. of Pincher Creek and within Waterton National Park. The provincial government, through Alberta Municipal Affairs, is responsible for all functions of local government in the Improvement District, including the levy and collection of taxes. Developments within the park are governed by Parks Canada, pursuant to the [Canada National Parks Act](#) and regulations. Refer to Section 2.2.1.1.1 for a listing of common or likely permits related to development activities in national parks. A development within the national park may require an environmental assessment pursuant to *Canadian Environmental Assessment Act* (see Section 2.2.1.1.2).

#### **2.2.1.4 Relationship between Provincial and Municipal Authorizations**

The [Municipal Government Act](#) includes provisions to avoid overlapping regulation of projects.

A licence, permit, approval or other authorization granted by the NRCB or EUB prevails over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Municipal Government Board. When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB or EUB, the municipality must approve the application (within 90 days or as otherwise agreed with the applicant) to the extent that it complies with the licence, permit, approval or other authorization granted by the NRCB or EUB. Furthermore, if the municipality holds a hearing in respect of the application, the hearing cannot address matters that were already decided by the NRCB or EUB, except to the extent necessary to determine whether an amendment to a statutory plan or land use bylaw is required. These provisions are included in Section 619 of the *Municipal Government Act*.

Similarly, conditions of a provincial licence, permit, approval or other authorization prevail over any condition of a development permit that conflicts with it (Section 620).

#### **2.2.2 Community Consultation and Engagement**

Many regulatory approval processes include mandatory requirements for consultation and engagement with stakeholders and the public. These requirements are intended to ensure that the issues and concerns of potentially affected stakeholders are identified and addressed by the proponent, so that the regulator(s) may consider the adequacy of the proponent's application prior to the issuance of regulatory authorizations. Mandatory consultation requirements typically are specified in legislation, regulations, and/or guidelines.

Industry often refers to community buy-in and support as the "social licence to operate", the acceptance by society, particularly the local community and affected stakeholders, of industrial activity on the landscape. Generally, the social licence requires industry to demonstrate that the social, cultural, and environmental impacts of their activities are or will be managed responsibly and that benefits will be created. The expectations that must be met to obtain and maintain social licence are often more stringent than those imposed by regulation. The absence of social licence may result in objections to regulatory applications, delays, and reputation erosion, among other costs.

Effective community consultation and engagement are essential both to satisfy mandatory consultation requirements and to obtain and maintain social licence.

Proponents are advised to prepare a comprehensive plan for community engagement, and to initiate community engagement as early in the process as possible. The proponents' consultation or engagement plan should include identification of issues likely to be of interest or concern to the community and preparation of information to respond to such issues. However, the proponent should nevertheless remain open and receptive to other issues that may be raised by the community.

Proponents should strive to solicit local and traditional knowledge from residents and land users to supplement conventional scientific data regarding the landscape and its use.

Key phases or milestones in the project development process at which community engagement is most useful and effective include:

- issues scoping;
- identification, assessment, and selection of alternatives;
- completion of environmental baseline studies;
- completion of environmental assessment;
- mitigation planning;
- any material change in project design;
- achievement of regulatory approvals;
- transition from one project phase to another (e.g., construction to operation); and
- throughout project construction and operation.

SASCI can provide proponents with strategic advice specific to any development proposal, including identifying stakeholders likely to have an interest in the proposal and appropriate consultation techniques. If requested, SASCI can provide such advice on a confidential basis, if the proponent has not yet publicly disclosed a proposal, and such a request does not compromise SASCI's own guidelines and responsibilities to its members.

Recommended principles for community engagement are provided in Section 4.0. Key opportunities for community engagement are shown in relation to the overall project development process in Appendix C. A best-practices consultation guide for both proponents and the public is provided in Appendix D. The Best Practices for Stakeholder Consultation, currently being developed by the SASCI Oil and Gas Committee, in consultation with interested stakeholders, may also be a valuable tool for proponents. The current draft of the Best Practices is provided in Appendix E.

**All regulators have consultation expectations and regulations. Proponents are advised to contact specific regulatory agencies and departments directly to confirm specific mandatory consultation requirements applicable to their proposal.**



## **3.0 The Citizen's Guide**

### **3.1 Understanding the Proponent**

For community participation in development proposals to be meaningful and effective, it is important to understand the timing and the range of constraints that might affect participation at different stages in the overall project development process, as well as the assessment processes and performance management frameworks that inform project design.

#### ***Project Conception***

A certain amount of initial project development must take place before a proponent can meaningfully engage the community. A project concept must be developed sufficiently to enable a proponent to obtain shareholder/Board approval to proceed and to access capital to fund project development. This may involve preliminary technology evaluations, preliminary site selection or siting options identification, scheduling, and economic analysis, among other things. Thus, some aspects of a project, such as location, size, capacity, or timing, may be established before community engagement begins.

#### ***Confidentiality***

Particularly at the early stages of project development, confidentiality is a key concern for proponents. Depending on the nature of the development, competition with other proponents in the same sector may place real constraints on what information a proponent can share with the community, and when. In some cases, proponents who enter into arrangements with other companies to develop or co-develop a project may be subject to legally binding confidentiality clauses in contracts designed to protect important competitive advantages, such as access to a specific resource or site. Confidentiality may also be required to prevent speculation in land prices, when a proponent may be considering alternative project sites. Sometimes, confidentiality is required to protect proprietary technologies, approaches, or operational information that could be used by a competitor unfairly (a recent example being the corporate espionage of Air Canada by WestJet). Nevertheless, regulations exist to ensure that the information necessary for the regulators to make a public-interest decision will be available in a timely manner.

#### ***Risk Management***

Another factor affecting the availability and level of detail of information regarding a development proposal is the overall planning, design, and regulatory process. Virtually every project begins as a concept without assurance of success. A proponent must balance the need to invest time and money to develop the concept against the risk of losing that investment due to changing economic circumstances, competition, or other

factors. Thus, the project development process is one in which a proponent will spend progressively more time and money as the risks decline and the chances of success increase. The early stages of project development are therefore characterized by studies to gauge the technical, economic, environmental, and social feasibility. If these early feasibility studies, which are often conducted before a project becomes public, indicate that the potential benefits to be realized outweigh the risks, the proponent will move into more detailed design and planning processes, including seeking initial regulatory approval. A proponent will typically seek initial regulatory approval on the basis of conceptual design and preliminary engineering. Information about the project, including location, size, components, construction methods, operational procedures, schedule, and emissions and effluents will be developed in sufficient detail to enable an assessment of the potential environmental and socio-economic effects. However, detailed engineering is very costly and time consuming, and is typically not undertaken until the viability of the project is more certain, signaled by the acquisition of initial regulatory approval. For larger projects, the initial regulatory approval is essentially approval of the project in principle; additional details are often worked out through subsequent permitting and development of operational plans to meet approval conditions.

What this means is that at the early stages of a development proposal, project information may be more general in nature, relying on conservative estimates (*i.e.*, over-estimates) of project requirements, emissions, and effluents, becoming more detailed as each regulatory milestone is reached. However, stakeholder acceptance is recognized as a key element in reducing project risk, and therefore, at early stages of community engagement, a proponent will provide general, and usually conservative, estimates regarding the need for goods and services, employment, vehicle traffic, emissions, effluents, waste volumes, or other aspects, although exact figures may not yet be available.

### ***Access to Capital***

Access to capital also affects a proponent's ability to develop and share project information. At the early stages of project development, characterized by higher risks, access to capital is typically constrained, until the risks are reduced through ongoing planning, feasibility studies, and initial regulatory approval. Access to capital, and therefore the ability to develop more detailed project information and undertake project-related activities, increases in later stages.

### ***Scheduling***

Another factor affecting the project development process and community engagement is the project schedule. While proponents have some degree of flexibility over the project schedule, there are external factors which must be taken into account which may control the schedule. These include availability of labour and equipment, weather conditions, environmental constraints, market demands, competition, and supply

commitments. In southwest Alberta, examples of such constraints include critical life cycle periods of sensitive wildlife, such as overwintering elk, during which road construction or oil and gas development activities may be precluded or limited, and construction activities that can only be undertaken at certain times of year (e.g., lift construction at Castle Mountain Resort).

Particularly in today's heated economy, where skilled labour and some types of construction equipment are scarce, projects are often planned years in advance to secure the necessary resources. Similarly, projects that involve specialized materials or equipment often have to place orders long in advance. Sometimes, the proponent must make contractual commitments to secure these resources, increasing the up-front costs (and therefore the risk) associated with the project. If the proponent is unable to commence construction or operation, or to take delivery of the materials or equipment when these resources have been committed to the project, they may be redirected to a competitor and the investment lost. A proponent must obtain regulatory approvals and permits in a timely manner in order to be able to start construction when the labour, materials, and/or equipment are available.

Weather conditions and environmental sensitivities may constrain when a project may be constructed or operated. Some activities may take place in certain areas only at certain times of year. Again, a proponent must plan around these constraints, striving to obtain regulatory approvals in time to take advantage of construction or operation windows.

Some industries operate in a globally competitive environment which requires firm supply commitments to be made (and penalties to be paid if such commitments are not met). While the project schedule to meet such commitments normally includes adequate time to complete a comprehensive regulatory approval process, unforeseen circumstances may place additional pressure on the schedule, constraining the time available for all stages of project development.

As a result of all of these schedule factors, a timely regulatory process, including community engagement, is of critical importance to proponents.

### ***Regulatory Obligations***

Stakeholders should also be aware that proponents may have regulatory obligations to conduct consultation in a certain manner or at a certain time. For example, oil and gas companies typically are obliged to consult one-on-one with potentially affected parties within a specified distance of their proposed facilities or activities. Even if a stakeholder group requests and prefers to be consulted as a group, the proponent must, by law, undertake one-on-one consultation. In the interest of effective community engagement however, proponents are well advised to do both, as nothing in the legislation precludes them from also undertaking group consultation.

## ***Iterative Project Design and Assessment***

For projects which require an environmental assessment, stakeholders should understand the iterative nature of the environmental assessment process. Typically, environmental assessment is undertaken in parallel with early project design and engineering. As potential environmental effects are identified by the proponent's environmental specialists, these are brought to the attention of the project designers and engineers, who will alter the project design (e.g. selected technology, layout, location, or configuration) to avoid, eliminate, or minimize the identified environmental effect. The potential environmental effects of the re-designed project are then assessed and any remaining concerns once again brought to the attention of the design and engineering team. In this way, the project design finally submitted to the regulators often already incorporates environmental mitigation. It is not unusual to see an environmental assessment which concludes that a project has no significant adverse effects, as these may have been designed out in the iterative planning process.

## ***Performance Management Frameworks***

In addition to regulatory approvals that may be required for a specific project, proponents must also consider and comply with a wide array of regulations and standards, and usually follow industry-specific guidelines and best practices. Such frameworks have been developed in response to known environmental and socio-economic implications and effects observed in respect of previous development activity, and, as a result, address many of the concerns likely to be raised by the community. The design of a project normally takes such performance management frameworks into account.

### **3.2 Avenues for Participation**

#### ***Mandated opportunities for public participation***

Most regulatory approval processes offer some opportunity for the public to participate. These avenues for participation may range from the opportunity to submit written comments to the regulator in response to notification of a proposed development, to one-on-one engagement with the proponent, attendance at a public meeting or open house hosted by either the proponent or the regulator, or participation, as an intervener, at a public hearing in respect of an application. The level of mandated public participation is generally commensurate with the potential for a proposed development to affect the environment or community.

Typically, the responsibility falls to the proponent to notify the public of mandated opportunities for public participation. The proponent may be directed by the regulator(s) to publish a notice in area newspapers and/or to directly notify, by mail for example, potentially affected stakeholders within a certain radius of a proposed development. Proponents must include documentation of mandated consultation with their regulatory

submissions. In some cases, the regulator may publish a notice of a public hearing or other opportunity for the public to submit comments, attend a hearing, or appeal a decision.

### ***Participation as an Individual***

Where provincial approvals are required, the right to submit comments and to have those comments considered in the regulatory review process (and subsequently the right to appeal a decision) may be restricted to parties who are deemed to be “directly affected”. This approach is intended to focus the review on those parties who are most likely to bear the direct effects of development activity (such as property access, surface disturbance, noise, light intrusion, and so on) and also to limit “frivolous” interventions, particularly by special interest groups who live outside the project area and are not themselves directly affected. Moreover, stakeholder groups generally are not recognized as legitimate interveners in regulatory processes; however, individual members of groups who can demonstrate that they are potentially directly affected by a proposal are likely to receive “standing” (*i.e.*, be recognized and granted the right to intervene in a regulatory proceeding).

While there is much debate about the appropriateness of this approach, particularly with respect to ensuring the direct and cumulative environmental effects of development are considered, no imminent change in provincial processes that would broaden the scope of mandatory engagement is currently anticipated. Therefore, individual stakeholders are encouraged to individually take advantage of the participation opportunities available to them, regardless of their membership in a group, to ensure that their issues and concerns will receive due procedural consideration.

### ***Voluntary Community Engagement***

In addition to mandated public participation opportunities, many proponents voluntarily undertake additional community engagement with the intent to inform the public about plans and solicit community input. Such input assists the proponent in ensuring that issues and concerns are considered in project planning and design, often before regulatory submissions are made. Community input may not be limited to the expression of issues and concerns, but can also include local knowledge about biophysical or cultural features of the environment or human uses of the landscape that may be relevant to the proposed development. The more information the proponent has about the environmental and cultural setting within which its project will be located, the better it will understand the community and the potential effects of its project. A well-informed proponent is better able to design and advance a project that is environmentally sound and acceptable – even welcome – to the community.

## ***Requesting Additional Consultation***

If a proponent has not planned or offered community engagement, or if the consultation undertaken to date has not addressed all of the issues or concerns, stakeholders are encouraged to request additional consultation. Voluntary self-directed engagement is generally preferable to an imposed regulated process, such as alternative dispute resolution.

SASCI can assist stakeholders in making such requests of proponents, and can help to plan and facilitate dialogue between parties.

## ***Documentation***

Most regulators require the proponent to document the results of any public consultation undertaken, regardless of whether such consultation was voluntary or legally required. For this reason, proponents normally record contacts with all stakeholders, including the contact information of individuals, topics discussed, issues raised, information provided and/or received, and action taken, if any, to follow up or address outstanding issues.

Stakeholders are also encouraged to document consultation with the proponent, and particularly to advise the regulator(s) of any outstanding issues or concerns.

## ***Responsibility to Participate***

It is important that all parties recognize that they are responsible for their participation in the process. When reviewing applications, regulators routinely consider the reasonableness of a proponent's efforts at community engagement. Regulators will take into account the degree to which stakeholders have taken advantage of the opportunities for input made available to them. That is, in an effort to promote fairness for all parties, a regulator may consider vexatious an individual who declines to respond to or take advantage of invitations to participate in initial stages of the process and who then brings forward issues or concerns at a late stage in the process. A regulator may in such cases be disinclined to give the concerns the same weight as those of someone who has participated.

## ***Capacity to Participate***

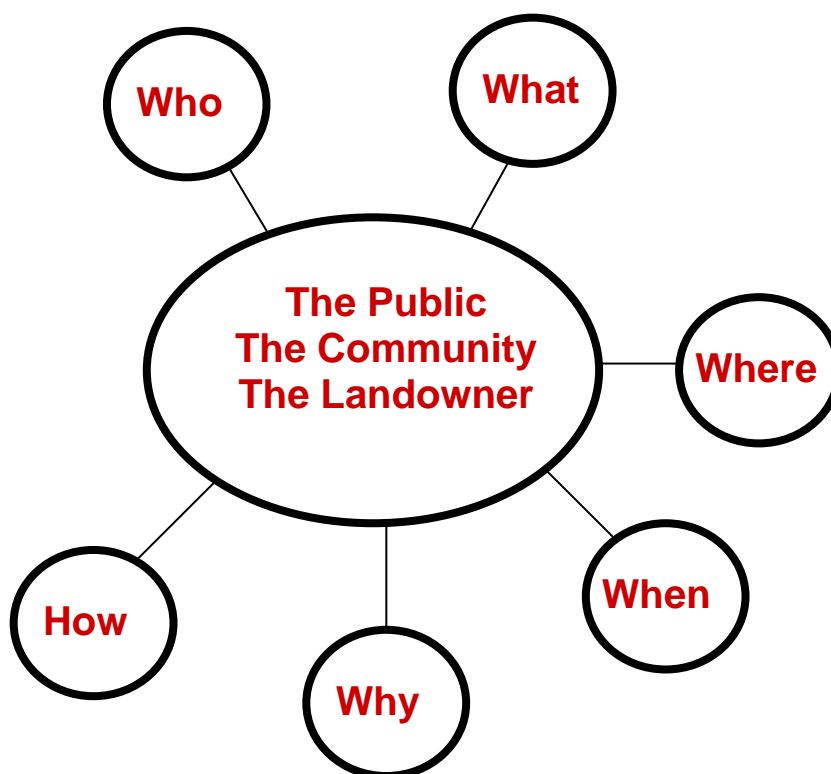
If constraints to participation are encountered, they should be brought to the attention of the proponent and regulator, so that solutions to ensure effective community engagement may be found. Some regulatory processes make funding available to interveners with "standing" to enable effective participation.

Recommended principles for community engagement are provided in Section 4.0. Key opportunities for community engagement are shown in relation to the overall project development process in Appendix C. A best-practices consultation guide for both

proponents and the public is provided in Appendix D. The Best Practices for Stakeholder Consultation, currently being developed by the SASCI Oil and Gas Committee, in consultation with interested stakeholders, may also be a valuable tool for stakeholders. The current draft of the Best Practices is provided in Appendix E.

### 3.3 Questions to Consider

This section provides some generic questions for interested stakeholders to raise in dialogue with proponents. The questions are based on typical community issues and concerns raised in relation to past proposed developments. While some questions may seem obvious, and perhaps 'superficial', it is important to remember there are no 'silly' questions. Regardless of the fact that many questions get answered even in preliminary applications to regulators, there is still an obligation on the part of a proponent to verbalize the information to the public where business confidentiality is not a concern. Proponents often feel threatened when their business acumen is questioned. You can expect them to tell you when that happens. Proponents should also advise you when their response may be constrained by matters of confidentiality. Remember, it's in your interest to ask questions. Be guided by the objective of reaching an understanding of the proposal and how it might affect you. Be comfortable with the completeness of the knowledge imparted by the answers. If you feel that the information you have been provided does not adequately address your concern, be sure to request additional information and to advise the regulator(s) of any outstanding issues. The following diagram illustrates the scope of questioning that may be considered by stakeholders.



## **Who?**

This question leads the stakeholder to an understanding of the overall corporate structure and mandate of the proponent. As an affected party, you have a right to feel a level of confidence about the ability of the proponent. They may become your neighbour. An appropriate question is “Who is this outfit and what is their track record?” Stakeholders may also be interested in whether the company is public or private, how they are financed, and whether there are corporate responsibility, ethics, and codes of conduct policies in place.

“Who?” also includes genuine curiosity about the “who” in everything from site survey personnel, construction contractors, field supervisors, and operators, through to administrators. Perhaps the most important “who” is the primary contact for project-related enquiries. If there isn't a single contact, then ask for a list of contacts.

## **What?**

Stakeholders should seek to sufficiently understand a proposed development to make an informed decision about its potential effects. The question “what is being proposed?” may be addressed by written descriptive information and/or maps, drawings, artist's renderings, photographs, or computer-generated images. It is important for the proponent to understand that if some aspect of a proposed project is left to the imagination of the public, then the public is likely to imagine – and possibly fear – a project quite unlike what is actually being proposed.

In seeking to understand what is being proposed, appropriate questions may include the following.

- What will the project look like (e.g., how big will it be? how tall? what colour? of what material will it be constructed?)
- What amount of land will be disturbed and affected?
- What new or existing roads will be required?
- What processes will be used (e.g., mechanical, chemical, water-based)?
- What will the labour requirements be (e.g., number and type of positions during construction and operation, number and timing of shifts, union or not)?
- What types of vehicles and equipment will be used?
- What level of vehicle and equipment traffic will be expected?
- What site security will be in place?
- What level of noise will be expected?
- What kind of lighting will be used?
- What chemicals and hazardous materials will be used?
- What emissions and effluents will occur?
- What alternatives were considered?
- What criteria were used in the identification and assessment of alternatives, and selection of the preferred option?
- What regulatory approvals are required?



- What are the environmental and socio-economic effects (including both negative and positive effects) of the project?
- What environmental, health, and safety management practices will be in place?

In short, ask any question that better enables you, the stakeholder, to envision the project with certainty and accuracy.

## **Where?**

It is of fundamental importance to understand the location of proposed facilities and activities, particularly in relation to lands and resources used or valued by the stakeholder. Questions to ask of the proponent might include:

- Where, with reference to land ownership mapping, will the facilities be located?
- Where will related activities be undertaken?
- Can you show us the legal subdivision detail, complete with roads and waterways?
- Can you show us how your project fits on the map of the “neighborhood”?
- Can you tell us why you chose that particular location?
- What alternative locations were considered?
- What criteria were considered in the identification and assessment of alternative sites and routes, and selection of the preferred site or route?
- What is the location of sensitive features of the natural and human environment, such as rare or endangered plants and animals, critical habitat, wetlands, migration corridors, archaeological or palaeontological sites, residences, recreational trails, vistas, sites of spiritual or traditional importance to First Nations, hunting areas, tourist facilities, and so on, in relation to the project?
- Where will materials for the project be sourced (e.g., gravel)?
- What routes will be used to access the site during construction and operation?

Other location-related issues may include the extent of local procurement and employment planned by the proponent.

## **When?**

The question of timelines is important. It should be expected that a proponent will provide “draft” timelines at the outset of public consultation. As a stakeholder, you should also be willing to accept certain changes in the timeline that are often beyond the control of the proponent. As financing, regulatory processes, equipment supply, contractor availability, and even weather start to impact the schedule, then you, as a stakeholder, should be notified of any changes. Questions to be asked of the proponent might include:

- What is the overall timeline?
- When will you schedule further public consultation?
- What is the deadline (if any) for comment by the public?
- When will you apply for regulatory approvals?

- If there is a public hearing, when will it be?
- When do you propose to begin construction, and how long will it last?
- Will construction be phased?
- Will construction and operation activities be scheduled to avoid sensitive environmental periods (such as breeding, rearing, or migration) or human activities?
- When will operations commence?
- What factors are influencing the project schedule?

### ***Why?***

This is often construed as a “silly” question, but it's very valid. A proponent should be able to answer this question concisely, and demonstrate the compatibility of the project with the community. Appropriate questions to ask of the proponent may include:

- Why is this project being built here?
- Why have you selected this community/area over others?

### ***How?***

At the end of the day, stakeholders should understand how the project may affect them and their community, and how the proponent plans to address the issues and concerns that have been identified. To achieve this understanding, you should enquire:

- How will the project affect the environment?
- How will the project affect community and municipal services and infrastructure?
- How will the project affect health and safety of the public and of workers?
- How will the project impact the social fabric of the community?
- How will the project affect the local and regional economy?
- How will the proponent mitigate adverse effects and enhance benefits?
- How will the proponent ensure that effects are managed throughout the life of the project?
- How will the proponent measure and communicate its performance?
- If you have done other projects, how did you do them?
- Were you successful?

In an attempt to better understand the credibility of the proponent, the stakeholder may also ask questions, the answers to which may border on corporate propriety:

- Is the project fully financed?
- Do you have a business plan that you can share with us?
- Is the project economically feasible?

The proponent's responses to these questions will reflect the level of understanding the proponent has regarding its project, the environment, and the community, and its capacity to be a responsible developer.

## 4.0 Principles

In this section, SASCI recommends some fundamental principles that are believed to be essential for effective community engagement. These principles apply equally to all participants. **The consistent application by all parties of these principles will contribute to cooperative, constructive dialogue and support more effective decision-making towards a sustainable economic, environmental, and social future.**

### ***Shared Responsibility***

It is important that all parties recognize that they are responsible for their participation in the process. Every player in the process must contribute meaningfully.

### ***Inclusive***

The views of all affected parties are welcomed. No one who expresses a legitimate interest should be excluded from the process. Everyone has value.

The process will recognize and involve the 'greater community' (that being the Town of Pincher Creek and Municipal District of Pincher Creek and other affected municipal jurisdictions that border the MD of Pincher Creek).

### ***Communication***

Knowledge, information, and opinion are to be shared in an atmosphere of open fairness, transparency, and balanced discussion. Plain language is to be used where possible. Communication shall be timely.

### ***Mutual respect***

All players in the process must exhibit sincere respect for each of the other players. Everyone is entitled to an opinion.

### ***Mutual understanding***

All participants should strive to understand and to be understood.

### ***Completeness and Accuracy***

The process must bring to the table sufficient information from all parties to allow informed discussion leading to timely decision-making. Information sharing in an open and transparent way leads to non-confrontational discussion and fair and equitable solutions. When issues of confidentiality or proprietary technology constrain the proponent's capacity to respond to questions raised by stakeholders, the proponent should be transparent about its reasons for withholding information.

### ***The Greater Good***

The process must recognize that personal and/or corporate sacrifice may occur for the betterment of the greater community. The aim of the process is to achieve consensus, but failing the achievement of that ideal, it must be expected that the concerns of directly affected parties will be balanced with those of the 'greater community'.

***Timelines and early involvement***

The process must allow for the establishment of clearly identified milestones, beginning with a recommended minimum two-week advance notice of any planned consultation event or deadline. Parties acknowledge that timelines may be influenced by factors such as regulatory timeframes, emergency requirements, availability of participants, and level of impact on parties.

***Living document***

This process must allow for innovation and be adaptable to an ever-changing development and consultation environment.

***Deliverables***

Where the process requires deliverables, such as responses to questions or reports on progress or performance, such deliverables will be clearly defined.

***Measurable***

The process must encourage the establishment of measurable outcomes.

## 5.0 References and Recommended Resources

SASCI acknowledges the use of supporting information made available by the various provincial and federal departments and agencies, the Canadian Association of Petroleum Producers, the Town of Pincher Creek, the Municipal District of Pincher Creek No. 9, and the Municipality of Crowsnest Pass.

References cited in this guide and additional information resources are listed below. This list is not comprehensive and will be updated from time to time to include other resources of value to the user. SASCI can direct interested parties to additional resources upon request. Some of the listed resources are available from SASCI. Others are available on-line or directly from the author or publisher.

Alberta Energy and Utilities Board. 2006. Directive 056. Energy Development Applications and Schedules.  
<http://www.eub.ca/docs/documents/directives/directive056.pdf>

Alberta Energy and Utilities Board. No date. EnerFAQ series.  
[http://www.eub.ca/portal/server.pt/gateway/PTARGS\\_0\\_0\\_281\\_237\\_0\\_43/http%3B/extContent/publishedcontent/publish/eub\\_home/public\\_zone/eub\\_process/en\\_erfaqs/](http://www.eub.ca/portal/server.pt/gateway/PTARGS_0_0_281_237_0_43/http%3B/extContent/publishedcontent/publish/eub_home/public_zone/eub_process/en_erfaqs/)

Alberta Environment. 2003. **Code of Practice for Outfall Structures on Water Bodies**, made under the *Water Act* and the *Water (Ministerial) Regulation*, September 2003.  
[http://www.qp.gov.ab.ca/documents/Codes/OUTFALL.cfm?frm\\_isbn=0779722965](http://www.qp.gov.ab.ca/documents/Codes/OUTFALL.cfm?frm_isbn=0779722965)

Alberta Environment. **Code of Practice for Watercourse Crossings**, made under the *Water Act* and the *Water (Ministerial) Regulation*, including amendment of 2001/03/16 and in force as of 2001/04/01, and amendment of 2003/07/29 in force as of 2003/07/30. Alberta Environment.  
<http://www.qp.gov.ab.ca/documents/codes/Crossing.cfm>

Alberta Environment. **Code of Practice for Pipelines and Telecommunication Lines Crossing a Water Body**, made under the *Water Act* and the *Water (Ministerial) Regulation*, including amendment of 2001/03/16 and in force as of 2001/04/01, and amendment of 2003/07/29 in force as of 2003/07/30. Alberta Environment.  
<http://www.qp.gov.ab.ca/documents/codes/Pipeline.cfm>

Alberta Environment. 1999. **Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing Of Pipelines**, made under the *Water Act* and the *Water (Ministerial) Regulation*, 1999. Alberta Environment.  
<http://www.qp.gov.ab.ca/documents/codes/diverse.cfm>

Bow River Basin Council. 2002. Guidebook to Water Management: Background Information on Organizations, Policies, Legislation, Programs, and Projects in the Bow River Basin. Prepared for the Bow Basin Plan, A Water Management Strategy for the Future of the Bow River Basin. March 2002. 348 pp.

Canadian Association of Petroleum Producers. 2003. Guide for Effective Public Involvement. CAPP publication number 2003-0022.  
<http://www.capp.ca/raw.asp?x=1&dt=NTV&dn=73244>

Griffiths, M., C. Severson-Baker, and T. Marr-Laing. When the Oilpatch Comes to Your Backyard: A Citizen's Guide. 2<sup>nd</sup> Edition. The Pembina Institute. 172 pp.

## Appendix A Contact Information for Regulators and Government Departments

This appendix provides contact information for key regulators and government departments, from whom additional information regarding regulatory approvals processes, consultation requirements, existing data, or other pertinent information relevant to development proposals may be obtained. The mandate or general area of responsibility of each department is noted.

Although care has been taken to provide accurate and up-to-date information, contact information changes frequently. The user of this document is advised that this listing may not be complete or correct at the time of use.

Contact Information for Regulators and Government Departments		
Agency, Department	Contact Information	Mandate or Area of Responsibility
<b>Federal</b>		
Canadian Environmental Assessment Agency	Lanny Coulson Director - Alberta Regional Office Canadian Environmental Assessment Agency Suite 100, Revillon Building 10237-104 Street Edmonton, Alberta T5J 1B1 <a href="http://www.ceaa-acee.gc.ca/index_e.htm">http://www.ceaa-acee.gc.ca/index_e.htm</a>	Administers the federal environmental assessment process, if applicable. Coordinates harmonization with provincial environmental assessment process, if applicable.
Environment Canada	Jim Vollmershausen Regional Director General - Prairie and Northern Region Environment Canada 4999-98th Avenue, Room 200 Edmonton, Alberta T6B 2X3 <a href="http://www.ec.gc.ca/envhome.html">http://www.ec.gc.ca/envhome.html</a>	Manages and regulates issues related to air quality, water quality, chemicals, migratory birds, wildlife, species at risk. May have federal environmental assessment responsibilities.
Fisheries and Oceans Canada	Dr. John M. Cooley Regional Director General - Central and Arctic Region Fisheries and Oceans Canada 201 Front Street North, Suite 703 Sarnia, Ontario N7T 8B1 <a href="http://www.dfo-mpo.gc.ca/home-accueil_e.htm">http://www.dfo-mpo.gc.ca/home-accueil_e.htm</a>	Manages fish and fish habitat, and regulates activities affecting fish and fish habitat. May have federal environmental assessment responsibilities.

<b>Contact Information for Regulators and Government Departments</b>		
<b>Agency, Department</b>	<b>Contact Information</b>	<b>Mandate or Area of Responsibility</b>
Indian and Northern Affairs	Mr. Roy Bird Acting Regional Director General Alberta Region Indian and Northern Affairs Canada 630 Canada Place 9700 Jasper Avenue Edmonton, Alberta T5J 4G2 <a href="http://www.ainc-inac.gc.ca/index_e.html">http://www.ainc-inac.gc.ca/index_e.html</a>	Administers reserve lands and regulates activities on reserve lands. May have federal environmental assessment responsibilities.
Natural Resources Canada	Doug Clarke Regional Manager and Senior Inspector Explosives Regulatory Division 755 Lake Bonavista Drive S.E., Unit 214 Calgary, Alberta T2J 0N3 Tel.: (403) 292-4766 Fax: (403) 292-4689 <a href="http://www.nrcan-rncan.gc.ca/">http://www.nrcan-rncan.gc.ca/</a>	Regulates the storage and use of explosives. May have federal environmental assessment responsibilities.
Parks Canada	<b>Waterton Lakes National Park</b> Box 200 Waterton Park, AB T0K 2M0 Telephone: (403) 859-2224 Fax: (403) 859-5152 <a href="http://www.pc.gc.ca/pn-np/ab/waterton/index_e.asp">http://www.pc.gc.ca/pn-np/ab/waterton/index_e.asp</a>  <b>Parks Canada National Office</b> 25 Eddy Street Gatineau, PQ K1A 0M5 <a href="http://www.pc.gc.ca/index_e.asp">http://www.pc.gc.ca/index_e.asp</a>	Manages and regulates activities within national parks. May have federal environmental assessment responsibilities.
Transport Canada	David W. Murray Regional Director General - Prairie and Northern Transport Canada 344 Edmonton St. Winnipeg, Manitoba R3C 0P6 <a href="http://www.tc.gc.ca/en/menu.htm">http://www.tc.gc.ca/en/menu.htm</a>	Regulates the transportation of dangerous goods and activities affecting navigable waters. May have federal environmental assessment responsibilities.
<b>Provincial</b>		
Alberta Environment	<b>Submission of EPEA Applications</b> Regulatory Approvals Centre Alberta Environment Main Floor, 9820 - 106 Street Edmonton, Alberta T5K 2J6	Regulates projects requiring registration or approval. Considers environmental and socio-economic issues.



<b>Contact Information for Regulators and Government Departments</b>		
<b>Agency, Department</b>	<b>Contact Information</b>	<b>Mandate or Area of Responsibility</b>
	<p><b>Regional Office</b> Second floor, Provincial Building 200-5 Avenue South Lethbridge, AB T1J 4L1 Telephone: (403) 381-5322 Fax: (403) 381-5969</p>	
	<p><b>Water Act Licences and Approvals</b> 2nd Floor, Provincial Building 200 - 5 Avenue, South <b>Lethbridge</b>, AB T1J 4L1 Telephone: (403) 382-4254 Fax: (403) 381-5337</p>	Regulates water withdrawals or discharges.
Alberta Sustainable Resources Development	<p><b>Public Lands Act Dispositions</b> Public Lands and Forests Division Southwest Region Box 540, 11901 - 19 Ave <b>Blairmore</b>, AB T0K 0E0 (403) 562-3210 Norman Hawkes, Land Management Officer E-Mail: <a href="mailto:norman.hawkes@gov.ab.ca">norman.hawkes@gov.ab.ca</a> Telephone: (403) 563-1225</p>	Manages and regulates disposition of public lands.
Alberta Sustainable Resources Development	<p>#100, Agriculture Centre, 5401 - 1<sup>st</sup> Ave. South <b>Lethbridge</b>, AB T1J 4V6 (403) 381-5486 Darrin Britton, Public Lands Officer E-Mail: <a href="mailto:darrin.britton@gov.ab.ca">darrin.britton@gov.ab.ca</a> Telephone: (403) 331-0699</p> <p>Lowell Calder, Public Lands Officer E-Mail: <a href="mailto:lowell.calder@gov.ab.ca">lowell.calder@gov.ab.ca</a> Telephone: (403) 308-9954</p>	Responsible for the development of land use framework and integrated land management.
Alberta Tourism, Parks, Recreation and Culture	<p>Heritage Resource Management Branch Old St. Stephen's College 8820 - 112 Street Edmonton, AB T6G 2P8 Telephone: (780) 431-2300</p> <p>Room 406, Administration Building 909 Third Avenue North <b>Lethbridge</b>, AB T1H 0H5 Telephone: (403) 381-5231 Fax: (403) 329-8816</p>	Regulates activities affecting archaeological or palaeontological resources.

<b>Contact Information for Regulators and Government Departments</b>		
<b>Agency, Department</b>	<b>Contact Information</b>	<b>Mandate or Area of Responsibility</b>
Energy and Utilities Board	<p><b>Customer Contact Centre</b> Telephone: (403) 297-8311 E-Mail: <a href="mailto:EUB.Inquiries@gov.ab.ca">EUB.Inquiries@gov.ab.ca</a></p> <p><b>Facilities Applications (Directive 056)</b> <i>Applications for facilities related to oil, gas and oil sands development (such as wells, pipelines, and other facilities).</i> 640 – 5 Avenue SW Calgary, AB T2P 3G4 Telephone: (403) 297-4369 E-Mail: <a href="mailto:directive056.help@gov.ab.ca">directive056.help@gov.ab.ca</a></p> <p>Ken Sharp, Manager Telephone: (403) 297-8133 E-Mail: <a href="mailto:ken.sharp@eub.ca">ken.sharp@eub.ca</a></p> <p>Dale Schafer, Assistant Manager Telephone: (403) 297-8189 E-Mail: <a href="mailto:dale.schafer@eub.ca">dale.schafer@eub.ca</a></p> <p><b>Non-Routine Applications</b> Paul Forbes, Section Leader Phone: (403) 297-3199 E-Mail: <a href="mailto:Paul.Forbes@eub.ca">Paul.Forbes@eub.ca</a></p> <p><b>Routine Applications</b> Michele Kelly, Team Leader Phone: (403) 297-2596 E-Mail: <a href="mailto:Michele.Kelly@eub.ca">Michele.Kelly@eub.ca</a></p> <p><b>Resources Applications (Directive 065)</b> <i>Processes applications for oil, gas, oil sands, and coal developments.</i> Terry Abel, Manager Telephone: (403) 297-3382 E-Mail: <a href="mailto:terry.abel@eub.ca">terry.abel@eub.ca</a></p>	Regulates oil and gas activities. Considers biophysical and socio-economic issues.
Environmental Appeals Board	306 Peace Hills Trust Tower 10011 - 109 Street Edmonton, AB T5J 3S8 Telephone: (780) 427-6207 Fax: (780) 427-4693 E-Mail: <a href="mailto:gilbert.vannes@gov.ab.ca">gilbert.vannes@gov.ab.ca</a>	Considers appeals of decisions by Alberta Environment.

<b>Contact Information for Regulators and Government Departments</b>		
<b>Agency, Department</b>	<b>Contact Information</b>	<b>Mandate or Area of Responsibility</b>
Natural Resources Conservation Board	<p><b>Natural Resources Development Projects</b> 4th Floor Sterling Place 9940 -106 Street Edmonton, AB T5K 2N2 Telephone: (780) 422-1977 Fax: (780) 427-0607</p> <p><b>CFOs and Manure Storage Facilities</b> Agriculture Centre 100, 5401 -1st Avenue S. Lethbridge, AB T1J 4V6 Telephone: (403) 381-5166 Fax: (403) 381-5806</p> <p><b>NRCB Response Line</b> Telephone: 1-866-383-6722 (toll-free, 24 hour)</p>	Regulates the use of natural resources other than oil and gas. Considers biophysical and socio-economic issues.
<b>Municipal</b>		
Town of Pincher Creek	<p>Development/Economic Development Officer Mary Ellen Whyte 962 St. John Avenue Pincher Creek, AB T0K 1W0 Telephone: (403) 627-3156 Fax: (403) 627-4784 E-Mail: <a href="mailto:townhall@pinchercreek.ca">townhall@pinchercreek.ca</a></p>	Responsible for land use zoning, community infrastructure and services. Permits activities within boundaries. Considers issues not included in provincial or federal jurisdiction.
Municipal District of Pincher Creek	<p>Development Officer Wendy Kalkan 753 Kettles Street P.O. Box 279 Pincher Creek, AB T0K 1W0 Telephone: (403) 627-3130</p>	Responsible for land use zoning, community infrastructure and services. Permits activities within boundaries. Considers issues not included in provincial or federal jurisdiction.
Municipality of Crowsnest Pass	<p>8502 - 19th Avenue P.O. Box 600 Crowsnest Pass, AB T0K 0E0 Telephone: (403) 562-8833 Fax: (403) 563-5474 <a href="http://www.town.crowsnestpass.ab.ca/">http://www.town.crowsnestpass.ab.ca/</a></p>	Responsible for land use zoning, community infrastructure and services. Permits activities within boundaries. Considers issues not included in provincial or federal jurisdiction.

<b>Contact Information for Regulators and Government Departments</b>		
<b>Agency, Department</b>	<b>Contact Information</b>	<b>Mandate or Area of Responsibility</b>
Improvement District No. 4 (Waterton)	Rick Grimson, ID Manager Municipal Services Branch 17th Floor, 10155 - 102 Street Edmonton, AB T5J 4L4 Telephone: (780) 422-8098 Fax: (780) 420-1016 E-Mail: <a href="mailto:rick.grimson@gov.ab.ca">rick.grimson@gov.ab.ca</a>	Projects within the national park boundaries are reviewed by Parks Canada.
<b>First Nations</b>		
Piikani First Nation	Peigan Band Administration 965-3940  Peigan Lands Department 965-3807	Projects within the reserve boundaries are reviewed by Indian and Northern Affairs Canada.

## Appendix B Contact Information for Stakeholder Groups

This appendix provides contact information for key stakeholder groups located in or whose area of interest includes southwest Alberta. Available information regarding the mandate or area of focus or interest of each group is included.

Although care has been taken to provide accurate and up-to-date information, contact information changes frequently. The user of this document is advised that this listing may not be complete or correct at the time of use.

<b>Contact Information for Stakeholder Groups</b>		
<b>Group</b>	<b>Contact Information</b>	<b>Mandate or Area of Focus or Interest</b>
<b>Landowners</b>		
<u>Livingstone Landowners Group</u>	Ginny Grinevitch 564-4234 www.livingstone-landowners-group.net	Group of landowners in the Oldman River Watershed, south of the Gap, east of the Livingstone range. Interested in ensuring community influence, consultation and participation with regard to any future oil and gas development.
<u>The Pekisko Group</u>	Francis Gardner 646-4784 www.pekisko.ca	Originating from the Pekisko rangeland, a group of families interested in the maintenance of fescue grasslands and watersheds; a ten-year pause in development until more is known in regard to the integrity, management and restoration of watersheds and grasslands.
<u>The Southwest Pincher Creek Landowners Group</u>	m Spencer@platinum.net	A group of landowner families interested in ensuring the integrity of the land and the safety of families located in the area of a proposed sour gas well southwest of Pincher Creek.

<b>Contact Information for Stakeholder Groups</b>		
<b>Group</b>	<b>Contact Information</b>	<b>Mandate or Area of Focus or Interest</b>
<u>Chinook Area Landusers Association</u>	Larry Frith 627-2065  Tony Bruder 627-5425	A group of landowner families interested in ensuring the integrity of the land and the safety of families located in the Twin Butte area south of Pincher Creek.
<u>South Porcupine Hills Stewardship Society</u>	Phil Burpee, Chairman	A group of landowner families interested in ensuring the integrity of the land and the safety of families located in the south Porcupine Hills area.
<b>Environment</b>		
<u>Castle Crown Wilderness Coalition</u>	<u>Judy Huntley 627 – 5059</u>	Concerned about the future of the Castle Region. Sponsors stewardship programs to monitor the Castle Wilderness.
<u>Bert Rigall Environmental Foundation</u>	<u>Judy Huntley 628-2422</u>	(a) To preserve, protect, restore, and improve the natural resources and environment of Pincher Creek and District in Alberta; (b) To encourage and foster an understanding and awareness of the natural resources and their value in enhancing our quality of life by offering conferences, seminars, public meetings, and the distribution of information circulars on issues relating to the environment and its protection; (c) To conduct educational seminars, conferences, and public forums about the flora, fauna, hydrology and geology of the region.
<u>Friends of the Livingstone</u>	David McIntyre 564-4289	Concerned about cumulative effects in the Livingstone area.

<b>Contact Information for Stakeholder Groups</b>		
<b>Group</b>	<b>Contact Information</b>	<b>Mandate or Area of Focus or Interest</b>
<u>Cows &amp; Fish Alberta</u> Riparian Habitat Management	Michael Gerrand 381-5377/627-3421 <a href="http://www.cowsandfish.org">www.cowsandfish.org</a>	"Cows and Fish" is an Alberta government-supported group striving to foster a better understanding of how improvements in grazing management in riparian areas can enhance water quality, fish populations, landscape integrity, health and productivity, for the benefit of cattle producers and others who use and value riparian areas.
<u>Southern Alberta Land Trust (SALTS)</u>	1 877 999 SALT <a href="http://www.salts-landtrust.org">www.salts-landtrust.org</a> Alan Gardner	Dedicated to preserving the ecological, productive, scenic and cultural values of Alberta's Eastern Slopes, prairie and foothill regions.
Southwestern Alberta Conservation Partnership	Ron MacKay – 625-3351	
Alberta Conservation Association	Randy Lee 382-4361/562-3292	
<u>Crowsnest Forest Stewardship Society</u>	Andrew Rusynyk – 627-8900	Stewardship of public lands within the Crowsnest Forest. Participate with land management agencies on enhancement, maintenance and reclamation projects within the Crowsnest Forest, and promote the continuation and sustainability of multiple-use opportunities while maintaining environmental protection objectives within the Crowsnest Forest (now called the Southern Rockies).
<u>Crowsnest Conservation Society</u>	Melissa Brown <a href="mailto:melissa.brown@crowsnestconservation.ca">melissa.brown@crowsnestconservation.ca</a>	

<b>Contact Information for Stakeholder Groups</b>		
<b>Group</b>	<b>Contact Information</b>	<b>Mandate or Area of Focus or Interest</b>
<u>Waterton Lakes National Park</u>	Locke Marshall 859-5118	
<u>Alberta Wilderness Association</u>	Nigel Douglas 283-2025	A grass roots organization originally from Pincher Creek, now province wide. In this area, they are interested in the Castle Wilderness, the Waterton Parklands, Access Management Plans, Grizzly Bear Recovery Plan, and working with industry to create better habitat and landscape protection.
<u>Canadian Parks and Wilderness Society</u>	232-6601	CPAWS' staff and volunteers are working to create new parks and other types of protected areas, and to promote sustainable economic activities within and around them.
<u>Nature Conservancy of Canada</u>	Kimberly Pearson 627-5876	Working with private landowners, corporations, local communities, and governments, the Nature Conservancy of Canada works at conserving key areas of high biodiversity and ecological significance.
<u>The Piikani Friends of the River</u>	Harley Bastien 965-3087	A community-sponsored fish rescue mission on the Oldman river irrigation system.
<u>Ducks Unlimited Alberta</u>	780-422-1097	Conserves and manages wetlands and associated habitats.
<b>Agriculture</b>		
<u>Pincher Creek and District Agricultural Society</u>	627-4702	To promote agriculture and ranching within the town and MD of Pincher Creek, to provide the youth and citizens indoor and outdoor riding facilities.



<b>Contact Information for Stakeholder Groups</b>		
<b>Group</b>	<b>Contact Information</b>	<b>Mandate or Area of Focus or Interest</b>
<u>Agricultural Service Board</u>	Kelly Cooley 627-8744  Alan Jacklin 627-7451	
<u>Alberta Environmentally Sustainable Agriculture</u>	Jeff Porter 646-3131	
<u>Alberta Cattle Commission</u>	275-4400  local chapter: Jack De Boer 827-3407	
<b>First Nations</b>		
Piikani First Nations Economic Development	965-3940	
Piikani Employment Services	965-2002	
Piikani Elders Society	964-3940	
Piikani Council	965-2853	
<b>Other</b>		

## **Appendix C      Regulatory and Consultation Process Overview**

This appendix provides an overview of the sequence of activities involved in a typical regulatory and consultation process. The steps normally taken by the proponent, the regulator(s), and the community are shown in parallel. The roles that SASCI can play in facilitating the process, if requested by any of the parties, are also shown.

It is important that all parties recognize that they are responsible for their participation in the process. If constraints to participation are encountered, they should be brought to the attention of the proponent and regulator, so that solutions to ensure effective community engagement may be found.

Proponent	Regulator (s)	Community	SASCI
Preliminary Project Definition			
Assess Regulatory Requirements	Confirm Regulatory and Consultation Requirements		Regulatory Roadmap
Identify & Assess Community & Environmental Issues			Identify Issues & Stakeholders
Assess Feasibility			
Plan Community Engagement			Advise on Consultation Principles & Practices
Initial Community Engagement	Receive information	Review information, identify issues & concerns, provide local knowledge	Facilitation
Conduct Studies			
Assess Options & Alternatives		Review information, identify issues and concerns, provide local knowledge	
Select & Define Project			
Prepare, Submit Regulatory Applications	Review Applications	Review Applications	
Ongoing Community Engagement		Identify issues and concerns, provide local knowledge	Facilitation
	Consider Public Comments		
Resolve Outstanding Issues and Concerns		Collectively explore solutions	Facilitation
	Decision on Applications		
Design, Engineering			
Construction	Monitor Compliance		
Operation	Monitor Compliance		
Compliance Review and Reporting	Enforcement if Necessary	Raise issues and concerns and explore solutions	Facilitation
Resolve periodic issues and concerns	Monitor Performance		

## **Appendix D      Best Practices for Public Consultation – A Guide**

This appendix includes a guide to the consultation process for both proponents and the community. The guide discussed principles and approaches for engaging potentially affected stakeholders and the community at large, drawing on existing best practices.

# **Southwest Alberta Sustainable Community Initiative**

## **Best Practices for Public Consultation**

**...a guide for the  
development proponent  
and the  
citizen**

## **Guess who's coming to dinner?**

When company comes for dinner, it's nice to know a little something about them ahead of time. If they are moving in, it is necessary to know *all* about them. It is the intent of this document to direct the citizen through an inquiry process and to assist the development proponent by offering insight into the community in which they will locate, operate, and perhaps reside.

Public consultation is a process of revelation. Principles, ethics, morality, values, and attitudes will be revealed in a process focused on giving and receiving the best information and one which therefore leads to the most informed decision.

SASCI is not re-inventing the wheel with this document. There is a profound amount of literature that deals with the subject of public consultation, much of it lengthy and based on decades of experience. This document recognizes and draws on that pool of thought and experience. It is SASCI's intent to provide a local flavour to information that is already universal. SASCI's believes that although the process of "cross-examination" may not always be comfortable, the fact that it is happening at all is indicative of healthy dialogue.

## **Public consultation and stakeholder engagement**

Public consultation is a process used to share information about a project. Public consultation recognizes the value of all information being presented by each party to the discussion.

This is a process of full disclosure and is as much about listening as it is about speaking. It is a process built on respect.

There is no single public consultation process that fits all situations. A good beginning to the process might simply involve the discovery of common ground between all parties. From that perspective, it may be easier to move the discussion ahead productively.

The Canadian Association of Petroleum Producers (CAPP) uses the term "Gap Analysis" in its public consultation tool box. Simply put, this is a tool that helps identify the 'gap' that exists between proponent processes and stakeholder issues. Although the CAPP toolbox is intended for use in the oil and gas industry, many of the principles espoused apply to other types of development.

## **When is public consultation necessary?**

Simply put, public engagement is necessary when someone's development aspirations affect others!!

There was a time when only 'large' projects raised concern. More people and more activity gave rise to a time when both large and medium-sized projects raised concerns. Today, given the recognition of cumulative effects, habitat and agricultural land fragmentation, and threats to ecosystem services, even small-scale developments require (and deserve) input from the public. It is no longer enough to engage those 'directly affected'. Those 'indirectly affected' can and should be engaged within reason.

## **Public engagement requires total communication**

The proponent must be willing to share information in a timely and transparent way. The stakeholder/citizen must be willing to listen carefully and not pre-judge or become defensive.

The stakeholder must be willing to share information in a likewise timely and transparent way. The proponent must be willing to listen carefully and not pre-judge or become defensive.

## **Science and wisdom**

In a recent meeting on the southeastern edge of the Porcupine Hills, a landowner who was speaking to a government Minister on behalf of a landowners group was heard to say: "Why is it, sir, that I feel I must learn a whole new science in order to defend myself against oil and gas intrusion?" He then answered his own question with "Because the oil and gas 'guys' have sent their best scientists to convince me, and because they are not willing to listen to my fourth generation land wisdom, I feel I must speak to them in language they understand, *i.e.*, science."

With both science and 'land wisdom', is there bias? Is there pre-judging? Is there a fear of the unknown? Is there suspicion? Is there doubt? And if so, where are those things born? They are the children of a lack of transparency, incomplete information, and a pre-discussion attitude of "we are right and you are wrong". In realms of science and wisdom, there is much common ground. That common ground makes a great starting point.

Development is not going to go away. This southwestern Alberta landscape will be further developed. It needs to be the hope (and responsibility) of developers and stakeholders to ensure that it will be developed in a manner befitting of environmental sensitivity, beauty of place, and the values we share. It must be our hope that it will be developed through the sharing of good information, through a process of mutual respect and trust. It must, at all costs, be developed in a way that contributes to the social, environmental, and economic sustainability of the region.

**Sustainability is no longer an option. It is a requirement.**

## **Citizen? Resident? Stakeholder? Shareholder? External Stakeholder? Public? Landowner? Land User?**

The above terms are used to describe anyone who is not associated directly (as an employee) with the development proponent. (And yes, the term “Shareholder” does apply to people outside the realm of the corporate board room. We Albertans are all “shareholders” in this great province.) The stakeholder is wise, is often organized with others, and, more than ever, understands the value and depth of the environment and ecosystem services provided in and by their own back yard.

## **Developer? Proponent? Company? Corporation?**

These terms apply to an individual (friend, neighbour, stranger) or organization (private or public company, consortium, group) who wants to do ‘something’ in our back yard and make a profit from it. Now, more than ever, development proponents understand that they must conduct themselves fully within (and in some cases exceed) the regulatory framework afforded by various levels of government. They must recognize that what they propose adds to the mosaic of “things already here”. But more importantly, if they are not already aware, they will come to know that they must develop in a way that contributes meaningfully to the social, environmental, and economic sustainability of the community. More than ever, they realize that development is a two-way street, and that although they have “arrived” on the scene, they have yet to be invited in and welcomed.

## **Development is not new!!**

Development has been going on for over one hundred years in this region. The collective ‘development wisdom’ that has accumulated in that time is of tremendous value to those that live here and find themselves constantly inundated with development proposals. The sheer weight of “cumulative impact” now plays into decision-making. Histories fraught with development disasters or successes make up part of the decision-making equations that inhabit the citizen psyche.

## **Rural and urban interests/rural and urban footprint**

The Municipal District of Pincher Creek has seen the growth of five landowner groups in the last year or two. These are regional stakeholders, citizens, ratepayers, but most of all, landowners with the quality and quantity of their/our land, water, and air at stake. The “urban” citizens of the Town of Pincher Creek, the Hamlet of Beaver Mines, the Villages of Cowley and Lundbreck have as much a vested interest in those elements as the rural landowner. No single development happens in isolation. We all affect each other in some way. We must work to mitigate each other’s concerns, we must understand that there might be sacrifice or trade-offs, even when the best science and wisdom is brought to bear. Neighbours drilling a new water well, or fencing, or creating an access road, or allowing seismic, or ore processing, or subdividing.....these are all



forms of development that create “footprint”. The size, quality and ‘cumulative’ impact of that footprint are what matters.

### Why is consultation necessary??

In most cases, the proponent sees the necessity for public consultation primarily as critical to successful negotiation with regulators and secondarily, as a means to build a long-term relationship with the stakeholder and a partnership with the community. The “business case” for public consultation is strong. The citizen (external stakeholder) sees consultation as a process by which concerns about community, regional, or personal well-being are addressed in the context of the development proposal. The following table illustrates some of the differences in approach:

The proponent sees consultation as necessary because of:	The external stakeholder sees consultation as necessary because of:
Increasing regulatory demands	Cumulative effects
Corporate responsibility	Threats to quality of air and water
Better project design potential	Possible visual impact
Respect for community values	Noise pollution
The business-case value of building long-term relationships (\$)	Threats to wildlife and avifauna
	Potential for agricultural land to be fragmented or threatened
	Possible habitat fragmentation
	Regulation (all jurisdictions)
	Good corporate citizenry
	Royalties
	Value of long-term relationships

### At what stage of the development process is public consultation most effective?

Earlier consultation is always better than later. While understanding that the corporate development process may have some confidentiality constraints up front, there is still a fair amount of information that can be shared early in the process. The stakeholder/community should expect nothing less. If information cannot be revealed up front, it is fair for the stakeholder to ask when it will become available.

## **What makes early consultation most effective?**

Early consultation is obviously most effective if it is based in simple truth, accuracy, and completeness. No party to the consultation should be thought to be naïve, and no party should feel pressed into accepting information because there is a time constraint. The earliest stage of consultation should present parties with a comfortable but realistic timeline. Timelines can be negotiated.

## **How much public consultation is enough?**

The size of the project and therefore the ecological/community footprint will often determine the length and breadth of consultation. Regulators may have minimum distance limits to the notification process, but NOTIFICATION IS NOT CONSULTATION. It behooves the proponent to use sound judgment in determining the consultation area. It behooves the stakeholder community to ensure that the consultation zone sufficiently addresses regional concerns. Both the stakeholder and the proponent are well informed about the importance of cumulative impact. It is no longer enough to consult with those directly affected. There is a community of 'indirectly affected' persons with valid concerns about the region. We see evidence of this with oil and gas, pipeline, seismic, wind farm, processing, and subdivision developments. The level of attendance at the recent Southern Foothills Study presentations was a clear indication that the 'development neighbourhood' extends far beyond regulatory boundaries.

## **What kind of consultation?**

There are many different ways of consulting with and soliciting input from the community, ranging from one-on-one consultation to public meetings, open houses, meetings with groups, workshops, design charettes (*i.e.*, an intensive design process that engages diverse stakeholders to collaboratively develop approaches to issues of interest or concern), written submissions, and feedback forms. The selection of consultation methods should consider the preferences of the community, particularly directly affected stakeholders. A proponent may select one, some, or all of the available methods, as appropriate, to engage the community effectively.

## **Timing**

You, as the stakeholder, know your 'availability' comfort zone. With rural stakeholders, the time constraints may relate to calving, seeding, harvest, and other pursuits and obligations. You must make your time constraints perfectly clear to the proponent representative.

While you, as the landowner, must communicate time guidelines to the corporate representative, he will also describe the corporate calendar milestones that he needs to satisfy.

You have a right to expect a pre-visit phone call requesting an appointment. There will be some instances where reasonable re-scheduling is necessary. All parties need to understand that.

**BE CLEAR ABOUT YOUR TIME CONSTRAINTS AND ASK THE PROPONENT REPRESENTATIVE TO BE CLEAR ABOUT THOSE OF THE COMPANY.**

## **Snowed or snowed under**

More detail is better than ambiguity, but there is a limit – both minimum and potentially maximum – to the level of detail that can or should be provided. The stakeholder community is intelligent, well-read, and expects only the best technologies to be brought to bear in its back yard. More and detailed consultation, conducted in a timely manner and in understandable language, goes a long way to addressing that issue. As a stakeholder, you should expect the corporate representative to be well versed, concise, polite, and cognizant of the fact that while he talks, he is being paid and you are not. The corporate representative should not try to snow you with ambiguity, nor snow you under with reams of technical documents. If the picture they present is unclear at any point, stop them and back them up. If there seems to be contradictions, point those out and demand a re-explanation. If there is impasse, call a halt to discussion and ask for alternatives. Likewise, as the landowner, understand and respect the corporate representative's responsibility to his corporate overseer. He is supposed to be doing his job according to the company guidelines, to the best of his ability, and according to standards set down by the industry and regulators.

## **Understand and be understood**

The public engagement process involves clarity from all parties. If words are clear, it should be expected that they will be heard clearly. Speaking the truth is important, but truly listening is equally so.

Parties to the public consultation process should, after the sharing of valid information:

- within reason, “cut to the chase” or get to the point;
- explain why the point is important;
- repeat important points when necessary (drive home the point);
- avoid jargon and acronyms;
- repeat questions when necessary;
- show respect by not interrupting the other; and
- make no assumptions about the other.

## **What can the stakeholder expect to learn during consultation?**

In three words: Everything... within reason.

While the stakeholder expects to learn much of the WHO, WHAT, WHY, WHERE, WHEN, and HOW of the project as soon as possible, they will also learn that there may

be issues that the corporate representative is not able to discuss. The proponent should explain why they can't discuss that information, and when (or if) such information might become available.

Further, there may be issues that the corporate representative is unable to answer on the spot. The good corporate representative will never become defensive about that, but will offer to find the information. One company representative will not know everything.

The stakeholder needs to be prepared with questions. There are no "silly questions". See "Questions to Ask" in Section 3.3 of SASCI's Development and Consultation Roadmap.

### **Keep a record!**

The things learned from a proponent should be recorded. A summary of dialogue is important for review purposes, for sharing with family, friends, neighbours, regulators, or others. Be prepared to review and analyze your notes. Expect the proponent to do the same.

Don't be afraid to call the corporate representative later for clarification on something not clear in your notes. The proponent may call the stakeholder for clarification on certain matters.

### **What can the proponent expect to learn during consultation?**

In engaging the community, the proponent can expect to hear about the regional history, geology, archaeology, biology, the grain market, surface and ground water conditions, the cattle market, community values, weather conditions, family tradition,, and many other issues, concerns, and interests of the community.

Besides recording the sharing of processes, plans, methods, mechanisms, and dates, the proponent would be well advised to record the anecdotal information gleaned from the stakeholder as well. Understanding individuals and the community in depth is necessary and beneficial when there is information to be shared, problems to be solved, or mitigation measures to be introduced.

The proponent will learn that appointments with stakeholders are as necessary as appointments at the local medical clinic (and that appointments must be honored, or cancelled with a polite phone call, or rescheduled as necessary).

**If a development proposal proceeds, and it bears the mark of meaningful community input, then everyone enjoys that success.**

## **Appendix E      SASCI Oil and Gas Committee Best Practices for Stakeholder Consultation**

The Oil and Gas Committee is a subcommittee of SASCI, established in 2006, comprising most of the oil and gas companies currently active in southwest Alberta. Part of the mission of the Oil and Gas Committee is to help its member companies to understand the issues and concerns of area stakeholders and to share information regarding industry practices to reduce the environmental, including cumulative, effects arising from industry activity. A goal is to facilitate communication, dialogue, trust, and resolution of issues between and by member companies and other stakeholders.

One initiative of the Committee is to establish stakeholder consultation best practices for the oil and gas sector in southwest Alberta. The Committee recognizes – as does SASCI – the importance of effective stakeholder consultation, and is making an effort to establish appropriate practices that acknowledge and reflect the expectations of the community. The Committee engaged area stakeholders early in the development of the consultation best practices, to document such expectations and to identify desirable (as well as unacceptable) practices.

SASCI believes that the initiative of the Committee to establish stakeholder consultation best practices, including stakeholder input in the definition of those practices, will help to ensure that good information is shared in a timely and appropriate manner and will ultimately facilitate more effective engagement.

The Stakeholder Consultation Best Practices are currently in draft form, pending further consultation with area stakeholders and acceptance by the members of the Oil and Gas Committee. The current draft version is included here; however, the user is advised to contact SASCI or the SASCI Oil and Gas Committee to obtain the most up-to-date version at the time of use.

# **SASCI Oil and Gas Committee**

## **Stakeholder Consultation Best Practices**

**Date: November 30, 2006**

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<p style="text-align: center;"><b>Section One:</b> <b>Best Practices for Stakeholder Consultation in SW Alberta</b></p>
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The SASCI Oil and Gas Committee defines a best practice as “a practice that is generally accepted by industry and stakeholders as providing the most effective outcome when taking into consideration environmental, social and economic factors.”

People who live in southwest Alberta, as elsewhere, expect best practices for stakeholder consultation which the community and the Committee define as “a process of timely two-way communication and education between the company and its external stakeholders that enhances how everyone can work together effectively.”<sup>1</sup>

Stakeholders expect to be involved when corporate activities affect their lives. They want to know about potential and existing oil and gas exploration and development and how this activity may impact their lifestyle, their family’s health and safety, their property interests, and the overall environment.

Consultation requires that companies listen and address the concerns and issues they hear as a result of the consultation process. This enhances working relationships with community stakeholders and helps the companies plan their activities.

The issue of consultation is important in southwest Alberta where both regulator and community expectations require special efforts when communicating about potential oil and gas activity. Those oil and gas companies who belong to the Southwest Alberta Sustainable Community Initiative (SASCI) Oil and Gas Committee understand both the context and importance of stakeholder consultation in this area.

As such, the purpose of this document is to give all parties a better understanding of the basics of stakeholder consultation. In particular, the Committee also hopes that this document will give the community a better understanding of what they should expect from companies who consult with stakeholders in the area.



Finally, the Committee considers this best practice document as a living document that will change over time as our understanding of the community and our own practices evolve and mature. We look forward to the dialogue this document will create with all stakeholders in the community and within industry.

## **Section Two: Community Expectations for Stakeholder Consultation**

The SASCI Oil and Gas Committee accepts that stakeholder consultation, apart from being a regulatory requirement or expectation, makes good business sense. The process builds relationships and helps all Committee companies understand the needs and issues a community or its constituents may have. As a result of this principle of consultation, proposed projects better reflect what the community and individual stakeholders want for a proposed project. This type of approach provides for constructive dialogue which hopefully leads to mutually agreeable solutions for any project.

Based on discussions with the community and municipal groups in the southwest<sup>2</sup>, the Committee acknowledges and understands community expectations of oil and gas companies conducting exploration and development in the area:

- Consult, notify, discuss and listen as widely and broadly as possible with stakeholders that could include<sup>3</sup>:
  - Aboriginals, First Nations and Métis
  - Government agencies and elected officials
  - Federal, provincial or municipal governments
  - Planning agencies
  - Regulators
  - Residents, landowners, adjacent residents or landowners
  - Environmental groups and community groups
  - Media (TV, Radio, Newspapers)
  - First Responder Organizations (Police, Fire, Ambulance)
  - Health Authorities
  - Surface Rights Groups
  - Synergy groups
  - Other companies or operators
  - Industry Associations
  
- Recognize that there are areas where some community groups do not want oil and gas activity.
- Listen and respond to the concerns, issues and ideas stakeholders have.

- Involve community members early on in the stakeholder consultation process.
- Discuss activities more than on project-by-project basis (a project could involved seismic, well drilling or pipeline activity). Companies must share, in a timely manner, their short- and long-term plans, even if only possible on a conceptual basis.
- Companies must understand the difference between consultation and notification.
- Companies need to understand that a landowner's time is valuable. This impacts the timing of consultation and the ability of stakeholders to arrange a meeting. .
- Company representatives need to be knowledgeable, respectful and follow through on promises.
- It is important that companies provide, as much as possible, a one-contact representative for oil and gas activities
- A public consultation program must be thorough, planned and go, where appropriate, beyond minimum regulatory requirements.
- Honesty and integrity are the key to the success of any stakeholder consultation.
- Companies need to consider the Integrated Land Management and Land Use Policy Framework processes currently underway and to be knowledgeable about the recently completed Southern Foothills Study.

<p style="text-align: center;"><b>Section Three: SASCI Oil and Gas Committee Stakeholder Consultation Process</b></p>
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**Introduction to a Process**

Given the feedback from and review with external stakeholders<sup>4</sup>, the following chapter outlines the recommended steps of stakeholder consultation for the SASCI Oil and Gas committee.

**Step One: Conduct research.**

- Research gives information about the community and input into the project planning process.
- Allows companies to gain an understanding of people and issues
- Provides background information necessary to design and implement an effective stakeholder consultation program.

**Step Two: Identify internal and external information sources and stakeholders.**

**Internal**

Operations managers

Pipeline and field foremen

Operators

Community/Aboriginal Relations Specialists or Managers

Land agents

Health, Safety and Environment personnel

Project leaders (exploration, operations, pipeline)

**External**

Community leaders, Chambers of Commerce, Town Councils

Environmental groups, non-government officials

Community groups

Landowners

People living near facilities, pipelines and operations

Other companies that have operations in the area

Government (municipal, provincial, federal)

Regulators

Synergy Groups

Aboriginal, First Nations and Metis

### **Step Three: Develop a community inventory**

- After research, organize the information through a community inventory that identifies potential issues, stakeholders, and a specific approach to stakeholder consultation. The inventory should include the following information:
  - Key stakeholders and community leaders
  - Types of residents - e.g. urban, rural, seasonal
  - Active organizations
  - Demographics
  - Poll information (if available)
  - Key area employers
  - Community issues (past and present) and how the community addressed those issues
  - Media reports and news clippings on community issues
  - Industry issues such as accidents, safety infractions and environmental incidents
  - Attitudes toward development
  - Growth rate, unemployment rate
  - Education, recreational and cultural amenities
  - Health care and social services

### **Step Four: Develop a communication, education and public consultation plan.**

- Review and define project objectives.
- Target the stakeholder audiences important to the project.
- Outline key community issues.
- Develop key messages about the project and important issues (using “plain language” and as much transparency as corporate propriety will allow)
- Decide how you will communicate to stakeholders:
  - Individual meetings
  - Letters, telephone calls
  - Open houses, town hall meetings
  - Advertisements
  - News releases
- Identify the person(s) responsible for corporate liaison in the community.
- Develop who will be responsible for various relationships in the community.
- Develop a centralized database.

### **Step Five: Begin public consultation activities.**

- Select the appropriate method remembering not to make any pre-judgements or assumptions

- Start consultation. Review progress as the public consultation effort continues.

**Step Six: Refine your public consultation plan.**

Now that you've met and heard the community, determine if your plan needs to be altered to be acceptable overall by the community. Ask the following questions:

- Is the plan working? Does it look like the community accepts the project as it is presented?
  - What parts are acceptable? Why?
  - What parts are unacceptable? Why?
- Does the plan allow for a satisfactory level of public input into project planning and/or company operations?
- Are the consultation plan objectives being achieved? How can they be improved? Is corrective action needed?
- Is the program effective in resolving or reducing environmental, social or economic conflicts? Does it enhance the company's, the government's and the community's ability to plan effectively?
- Has the company honoured all commitments?
- Is the plan still valid or has time led to changes?

**Step Seven: Finish the public consultation. Conduct follow-up.**

- Using the refined consultation plan, continue the public consultation
- Follow up on all issues and address all concerns.
- Conduct a team review about the public consultation effort. Review all issues and determine those you resolved and those not resolved.
- If you cannot resolve all issues, meet with the project team to determine a final response to the stakeholder. Decide how this will be done.
- Always keep communication lines open even if you disagree.
- Meet with the regulator to review progress. Ask for suggestions and feedback on the information provided and the consultation process followed. If necessary, explore Alternative Dispute Resolution.
- Are you considering surveying the stakeholders about their views on the public consultation effort?

**Step Eight: Review your documentation.**

**Step Nine: Review the findings with Management, other project teams and the rest of the SASCI Oil and Gas Committee. Discuss:**

- The project success or failure

- Issues and key learnings
- How you resolved or did not resolve community issues
- Review whether you will submit a license or permit
- Recommendations

<p style="text-align: center;"><b>Appendix One:</b> <b>SASCI Oil and Gas Committee</b> <b>Communication Principles and Practices</b></p>
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**Principles:**

- The SASCI Oil and Gas Committee will act as a voice and contact for the community.
- Companies will be open, honest and transparent when planning for and when conducting stakeholder consultation activities.
- Companies will communicate about their activities early, in a timely fashion and in a broad manner to stakeholders.
- Companies will make and maintain ongoing relationships with the community.
- Companies agree that stakeholders have an important role to play when planning oil and gas activities.

**Practices**

- Companies will give communities information in a non-technical format where possible.
- Companies will listen to stakeholder issues and concerns and use this information to improve the project planning, analysis and decision-making.
- Companies and their representatives will treat stakeholders with due respect when planning for and conducting stakeholder consultation.
- To better enable communication in the community, SASCI Oil and Gas companies will ensure the Committee knows of their activities in the event stakeholders have questions asked about any activity.
- Companies will, wherever possible, implement a one-contact approach with the community.
- The SASCI Oil and Gas Committee will convene Community Update meetings every three months. These will consist of an overall review of activity and individual company updates.
- The SASCI Oil and Gas Committee will convene periodic educational seminars in the community that will:
  - Help explain to stakeholders oil and gas activity and processes.
  - Help companies better understand the needs and issues that stakeholders have in the community.
  - Ensure safety through education and awareness



<p style="text-align: center;"><b>Appendix Two: October 20, 2006 Meeting Summary</b></p>
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As part of the research in preparing this document, the Committee met with several community and municipalities groups existing in southwest Alberta. These include:

- The Livingstone Landowners Group
- The Pekisko Group
- MD of Pincher Creek
- MD of Willow Creek
- Improvement District No. 4
- MD of Foothills
- Twin Butte Land Issues Committee
- South Porcupine Hills Stewardship Society
- Waldron Grazing Co-Op

The Alberta Energy and Utilities Board was also represented.

The meeting was intended to give these groups an opportunity to discuss their perspectives about oil and gas companies and stakeholder consultation. There was general consensus as to the definition of stakeholder consultation – the process of timely two-way communication and education between the company and its external stakeholders that enhances how everyone can work together effectively. As indicated at the front of this document, the SASCI Oil and Gas Committee has adopted this definition.

The group discussed the timing of stakeholder consultation. It was generally agreed that consultation should take place before company activities affect other people's lives. This included the recommendations from the Canadian Association of Petroleum Producers' *Guide for Effective Public Involvement* (2003) which indicates that public involvement is necessary when:

- There is public interest in the project or activity.
- The scale or type of activity is perceived as significant.
- There is a need for developing emergency response plans.
- Those affected expect to be involved in the process.

- There is a regulatory requirement.
- There is emerging legislation, policy or legal actions relating to your activity.

The meeting also involved a discussion about who the stakeholders are in a community. The resulting discussion indicated that the following are common stakeholders in an area:

Aboriginals, First Nations and Métis  
Government agencies and elected officials  
Federal, provincial or municipal governments  
Planning agencies  
Regulators  
Residents, landowners, adjacent residents or landowners  
Environmental groups and community groups  
Media (TV, Radio, Newspapers)  
First Responder Organizations (Police, Fire, Ambulance)  
Health Authorities  
Surface Rights Groups  
Synergy groups  
Other companies or operators  
Industry Associations

The external groups attending the meeting formed a panel that was asked a number of questions. The following details the questions and a summary of the answers from the panel:

**Question One:**

What has been your experience in the quality of stakeholder consultation oil and gas companies have had with you?

- If positive, what did the company or companies do right?
- If negative, how could the company or companies improve?

Comments:

- Consultation is not a level playing field.
- Need a third-party audit on all consultation.
- I've never been listened to.
- The problems come from one company in 10. The one negative experience paints everyone in the same light.
- Companies are very thorough in their knowledge. However, there are wider issues that we must consider when considering development and environmental protection.
- I will not be complicit in my own demise.
- Consultation by companies is generally improving.

**Question Two:**

The AEUB is currently reviewing and attempting to clarify IL 93-9 (which impacts oil and gas activity in SW Alberta) which calls for, among other things, a thorough and effective stakeholder consultation plan or process.

- What do you think are the elements of an effective and thorough consultation process?

Comments:

- Landowners need to educate themselves. They want companies to listen.
- Consultation is not notification.
- Companies need to respect landowners and their time. Landowners need to be compensated for their time.
- Companies need to provide a one-contact for their activities. There is too much juggling of people so landowners do not know who to contact.
- Companies need to respect the timing of consultation – companies need to realize that consultation should not occur

during harvest, calving, seeding and other busy time. It should also occur at reasonable times of the day.

- Companies need to realize that some groups need time to prepare for meeting. Proper and reasonable advance notice is necessary so people can prepare and make meetings.
- Landowners and landowner groups need to know that concerns are being acted upon.
- Follow-up with landowners after you have met with them to discuss their concerns.
- Do more than the minimum requirements for consultation.

### **Question Three:**

The AEUB also has outlined the minimum requirements for stakeholder consultation. Among other things, they indicate that companies must give out prescribed AEUB information pamphlets and a company project-specific package.

Have you received this information in the past? If so,

- What is your experience with the quality of that information?
- Do you read the information?
- Is the information easy to understand?
- What would you suggest to improve the quality of the material?

Comments:

- The consensus from the group was that the information was of good quality and easy to understand.

### **Question Four:**

- When do you think companies should start their consultation process?

Comments:

- All agreed that earlier is better.

### **Question Five:**

- Which stakeholders do you think companies should consult with?  
Are there stakeholders that should have priority?
  - All agreed that consultation should be as broad as possible.
  - There was mixed discussion about which stakeholders should have priority. Most agreed the landowner should be consulted first but that municipalities need to be involved very early in the process.

**Question Six:**

- What advice would you give to companies about the value of relationships?

**Comments:**

- Build relationships.
- Establish a local office.
- One-person contact.
- Continue public meetings and follow-up.
- Don't lie.
- Both sides need to be heard.
- Respect the landowners.
- Relationships are the key to success.

**Question Seven:**

The panel was asked about their concerns about the intervenor status process and how broad the consultation process should be.

**Comments:**

- We need to consider the Integrated Land Management Process and Land Use Policy Framework currently underway.
- The current process of restricting landowner involvement is outdated. It is not current in its reflection of stakeholder concerns.
- What the interests of Albertans today is not considered by the AEUB.
- A well-by-well process is not enough. A full development plan should be forthcoming. A cumulative effects assessment is vital.

## Bibliography

The following are the best practices research:

- Rimbey Multi-Stakeholder Group: Rimbey Alberta
  - *Fair Play* document
- The Pekisko Group Charter
- Strathcona County:  
Protocol for Seismic Surveying, Drilling, Construction and Operation of Oil and Gas Facilities in Strathcona County
- Alberta Energy and Utilities Board (AEUB)
  - Directive 56; Interim Directive (ID) 97-06: Sour Well Licensing and Drilling Requirements.
  - Guide 60; Directive 071; EnerFAQs No. 8 Proposed Oil and Gas Development: A Landowner's Guide.
  - Information Letter (IL) 93-9.
- National Energy Board (NEB)
  - *Guidelines for Filing Requirements; Guidelines for Effective Regulatory Consultations*
  - *Pipeline Regulation in Canada, A Guide for Landowners and the Public*
  - *Damage Prevention Regulations and Guidance Notes*
- U.S. Federal Agency Regulatory Commission (FERC)
  - *Ideas for Better Stakeholder Involvement in the Interstate Natural Gas Pipeline Planning Pre-Filing Process.*
- United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration
  - Pipeline Safety Improvement Act (PSIA) of 2002.
  - American Petroleum Institute (API) Recommended Practice (RP) 1162, "Public Awareness Programs for Pipeline Operators".
- Canadian Association of Petroleum Producers
  - *Guide for Effective Public Involvement*
- United States -- Common Ground Alliance
  - *Common Ground Study Report:*
    - *CHAPTER 8, Public Education and Awareness Task Team Best Practices*
- International Association of Public Practitioners (IAP2)
  - IAP2 Core Value

- Alberta Association of Municipal Districts and Counties (AAMD&C)
  - Spring 2006 Resolution
    - *Gas and Oil Pipeline Planning*

## Footnotes

1. This definition was agreed on the October 20, 2006 stakeholder consultation seminar/meeting between the SASCI Oil and Gas Committee and the following community and municipalities groups existing in southwest Alberta:
  - The Livingstone Landowners Group
  - The Pekisko Group
  - MD of Pincher Creek
  - MD of Willow Creek
  - Improvement District No. 4
  - MD of Foothills
  - Twin Butte Land Issues Committee
  - South Porcupine Hills Stewardship Society
  - Waldron Grazing Co-Op
2. October 20, 2006 meeting
3. October 20, 2006 meeting
4. October 20, 2006 meeting



## **Appendix F      SASCI Backgrounder**

This appendix provides additional information regarding the Southwest Alberta Sustainable Community Initiative (SASCI).

# **Southwest Alberta Sustainable Community Initiative**

**Box 1297, Pincher Creek, Alberta T0K 1W0**

**Tel: 403-627-1750 Fax: 403-627-1751**

**email: [sasci@telus.net](mailto:sasci@telus.net)**

**I - Mission & Vision & Objects**

**II - History & Description of Activities**

**III - Organization**

**IV - List of Directors & Officers**

**V - Other**



# **I - Mission, Vision & Objects of the Southwest Alberta Sustainable Community Initiative**

## **Mission Statement**

To provide information and education and to facilitate public cooperation through a multi-stakeholder group for the sustainable economic, environmental and social future of southwestern Alberta and its publics.

## **Vision**

SASCI will be recognized as a leader in providing good information, promoting thoughtful cooperation and broad community involvement, resulting in our children and future generations choosing this community, enjoying a high quality of life, work and environment.

## **Objects**

*(as passed by special resolution on October 21, 2004)*

To educate people on economic, environmental, and social issues that affect the sustainability of life in southwestern Alberta through forums, discussions, workshops and other learning opportunities;

To undertake research into economic, environmental and social issues that affect the sustainability of life in southwestern Alberta and disseminate the results to the public;  
and,

To undertake activities which are ancillary and incidental to the above charitable objects.

## **II - History & Description of Activities**

### History and Overview of Activities

The Southwest Alberta Sustainable Community Initiative (SASCI) is a unique synergy group that includes all stakeholders in the Pincher Creek area. The concept was developed through the Chamber of Economic Development, in response to a survey of the people in the area.

On September 19, 2002, the original Steering Committee was charged with selecting an Executive Committee (later becoming the Board of Directors), at the request of over ninety stakeholders who attended a general forum. The Steering Committee was selected from community members who had expressed interest in participating in response to advertisements in the local media.

The Board of Directors, from a variety of backgrounds and experiences, works to shape the structure, function and direction of the group. This gathering of minds and passions is directing SASCI's work to foster the long term sustainability of Southwest Alberta.

The Board of Directors embodies the sectors identified as stakeholder groups in the Pincher Creek area. These sectors are:

- ⑩Agriculture
- ⑩Community at Large
- ⑩Environmental Organizations
- ⑩First Nations
- ⑩Forestry
- ⑩Government/Regulatory Agencies
- ⑩Oil & Gas
- ⑩Renewable Energy
- ⑩Small Business/Manufacturing/Construction
- ⑩Social & Health
- ⑩Tourism & Recreation

The SASCI Resource and Administration Center opened its doors at 1041 Hewetson Avenue in Pincher Creek in September, 2003. On October 17, 2003 SASCI was registered as a non-profit Society in the province of Alberta. On November 16, 2004 SASCI became a registered charity under the Income Tax Act. Over the years of its operation, 70% of funding has come from industry, with some additional funds from the Town and M.D. of Pincher Creek.

### Some Recent SASCI Activities:

- 'A Landscape Cumulative Effects Simulator' presentation by Alberta Environment
- 'Natural Capital' presentation by the Canada West Foundation

- Public information sessions and forums to discuss the proposed New Generation Processors Co-op Beef packing plant and biodigester
- A Speakers' Series to address issues the community has raised about the Oil and Gas industry. Sessions to date have been 'Oil & Water' , ' The ABC's of the EUB' and Health Effects of Flaring.
- A Speaker's Series is planned to address broad community issues such as wildlife management and land conservancy groups.
- The Oil and Gas committee participated in phase one of a stewardship project, in partnership with the Town of Pincher Creek, to plant trees & shrubs to stabilize and beautify a slope above a walking path. Phase two is being planned for 2005.
- The Oil and Gas committee developed a protocol for sharing resident information in areas where several companies have overlapping emergency response zones, to reduce the number of times residents need to be contacted to collect their data.
- Endorsed and supported the Crowsnest Forest Stewardship Society's 2004 C5 Baseline Trail Mapping & Assessment project, using GIS technology to map trails, and collecting data about trail attributes, including the human use layer, to aid in sustainable planning. SASCI plans to be involved in making this information available to the public.
- Facilitated partnership discussions between the Napi Friendship Centre and the Pincher Creek Women's Emergency Shelter to develop a mentorship program for families at risk.
- Provided computer/internet access and office space for research into establishing a Centre of Excellence for Renewable Energy.
- Initiated and facilitated discussion among community service providers regarding possible stress related concerns in the Agriculture Sector following several years of drought and BSE impacts.
- Continual research into local issues is leading to a growing library of regulatory information, research papers, guides, and industry information. SASCI is looking into possible partnerships which could assist with cataloging this information and help to make it accessible to a broader community.
- Exploring the possibility of setting up a volunteer group to monitor water wells in the M.D. of Pincher Creek
- Use our resources to help to publicize and organize participation in community activities such as the annual toxic waste roundup, weed control days, and others.
- Bring issues to the attention of the Municipal District of Pincher Creek, the Town of Pincher Creek, and the Chief and Council of the Piikani Nation through monthly written reports.
- Submit occasional columns to the local newspapers which address questions raised by the public; send email flashes to SASCI members to inform them of events and other information related to sustainability issues; mail newsletters to SASCI members who do not have email.
- Facilitated a community consultation for the Women's shelter and the community regarding a proposal to relocate the Shelter to a new site.

- Participated in the MD's Wind Energy Conversion Systems (WECS) Bylaw Review
- Moderated the "Economic Value of Parks for Neighbouring Communities" seminar in Crowsnest and Pincher Creek
- Participated in the SASCI Oil and Gas Committee "Best Practices for Public Consultation" Seminar October 20, 2006
- Completed 13 Sections of the Consultation Roadmap Project being funded by the Alberta Real Estate Foundation (work is on-going)
- Continuing to maintain and strengthen dialogue with five area Landowner Groups.
- Participated in the Canada West Foundation "Public Land Use Policy Framework" discussions with other area stakeholders.
- Attended the Southern Foothills Study presentation on cumulative effects in Pincher Creek Nov 8, 2006.
- Participated in the Alberta Government "Land Use Policy" Forum in Red Deer in December of 2006

## **III - Organization Chart**

### **BOARD OF DIRECTORS**

Chair, Vice-Chair, Secretary-Treasurer  
9 additional Board Members at Large  
Full control and management of SASCI

### **EXECUTIVE COMMITTEE**

Vice-Chair + 2 Board Members at Large + Manager  
Board Policy, governance, personnel

### **MANAGER**

Staff position

Reports to Chair & Secretary-Treasurer; accountable to Board of Directors  
Administers and facilitates programs and routine activities

### **SUB-COMMITTEES**

Made up of industry and/or community stakeholders  
Discuss issues relevant to their area, plan relevant projects, assist with implementation of projects  
All projects must be approved by the Board of Directors

### **MEMBERSHIP**

Stakeholders who have self-identified as members of SASCI  
Eligible to participate in the selection of Board Members at the Annual General Meeting  
Receive updates on SASCI activities, are encouraged to provide direction on issues of interest

### **STAKEHOLDERS**

May have self-identified, or have been identified by SASCI members as belonging to one of the following sectors:  
Agriculture, Community at Large, Environment, First Nations, Forestry, Government, Oil & Gas, Renewable Energy, Small Business, Social & Health, Tourism & Recreation  
SASCI solicits input from Stakeholders, and seeks to keep Stakeholders informed  
The Stakeholder group is the core of SASCI

## **IV - List of Directors & Officers**

### **Directors and Officers (As of February 2007)**

<u>Chair:</u>	Celesa Horvath	(Environment)
<u>Vice-Chair:</u>	Andrew Rusnyk	(Tourism/Recreation)
<u>Secretary-Treasurer:</u>	Kevin Van Koughnett	(Renewable Energy)

### **Board Members :**

Keith Everts	(Agriculture)
Darryl Johnson	(Government)
John MacGarva	(Forestry)
Brett Wuth	(Community-at-Large)
Vacant	(Social Services)
Vacant	(Small Business)
Kevin May	(Oil and Gas)
Vacant	First Nations

### **Alternate Board Members**

Donna Bier	(Small Business)
Joe Stepaniuk	(Oil and Gas)
Dick Hardy	(Agriculture)
Phil Hazelton	(Environment)
Wendy Kalkan	(Government)
Wendy Meerveld	(Recreation and Tourism)
Cindy Sinnott	(First Nations)

<b><u>Manager</u></b>	David Green
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## **V - Other Information**

The strength of SASCI lies in the breadth and depth of the knowledge and experience of the Board and Executive, the membership, and collectively their belief in the purpose of the organization.

Our current Executive and Board of Directors includes:

- œ A senior manager with Shell Canada
- œ An environmental consultant, specializing in environmental impact assessment, regulatory affairs, sustainable development and corporate responsibility
- œ A private consultant with experience in South America and Northern Canada, with CIDA, the World Bank, and the Government of Canada
- œ The Marketing Director for Castle Mountain Resort
- œ A senior manager with Sustainable Resource Development
- œ A past president of Search and Rescue Alberta, who is also a computer software designer
- œ A local lifetime rancher who has been involved with many community organizations
- œ A partner in a forestry company
- œ The owner/operator of a small business

The most active SASCI sub-committee is the Oil and Gas Committee. Contributors to this committee include: Shell Canada Ltd, Pennine Petroleum Corporation, Petro-Canada, Win Energy Corporation, Choice Resources, Devon Canada Inc., Apache Canada Ltd., Compton Petroleum Corporation, Chamaelo Exploration Ltd., TransCanada Pipelines, and Ketch Resources Ltd.

For SASCI to be effective, it is vital to protect and promote its neutral position on all issues. SASCI's role is to provide information and to facilitate discussion, resulting in the community's increased ability to understand the issues around sustainability, and to make informed decisions.

From time to time, when SASCI organizes and facilitates information sessions about certain issues, it has been assumed by some participants that SASCI represents a specific point of view on these issues. This is not an unexpected response from individuals who have very strong points of view themselves. SASCI will continue to pursue ways to bring the best, most balanced information it can find to the community, on issues of importance to the community, no matter how controversial the topic may be.

## **Appendix G      Feedback Form**

SASCI welcomes feedback from users of this guide. A feedback form is included for this purpose.

In particular, users are encouraged to provide feedback regarding scope, content, layout, readability, and ease of use of the document. Also, users are requested to advise SASCI of errors and omissions. Suggestions for improvement will be appreciated, and will help to promote more effective community engagement in the future. All feedback received will be considered in future updates of this guide.

## SASCI Development and Consultation Roadmap – Feedback Form

We welcome feedback from all users of the Development and Consultation Roadmap. Please submit your feedback in writing by mail, fax, or e-mail, by phone, or in person.

Contact	David Green, Manager
Location	1041 Hewetson Avenue, Pincher Creek, Alberta
Mailing address	Box 1297, Pincher Creek, Alberta T0K 1W0
Telephone	403-627-1750
Fax	403-627-1751
E-mail	<a href="mailto:sasci@telus.net">sasci@telus.net</a>
Hours	9:00 am to 5:00 pm, Monday – Friday

### ***Scope, Completeness, and Accuracy***

Did you find the Roadmap useful? If not, why not?

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Did you find the information you were looking for? If not, what was missing?

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Is the scope of the Development and Consultation Roadmap appropriate? If not, what information would you suggest we add or omit?

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Did you notice any errors? If so, can you tell us what these are?

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### ***Ease of Use***

Did you find the organization and layout of the document easy to follow and use? If not, what would you change?

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Did you find the text readable and easy to understand? If not, what would you change?

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***Follow-up***

Would you like to be informed of future changes to the Roadmap?

Yes                       No

Would you like to be advised of how your feedback has been considered and addressed?

Yes                       No

Would you be willing to discuss your feedback with, or if necessary provide clarification to, a SASCI representative?

Yes                       No

Would you like to receive SASCI's regular newsletter?

Yes                       No

***Tell us about yourself***

Did you use the Roadmap in relation to a specific development proposal? If so, which one?

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How did you hear about the Roadmap?

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Do you belong to a particular stakeholder group or economic sector?

- Landowner
- Resident
- General Public
- Agriculture
- Forestry
- Oil and Gas
- Recreation and Tourism
- First Nations
- Small Business
- Government or Regulator
- Renewable Energy
- Mining
- Other (please specify)

How can we get in touch with you?

Name	
Mailing address	
Telephone	
Fax	
E-mail	