

Resource Extraction Regulatory Review

FINAL REPORT | March 2020



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EXECUTIVE SUMMARY

Ensuring Sturgeon County's regulatory environment is aligned to its needs is critical. The region contains valuable resource deposits, especially within the Calahoo-Villeneuve area, where aggregate extraction has been happening for more than thirty years.

In 2020, Sturgeon County began the Resource Extraction Regulatory Review (RERR) to **seek a more competitive balance between economic, social, health, and environmental outcomes** related to the regulation and operation of sand and gravel (aggregate) industries within the County. The **interests of Sturgeon County's aggregate industry and local residents / landowners were fundamental to the review**. The review also focused on positioning the County competitively in terms of best industry and municipal practices, application of sound science, investment certainty, and assurance of long-term sustainability.

Sturgeon County's aggregate resources are valued because of their high quality and their proximity to local and regional markets. Of the known aggregate deposits within the Sturgeon River watershed, about 50% have been extracted, approximately 20% are under active extraction and processing, and only half of the remaining area is likely to be mined in the future due to unfavourable economic conditions or inaccessibility due to restrictions.

To assess the County's regulatory opportunities the RERR was grounded in expert analysis, stakeholder input, and best-practices research. Communication was prioritized and included a dedicated engagement platform, mailing list, full scale website, and multiple opportunities to connect with reviewers, such as at town halls, online meetings, direct contact, Council presentations, and social media all supporting a comprehensive public engagement program. In fact, the **RERR stakeholder engagement process was one of the largest ever for Sturgeon County**, generating hundreds of specific inputs for consideration and resulting in two "What We Heard" reports, a "Best Management Practices" report, and a "Jurisdictional Review and Potential Bylaw Amendment Options" report.

Based on this extensive input and research, the RERR has made eight recommendations for Sturgeon County:

- 1. Implement new municipal regulatory model with enhanced performance standards.**
- 2. Apply new flexibility in the municipal permitting process.**
- 3. Enhance operator reporting and municipal enforcement.**
- 4. Update municipal processes.**
- 5. Implement a Municipal Communications & Information Platform.**
- 6. Review the Community Aggregate Payment (CAP) Levy.**
- 7. Ensure representative committee membership.**
- 8. Communicate Transitions for Existing Operations.**

These recommendations reflect a balance between stakeholder feedback and best practices across Canada. The results of the recommendations will be as follows:

- Better communication between all parties
- Continued resident involvement in proposed new extraction near them
- More than \$50 million in new revenues to the municipality over time (to fund important community programs, services, and infrastructure)
- Protection of existing jobs and creation of new jobs
- Increased investment certainty
- Protection of the County's natural environment

To ensure the seamless enactment of the RERR recommendations and their long-term success, implementation considerations that align with the recommendations are also proposed.

This report has been compiled with input from municipal, industry, government, and resident stakeholders. The authors would like to thank all those who took the time to contribute their views and provide their feedback.

BACKGROUND & REVIEW METHODOLOGY

Review Context

Sturgeon County is blessed with high-quality agricultural land, oil and gas, and aggregate and mineral resources. Regulations that govern these resources have been in place for decades.

With advanced environmental technologies now available, and in consideration of new economic realities, the Resource Extraction Regulatory Review has provided an opportunity to review and potentially modernize these regulations where appropriate.

The Calahoo-Villeneuve area, which extends along the south side of the Sturgeon River from northwest of St. Albert toward the hamlet of Calahoo, has significant sand and gravel deposits. Gravel extraction in this area has been ongoing for over 30 years, and these deposits are currently being extracted progressively. Plentiful sand resources also exist in Sturgeon County's north eastern region. However, while plentiful, these deposits will eventually be depleted, become uneconomical to extract, or made inaccessible due to land-use restrictions.

This review examined the rules in place for how the sand and gravel (aggregate) industry operates within Sturgeon County. A core goal was to find the right balance between economic growth and other social, health, and environmental needs. This was accomplished through a review of stakeholder feedback and best practices to identify how to best enable responsibly extraction and realize local economic opportunities.

Aggregate Regulatory Framework

Understanding how aggregate could be most effectively regulated at the municipal level first requires an understanding of the provincial and national regulatory framework. The regulatory process can best be broken down into four components:

1. Federal Legislation and Requirements

- The Government of Canada enforces legislation that dictates actions that can be undertaken by aggregate operators on public and private lands. Many of these acts are related to the protection of species habitat, public waterways, and environmental protection.
- Some key federal acts include the *Fisheries Act*, the *Migratory Birds Convention Act*, the *Species at Risk Act*, the *Navigable Waters Protection Act* (NWPA), and the *Canadian Environmental Assessment Act* (CEAA).

2. Provincial Legislation and Requirements

- The Government of Alberta enforces legislation that dictates actions that can be undertaken by aggregate operators on public and private lands.
- Some key Provincial Acts include the *Law of Property Act*, *Public Lands Act*, *Water Act*, *Wildlife Act*, *Forest Act*, *Environmental Protection and Enhancement Act*, *Provincial Wetland Policy*, *Soils Conservation Act*, *Weed Control Act*, *Alberta Land Stewardship Act*, *Mines and Minerals Act*, *Historical Resources Act*, *ERCB D-50 Directive – Water Pump Off*, *Indigenous Consultation*, and the *Municipal Government Act* (MGA).

3. Provincial Approval Process

- The Environmental Protection and Enhancement Act (EPEA) presides over all aggregate extraction in Alberta and provides for the enactment of other regulations. Regulatory control of aggregate extraction and processing is split between the municipal and provincial governments depending on the size of the pit and its ownership. The province regulates many aspects of aggregate pits, and some areas of regulation may overlap with those areas regulated by municipalities.
- Aggregate extraction on all public land and on private land where the development is less than 5 ha in area is governed by the EPEA, together with the *Conservation and Reclamation Regulation and Water Act*. These are categorized as Class II pits by Alberta Environment. Class I pits are those on private land that are equal or greater than 5 ha in size. They are subject to the requirements of the *Code of Practice for Pits*, the EPEA, and the *Conservation and Reclamation Regulation*.
- Municipalities may or may not distinguish between Class I and Class II pits when implementing Land Use Bylaws. Both categories require land-use planning approval in some form. Each pit over 5 ha must be registered with Alberta Environment, which involves submission of an Activities Plan covering multiple aspects of the aggregate operation. The Code of Practice for Pits sets out the requirements for the Activities Plan and lists numerous items to be addressed, including pit water monitoring and discharge measures, groundwater levels, soil movements, reclamation, control over infrastructure, and access.
- *Code of Practice for Pits*: The Code was developed under the EPEA to ensure that all aggregate operators adhere to common operational standards and reclamation plans. The Code ensures that the desired environmental outcomes are met.
- Reclamation: The province requires adequate reclamation security be posted by the operator before a Class 1 pit registration is granted. The choice of the use of end reclamation depends on a number of factors, including: regional limitations, the size and depth of the excavation area, the surrounding land uses, and costs.

4. Municipal Regulations and Approvals

- The Code of Practice for Pits advises that the municipality's role with respect to approving aggregate operations is to regulate matters related to land use and deal with local community-based issues such as hours of operation, buffers, noise, dust, haul routes, and traffic control through the development permit process. However, the municipal role has the potential to go beyond this, and the Municipal Government Act (MGA) allows for a more thorough approach to be taken on aggregate development by municipalities.



BACKGROUND & REVIEW METHODOLOGY

Current Regulations in Sturgeon County

The municipality's current approach to aggregate regulation relies heavily upon high buffer zones determined by setbacks of 400m to 800m from residential developments, some of the highest in the Edmonton metropolitan region and the province of Alberta. Some minor performance standards are included (for example, the requirement of technical reporting and berms to minimize noise and visual impacts, etc.) but these standards do not address all impact areas (noise, air quality, visual impacts and landscaping, etc.).





While some operators conduct their own monitoring and reporting (for their own or provincial purposes), the monitoring and reporting of impacts is not required by the municipality across all operations.

Review Methodology

The objective of the RERR is to seek a more competitive balance between economic, social, health, and environmental outcomes related to the regulation and operation of the aggregate industry in Sturgeon County. The RERR included several key components, including the following:

- Provision of information and public education
- Assessment of the County's current regulations and practices
- Assessment of Canada and Alberta's regulatory requirements
- Development of a communications and engagement strategy
- Collection of Community feedback through one of Sturgeon County's largest ever engagements
- Collection of inputs from industry and other key stakeholders (regional municipalities, governments, etc.)
- Completion of a jurisdictional review of practices in over 20 comparable municipalities
- Completion of a review of aggregate best management practices across western Canada

Current Sturgeon County Resource Extraction Regulatory Model

 <p>ECONOMIC IMPACT</p>	<p>+ \$14 million in anticipated revenue for Sturgeon County over the lifetime of the resource</p>	 <p>LOCATION IN THE LAND USE BYLAW</p>	<p>+ Resource Extraction (RE) District</p>
 <p>SETBACKS</p>	<p>+ 400m for extraction + 400m for single dwellings and + 800m for multi-lot subdivisions</p>	 <p>RESOURCE LIFESPANS (NEW RESOURCE PROJECTS)</p>	<p>+ Silica Sand: ~21 years + Aggregate: New aggregate operations extremely limited, if at all + Other Sand: ~101 years</p>
 <p>DEVELOPMENT AUTHORITY</p>	<p>+ Development Officer</p>	 <p>COMMUNITY CONSULTATION & COMMUNICATIONS</p>	<p>+ Minimal consultation, not regulated</p>
 <p>PERFORMANCE STANDARDS</p>	<p>+ Limited (Last comprehensive review 20+ years ago)</p>		

REVIEW FINDINGS

Communications and Engagement Inputs

The stakeholder engagement process was designed to share information about the existing aggregate industry and corresponding bylaws in Sturgeon County and to collect input on various topics, including the following:

- Issues and opportunities related to resource extraction in Sturgeon County
- Best practices and mitigation measures associated with resource extraction operations
- Performance Standards that are based on scientific evidence and help prevent potential impacts caused by operations
- Opportunities and weaknesses within the communications and engagement processes, that could be used to help inform a more effective process in the future
- Potential preliminary bylaw approaches and other opportunities for Sturgeon County

A communication and engagement strategy was also prepared to educate, work with, and listen using a process that is meaningful and accountable to those who have the potential to be impacted by resource extraction. The engagement approach was focused on informing and consulting with stakeholders based on the following principles:

- **Authenticity**
A successful engagement strategy is founded on honest dialogue and a genuine interest in understanding and evaluating different perspectives. A stakeholder analysis supported the assessment of who should be involved, the level of engagement required for each stakeholder group, and the most appropriate communications and engagement tools. Multiple avenues for stakeholders to learn about and provide input on key aspects of the project were provided, particularly in light of the COVID-19 pandemic.
- **Focused Facilitation**
Carefully guiding and facilitating conversations about the project while gathering and recording public input is important to achieve valuable results. Making the best use of stakeholder time is a key aspect of building trust. Clearly outlining what kind of feedback was being sought and how it would shape recommendations was a continuing priority. Listening to all perspectives, obtaining feedback and addressing questions, concerns and aspirations related to the project was also a key component of effective facilitation.
- **Transparent Communications**
Information must be shared with stakeholders and the public in a timely, easily accessible, and accurate manner. The team developed and maintained an effective communication process with stakeholders through the distribution and posting of consistent and timely information.
- **Innovation**
Innovative tools and techniques enhance the stakeholder and public experience and ensure fair and timely access to information.
- **Simple Language**
Clear, concise, and simple language will help communicate project information to best generate awareness and ensure collective understanding.

The public engagement and consultation process for the Resource Extraction Regulatory Review spanned nine months, from March 2020 to November 2020, and involved county-wide advertising, multiple avenues of engagement to adapt to the COVID-19 pandemic, and hundreds of responses and inputs. During this time, two distinct phases of consultation were provided to residents, industry, key stakeholders, and the public at large.

Key findings from the public engagement processes included the following:

- **Support for the aggregate industry and an overall interest in resource extraction.** There was an understanding of the role that aggregate plays in local and provincial economics, and interest in how regulations might be improved.
- **Concerns related to enforcement, legacy operations, and assurance of reclamation.** Some residents expressed that enforcement measures don't seem adequate, that sharing their concerns is not an accessible process, and that legacy issues being address would support trust in both industry and the County.
- **Certainty and consistency are important to both residents and industry members** in process and regulation.
- **Interest in performance standards and monitoring** as an approach to regulation is shared amongst residents, stakeholders, and industry members.
- **Resident concerns** were most specific to the areas of noise, aesthetics, environmental impacts, dust, and traffic.
- **Need to ensure reduced sterilization** to reduce environmental impact and increase economic competitiveness.
- **Need for public input** into the process and **improved communication** on all sides. This is applicable to industry members, Sturgeon County, and residents alike.
- The **importance of avoiding tax increases** and supporting programs that benefit communities.
- **Efficient processing of applications** and alignment with provincial rules and regulations for consistency.
- **Overall interest in a combined model and no consensus** regarding preferred change, or best possible draft approach.

All stakeholder engagement activities and results are catalogued in the "What We Heard Reports" (Phases 1 and 2), accessible in the "Additional Resources" section of this report.



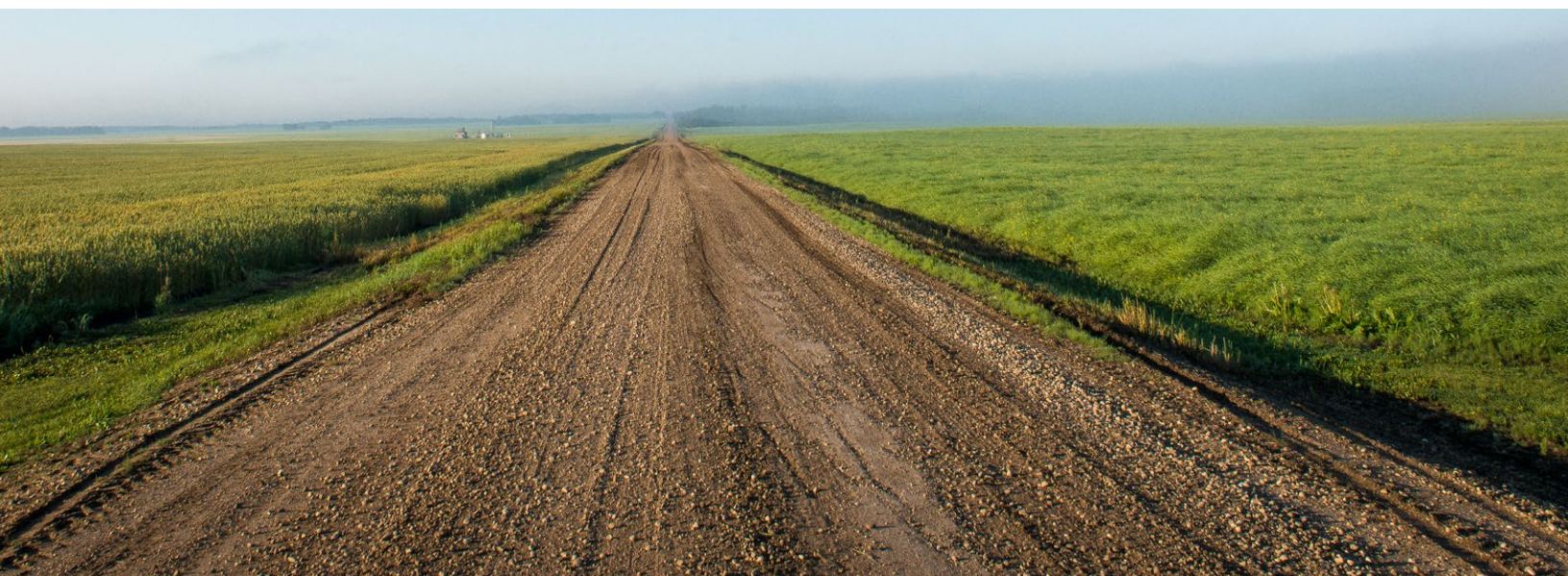
Jurisdictional Review

A *Jurisdictional Review* report was prepared to describe aggregate approaches in 20 comparable municipalities across Alberta and British Columbia, all well known for their deposits of aggregate resources. Information about these municipalities included analyses of their setbacks, key methods of regulation, and an assessment of how these municipalities compare with each other and with Sturgeon County. The following key findings arose from the jurisdictional review:

- Of the 20 municipalities, 8 (40%) have no setbacks outlined at all (whether for extraction, processing, or multi-lot subdivisions), and setbacks are determined on a case-by-case basis.
- Of the 12 municipalities that do employ setbacks in some or all cases, 6 municipalities (50%) allow for a variance of these prescribed setbacks if certain criteria are met and the Development Authority deems it suitable to allow the proposed variance.
- Of the municipalities, 15 (75%) do not employ separate setbacks for multi-lot versus single-lot subdivisions, and 5 (25%) of the municipalities examined do employ this approach.
- From the 20 municipalities examined, 12 use prescribed setbacks. Of the 12 using prescribed setbacks, 7 (58%) employ separate setbacks for extraction-only, versus activities involving processing (i.e. crushing, washing, etc.).
- Average and median setbacks are provided, noting a small dataset. The median setback from a dwelling is 165m.
- Only 5 (25%) municipalities of the 20 examined specify a separate setback for multi-parcel communities vs. single-parcel dwellings.
- Of the municipalities that provide separate setbacks for processing vs. extraction activities, the median setback is 300m.

The report also presents four possible (draft) approaches to regulating aggregate in Sturgeon County. These were developed from the results of Public Engagement Phase One, and the Best Management Practices Report and were taken forward for discussion during the second phase of public consultation.

The *Jurisdictional Review and Potential Bylaw Approaches Report* is accessible in the “Additional Resources” section of this report .



Best Management Practices (BMP) Report

As a complement to the Jurisdictional Review Report, the *Aggregate Industry Best Management Practices Report* (“BMP Report”) summarizes the current aggregate regulatory framework applicable to municipalities in Alberta, including Sturgeon County. The report was developed during the first phase of public engagement and made publicly available in the second quarter of 2020. It examines not only how other municipalities regulate, but reviews the most successful approaches to regulating aggregate extraction while effectively balancing multiple objectives (health, social, economics, environment, etc.). The BMP Report provides potential tools and metrics for municipalities to consider when regulating aggregate, including the use of performance standards as a necessary approach and effective public engagement and involvement. Overall, the BMP Report provides a supportive thought piece for Sturgeon County to consider while contemplating potential amendments to its own existing aggregate regulatory framework.

The BMP report outlines that the County’s current land use regulations restrict aggregate extraction activities in accordance with fixed minimum development setbacks and in accordance with an over-riding objective of limiting negative impacts between rural industrial, residential and agricultural uses. The BMPs described in the BMP report are intended to facilitate an approach that considers science-based evaluation metrics that can be measured more specifically and verified and monitored on an ongoing basis to mitigate potential negative impacts between aggregate operations and surrounding landowners. It also provides important guidance when contemplating potential amendments to the County’s existing aggregate regulatory framework.

The report emphasizes that the combination of appropriate BMPs at various stages of the municipality’s planning approval process (from the zoning in the Land Use Bylaw, to the re-zoning process, to the development permit process) could help ensure that aggregate extraction activities continue to occur within the County in a manner that respects the needs of local stakeholders without compromising the long-term sustainability of the in-situ aggregate resources.

Key Lessons from the BMP Report

- **Community communication and consultation practices** can be improved, and are essential to successful aggregate regulation.
- Resource extraction should be **prioritized as a land use** in the most **sustainable locations** (i.e. those locations closest to the markets in which they are being used).
- **Progressive reclamation** can better support low-impact development of aggregate operations.
- **Community benefits** can be significant and should be prioritized.
- **Best Management Practices** include important approaches to regulation that can support leading approaches to aggregate regulations while supporting monitoring, compliance, and predictable outcomes for all involved.
- **Performance Standards** in particular are a key component of best management practices.

Regulating Aggregate: Best Practices

Best Management Practices (BMPs) are, as indicated above, intended to describe leading approaches across Canada that consider science-based evaluation metrics that can be more specifically measured, verified, and monitored on an ongoing basis to mitigate potential negative impacts between aggregate operations and surrounding landowners.

When planning a new aggregate operation, there are many initiatives an operator can undertake to limit the potential for negative impacts to adjacent lands, and in doing so, be a better neighbour during the life span of an aggregate operation. Implementation of Best Management Practices (BMPs) by an aggregate operator can facilitate the initial planning and design of high-quality aggregate operations and establish procedures and protocols to at least lessen and/or completely mitigate negative impacts to landowners by responsibly addressing concerns as they arise during day-to-day activities.

The core principles, evaluation criteria and performance standards described in the following sections of this report are a summary of BMPs that industry and municipalities may choose to adopt to better plan, regulate and operate aggregate industries at the local level. The list of BMPs is not meant to be all inclusive given that local conditions and circumstances can and will vary. As such, application of all the BMPs may not be appropriate in all cases. However, they are meant to provide food for thought to a municipality considering changes to their aggregate related policies, procedures and bylaw prescriptions.

Performance Standards

Performance standards are a key component of industry Best Management Practices. The implementation of performance standards has been found, through best practices as well as jurisdictional research, to be an **important part of aggregate regulation** that contributes to better experiences for all stakeholders involved (industry, residents, and regulators). Performance standards can be an effective tool to compel aggregate operators to plan, design, operate and maintain their pits in a manner that reasonably mitigates potential for negative impacts to surrounding landowners, both individually and cumulatively. Unlike strategies to mitigate impacts through minimum setbacks, the application of performance standards can enable the potential impacts of aggregate operations to be appropriately measured, monitored and controlled throughout the lifespan of the pit's mining horizon. Additionally, application of performance standards, as opposed to the application of arbitrary minimum setbacks, can better equip both local authorities and aggregate operators to understand and address local stakeholder concerns in a more specific and effective manner.

By developing performance standards, a municipality can establish a set of common benchmarks to better assess all proposals for aggregate operations. These standards can provide the municipality with the necessary policy and technical guidance to evaluate aggregate applications which are often very complex, while also promoting consistency and fairness within the industry and affected landowners. Once adopted, aggregate operators must comply with the performance standards when seeking approval for a new site or expansion of existing sites.

Performance standards may regulate a variety of impact areas, and a comprehensive performance standards plan should require the assessment of all possible impacts and the identification of appropriate mitigation, monitoring, and reporting requirements. Important elements of aggregate operations to be evaluated and regulated include the following:

- Traffic
- Noise
- Air quality
- Water and hydrological impacts
- Visual impacts and landscaping
- Surface drainage and groundwater management
- Progressive reclamation
- Community consultation and communications

EVALUATION SUMMARY

Following the completion of the final phase of engagement, all information was evaluated to determine the recommendations that would best achieve the review's objectives.

Impact Area	Evaluation Comments
Regulatory Model and Setbacks	<ul style="list-style-type: none">Overall, there was no consensus on a proposed bylaw or regulatory approach during the second phase of engagement.Clearer indications were seen in specific elements of bylaw approaches, as outlined in more detail below. For example, support for performance standards approaches to regulate and monitor were largely supported, as were community consultation standards.Recommendations should be based on the components indicating the most consensus, combined with best practices research and jurisdictional review results. This would result in a hybrid, "Made in Sturgeon County," innovative approach overall.
Performance Standards	<ul style="list-style-type: none">Performance standards were well received by the majority of industry members and residents.During both phases of engagement, responses indicated that people believed performance standards could make a difference in regulating and reducing aggregate related impacts.Best practices research also emphasized the importance of performance standards in reducing aggregate related impacts.Based on this information, a full suite of performance standards is recommended in all cases. These should be described in detail for industry and residents.
Monitoring and Reporting	<ul style="list-style-type: none">Suggestions to include monitoring and reporting requirements were appreciated by industry and residents alike.Some stakeholders expressed a preference for operator submissions to be validated by an expert third-party to ensure accurate and trusted information sharing.Some residents questioned whether reports would be available for the public, and indicated a preference for this to support transparency.Ongoing monitoring and reporting requirements for all operations was supported and evaluated by a third-party expert. Operator monitoring and reporting, subject to any limitations under access and privacy, should also be made public to support transparency.

Impact Area	Evaluation Comments
Communications	<ul style="list-style-type: none"> Residents feel that communications from operators are often not consistent, with communications levels varying from operator to operator, and operation to operation, and that better communications was important. Enhanced communications suggested in all original four bylaw options were well received by both the public and industry members. Residents also appreciated the idea of enhanced information platforms, provided by Sturgeon County, that would explain the processes for resource extraction applications, public consultations, and other related information. Including provisions related to consultation and communications plans for operators was well supported. Implementing an improved municipal communications platform should be prioritized.
Consultation Requirements	<ul style="list-style-type: none"> Many respondents expressed that community consultation and communications to date could be significantly improved. Residents shared that accessing information and contributing inputs could be confusing and time consuming due to an unclear process. Improving community consultation requirements and opportunities for input in rezoning and permitting processes and ensuring these processes are preserved is a key consideration for new regulations.
Certainty Provided	<ul style="list-style-type: none"> Certainty was a concern with an entirely case-by-case option for both industry members and some residents. Not knowing the specific performance standards, setbacks, or monitoring requirements that could be applied for or approved was not favoured overall. Transparency regarding where resource extraction operations may occur was also brought up; residents are sometimes surprised to hear resource extraction is being considered in or near agricultural areas. Ensuring certainty through prescribed performance standards, setbacks, and transparent processes associated with specific applications is a key consideration for recommendations.
Regional Alignment	<ul style="list-style-type: none"> Sturgeon County is currently not aligned with regional approaches to and measures for resource extraction regulation. Some respondents emphasized the need to ensure regional alignment to support economic interests. Industry members in particular noted that regional alignment across the province also supports efficiency.
Recognition of Unique Site Characteristics	<ul style="list-style-type: none"> While certainty was emphasized, the ability to recognize unique site characteristics was also noted during engagement and in best practices research because this supports operations that are best suited and regulated for their location. Preserving certainty, while also ensuring the opportunity for significant differences between sites to be recognized, is prioritized in the recommendations.

Impact Area	Evaluation Comments
Environmental Protection and Reduced Sterilization	<ul style="list-style-type: none"> • Preserving the environment was important to nearly all stakeholders and respondents, although there were different components of environmental protection preferred. <ul style="list-style-type: none"> — Some noted that reducing sterilization is important to minimizing the need for multiple operations on the same site over the long term. — Some also emphasized the importance of extracting resources close to market, thus reducing the need for hauling and, ultimately, the environmental impacts of hauling. — Others noted that protecting natural resources (particularly water resources) and minimizing visual impacts should be a greater focus. Some respondents mentioned concerns with rules being implemented, but not adhered to. — Ensuring minimized impact through progressive extraction and reclamation was indicated as a preferred approach to resource extraction operations. • Recommendations must acknowledge and regulate the wide array of potential environmental impacts created by aggregate operations (where within the municipality's purview), and should employ monitoring approaches to ensure compliance.
Balanced Outcomes	<ul style="list-style-type: none"> • When asked about bylaw changes and what elements should be prioritized (i.e. social, visual, environmental, economic), there was no consensus amongst respondents. • Many respondents also indicated a preference for balancing all elements without prioritizing a single component. • It is important that recommendations respond to the diverse priorities of stakeholders and reflect the balancing of outcomes.
Community Contributions	<ul style="list-style-type: none"> • Overall, respondents were pleased to hear about the CAP Levy and community contributions, although some did not know about this program. • A few respondents made programming suggestions that could be supported by the CAP Levy. • Overall, ensuring that better communication occurs to share information about the CAP Levy and related projects and programs should be a priority when it comes to recommendations and related steps.
Existing Operations	<ul style="list-style-type: none"> • Both industry members and residents have requested clarity on how existing operations will interface with new regulations. • Residents shared concerns regarding new operations automatically transitioning to a new regulatory approach without appropriate consultation. • Communications clarifying the effect of new regulations on existing operations should be prioritized as should ensuring that consultation and engagement is not compromised for operations that ultimately transition.

FINAL RECOMMENDATIONS

Recommendations developed for Council and stakeholder consideration were informed by all information collected to date, including the *What We Heard Report Phase 1 and Phase 2*, the *Best Management Practices Report*, and the *Jurisdictional Review & Potential Bylaw Amendment Options Report*. Hundreds of inputs were received throughout the 10+ months that the public engagement was conducted; the below recommendations best balance the diverse inputs provided, suggestions received, and research completed.

Overall, it is recommended that Sturgeon County implement the following:

1. New municipal regulatory model with enhanced performance standards

Implement a new, dual-approach regulatory framework within the County's Land Use Bylaw and statutory plans based on the intensity of use and corresponding setbacks from residential developments of 200m or 50m for extraction activities, and 300m for crushing activities. Make no changes to the existing Resource Extraction (RE) district, unless and until such time as all operators have transitioned. Also implement enhanced performance standards within the County Land Use Bylaw for extraction operations intended to protect air and water quality, minimize noise levels, reduce traffic and dust impacts, ensure acceptable visual impacts, and require progressive extraction and reclamation.

2. Apply Flexible Processes for Permits and Approvals

Apply new flexibility to the municipal permitting process for operators, to accommodate options to either re-district to one of the new resource extraction zones, or to apply for approval as a discretionary use within the agriculture district.

3. Enhanced operator reporting and municipal enforcement

Increase municipal compliance and education resourcing, to complement enhanced operator quarterly reporting and annual third-party validation requirements.

4. Updated municipal processes

Update municipal application processes, including fee schedules, policies, and administrative procedures, to align to the revised regulatory framework.

5. Municipal Communications & Information Platform

Develop a new municipal communication and information platform to support all stakeholders in local resource extraction activity, including a dedicated web platform, educational materials, contact information, newsletters, and more. A communications and information platform may include a dedicated Sturgeon County web page, educational information on resource extraction, contact information to support communications, regular mailings, newsletters, etc.

6. Review of Community Aggregate Payment (CAP) Levy

To reflect greater expected revenue over time and ensure the effective allocation of funds, a review of the CAP levy is recommended. This review would ensure the distribution of broad community benefits balanced with benefits to communities immediately near aggregate operations; the appropriate percentage of allocations of CAP levy for different types of initiatives (regulatory support, community facilities, local programs, infrastructure, municipal tax relief, etc.); and, the possibility for supportive policies and procedures related to the allocation of this levy.

7. Representative committee membership

Review the Calahoo-Villeneuve Sand and Gravel Committee Bylaw to identify a geographic area, membership, and other elements that are reflective of known extraction areas in Sturgeon County.

8. Communicate Transitions for Existing Operations:

Develop transition communications to describe the potential options and the implications of new regulations on existing aggregate operators and residents.

Recommendation #1

New Municipal Regulatory Model with Enhanced Performance Standards

Recommendation:

Implement a new, dual-approach regulatory framework supported by enhanced performance standards within the County's Land Use Bylaw and statutory plans, based on intensity of use. New regulations include performance standards (intended to protect air and water quality, minimize noise levels, reduce traffic and dust impacts, ensure acceptable visual impacts, and require progressive extraction, progressive reclamation, and consistent communications) and corresponding setbacks from residential developments of 200 m or 50 m for extraction activities and 300m for crushing activities. Make no changes to the existing Resource Extraction (RE) district, unless and until such time as all operators have transitioned.

Rationale:

The goal of the RERR is to balance social, health, environmental and economic outcomes. Performance standards play a critical role in ensuring that operators meet specific criteria, maintain low levels of impact to surrounding neighbourhoods, and remain accountable throughout the lifespan of the operation. By developing and using performance standards and approaches that respond to regional alignment, aggregate operations will be better adapted to local and community contexts. The below table outlines the impact areas that performance standards aim to regulate, reasons these impacts are mitigated, and steps to support accurate and effective mitigation measures.

Recommendation Benefits	Impact
Balance and Innovation	<ul style="list-style-type: none"> Provides best balance of all interests, inputs, stakeholders, and best practices Allows Sturgeon County to become both a leader in implementing regulatory measures and also an example to other regulators Provides certainty for residents and industry, while retaining flexibility beyond a one-size-fits-all approach Improves regulations and industry accountability Improves application and consultation processes
Increased Economic Value	<ul style="list-style-type: none"> Increase in CAP and tax revenue (approx. \$54 million, \$50M new revenue) over the next 40 years could help keep taxes affordable, thereby supporting enforcement, community services, and community facilities Business-friendly approach Opportunity for existing operations to transition Opportunities to create new and protect existing jobs to support the local economy
Enhanced performance standards (regulatory measures) at both RE1 and RE2 levels	<ul style="list-style-type: none"> Enhanced monitoring and reporting Improved enforcement measures Improved industry accountability Response to operation impacts (i.e. sand, gravel, etc.) and unique site suitability Performance specific standards that specifically regulate impacts (e.g. traffic, air quality, noise levels, visual impacts, etc.), to protect human health, aesthetics, and rural living experiences



Recommendation Benefits	Impact
Prescribed setbacks at both RE1 and RE2 levels	<ul style="list-style-type: none"> • Prescribed setbacks from residential properties to provide certainty for residents and industry (200m for RE1, 50m for RE2, and 300m for secondary processing in both RE1 and RE2 locations) • Alignment with regional setbacks and approaches • Reduced resource sterilization for environmental outcomes
Improved communication and information platforms re: resource extraction	<ul style="list-style-type: none"> • Detailed communications and outreach strategy to explain changes and new regulations • Improved communications from industry and Sturgeon County • Improved communications and information sharing strategy to support accessible resource extraction data within Sturgeon County
Reclamation of Resource Extraction Sites	<ul style="list-style-type: none"> • Requirements for progressive extraction • Requirements for progressive reclamation
Prioritizing Community Consultation	<ul style="list-style-type: none"> • Resource extraction operations may not be approved without a pre-application consultation process • For applications using a re-districting process, a public hearing is required • For applications using a discretionary use permit within the AG – agricultural district, strict requirements for consultation are imposed for community consultation, to ensure high quality engagement and input opportunities

Amendments to Sturgeon County's Land Use Bylaw (LUB) will support the majority of required regulatory changes.

Amendments to the Calahoo-Villeneuve Area Structure Plan (CVSG-ASP) will also be required to support LUB amendments. It is recommended that the CVSG-ASP amendments take place in two phases. A first phase would make clerical amendments and minor updates to support LUB changes concurrently with LUB amendments, whereas a second phase would expand the bounds of the CVSG-ASP and make supportive policy amendments. Minor MDP amendments may also be recommended to support the new LUB regulations.

RECOMMENDED PERFORMANCE STANDARDS

Transportation – Traffic, Dust, Etc.

Rationale for Performance Standards

Trucking is typically the most publicly visible aspect of aggregate operation. It is often raised as a concern because of its potential to generate noise and dust and to create both real or perceived issues relative to traffic safety and nuisance delays.

Traffic effects can be limited by the operator implementing a comprehensive traffic management strategy that includes both on-site and off-site mitigation measures.

Supportive Measures

- Traffic impact assessment
- Site access plan
- Truck haul route plan
- Implementation to ensure all haulers have corporate driver training
- Implementation plan to ensure an industry-supported driver behavior reporting and enforcement system is in place
- Implementation plan to demonstrate how the overloading of any trucks will be avoided
- Implementation plan to ensure all loaded trucks are covered with tarps or sheets
- Implementation plan to ensure noise reducing mufflers are fitted on all hauling trucks in use
- A permit from Alberta Transportation where operations take place within 0.8km of a highway

Performance Standards

- Required offsite improvements must be provided by the developer
- Site accesses must be placed as far as possible from residential accesses
- **Speed limits** of haul vehicles shall be limited to 60km/h, or lower
- The operator must participate in the Alberta Sand and Gravel Association's Central Truck Registry numbering system
- Applicant must maintain the roads daily, to keep road surfaces in the same condition they were prior to operations commencing
- **No engine retarder brakes** shall be allowed within 500m of residences or where signs prohibit their use
- A road use agreement that addresses haul routes, maintenance, dust control, and signage will be required

RE1 and RE2 Performance Levels

Performance standards relating to transportation are largely the same for RE1 and RE2 levels.

Hauling hours are the only different rules between RE1 and RE2 levels.

RE1 hauling hours are limited to:

- 7 am – 5 pm, Monday to Friday
- 9 am – 4 pm, Saturday to Sunday and Statutory Holidays

RE2 hauling hours are limited to:

- 6 am – 6 pm, Monday to Friday
- 7 am – 5 pm, Saturday to Sunday and Statutory Holidays.

RECOMMENDED PERFORMANCE STANDARDS

Noise Levels

Rationale for Performance Standards

Noise from gravel operations comes from extraction activities, plant operations including crushing and screening, back-up beepers, aggregate stockpiling or trucking activities. While some of these noise sources may be more permanent in nature, others, such as those associated with the stripping of overburden, are temporary.

Supportive Measures

- Noise impact assessment
- Implementation plan outlining operator noise monitoring and reporting

Performance Standards

- Noise prevention measures are required, and will be based upon a professional noise impact assessment to align to specified levels
- The installation of noise monitors will be required by all operators
- Specific noise levels will be identified for each level of resource extraction development
- Reporting will be required by operators semi-annually, and by a third-party annually

RE1 and RE2 Performance Levels

Requirements for noise reporting and monitoring remain the same across both RE1 and RE2 levels. Regulations differing between RE1 and RE2 levels are limited to specific noise limits.

RE1 noise limits shall be limited to the following:

- 65 decibels, 8 am to 5pm Monday to Friday
- 55 decibels, Saturday, Sunday, Statutory Holidays, and from 5 pm to 8 am Monday to Friday

RE2 noise limits shall be limited to the following:

- 65 decibels, 7 am to 7 pm Monday to Friday
- 55 decibels, Saturday, Sunday, Statutory Holidays, and from 7 pm to 7 am Monday to Friday



RECOMMENDED PERFORMANCE STANDARDS

Air Quality

Rationale for Performance Standards

Alberta Environment has developed a stringent set of provincial air quality objectives and guidelines that aggregate operations are required to adhere to in order to protect human health.

Supportive Measures

- Air quality impact assessment
- Operator air quality monitoring and reporting

Performance Standards

- Air quality protection measures will be required, and will be based upon a professional air quality impact assessment to align to specified levels
- Specific air quality protection measures shall include, but not be limited to, the following:
 - Locating major driveways away from other land uses
 - Treating access routes to reduce dust
 - Requiring truck loads be covered with tarps
 - Requiring appropriate perimeter vegetation
 - Requiring secondary processing to be enclosed or located at the bottom of a pit where possible
 - Limiting truck speed limits
 - Limiting open excavation through progressive reclamation and extraction
- The installation of air quality monitors will be required by all operators
- Reporting will be required by operators semi-annually, and by a third-party annually

RE1 and RE2 Performance Levels

Requirements for air quality standards, reporting and monitoring remain the same across both RE1 and RE2 levels

Water Quality

Rationale for Performance Standards

Provincial regulations address water quality and the province has significant jurisdiction over water related impacts.

Supportive Measures

- Hydrogeological impact assessment
- Groundwater monitoring and reporting
- Master drainage plan and site-specific stormwater management plan
- Participation in Sturgeon County's Groundwater Monitoring Program
- Water Act and other provincial or federal approvals

Performance Standards

Adherence to Sturgeon County's existing groundwater monitoring program and related reporting requirements

RE1 and RE2 Performance Levels

Requirements for water quality reporting and monitoring remain the same across both RE1 and RE2 levels

RECOMMENDED PERFORMANCE STANDARDS

Community Consultation

Rationale for Performance Standards

Community consultation is an important part of the aggregate planning processes. Even with high quality operations, good working relationships with neighbours and local communities will help aggregate operators identify the most appropriate operating methods, ongoing mitigation strategies, and local benefits. High quality communication can also support a better public understanding of aggregate extraction activities.

Supportive Measures

- Pre-Application Community Consultation Report
- Community Communications Plan

Performance Standards

- Operators are required to host regular annual open houses to consult with residents
- Operators are required to provide resident communications on a regular basis. These communications must:
 - Be provided to all residents within 1.6km of the operation and adjacent to haul routes
 - Provide updates on monitoring, reporting, reclamation, etc.
- Applicants must post publicly visible signage on the parcel to provide both the operator and the county contact information

RE1 and RE2 Performance Levels

Requirements for community consultation remain largely the same across both RE1 and RE2 levels. Key differences between RE1 and RE2 levels relate to frequency of communications. RE1 communications are required quarterly; RE2 communications are required bi-annually.

Visual and Aesthetic

Rationale for Performance Standards

Aggregate extraction/processing activities may involve disturbance to surface water and groundwater (impacts related to development). Although groundwater and surface water quality and flow planning considerations are largely regulated at provincial level through the pit registration process and the Code of Practice, municipalities can still play an important role to ensure these considerations are appropriately addressed and mitigated to avoid or reduce possible impacts upon adjacent landowners and/or the local environment.

Supportive Measures

- Visual impact assessment
- Landscaping plan and landscape management plan

Performance Standards

- Pre-application community consultation shall be required to inform landscaping or screening requirements.
- Landscaping shall be required to mitigate visual impacts.
- Restricted and noxious weeds must be controlled by the developer.
- Visual impact monitoring shall be required as a condition of a development permit; operators must report quarterly and third-party monitoring completed annually.

RE1 and RE2 Performance Levels

Requirements for visual impact performance standards, reporting and monitoring remain the same across both RE1 and RE2 levels

RECOMMENDED PERFORMANCE STANDARDS

Development & Reclamation

Rationale for Performance Standards

Aggregate extraction and processing activities may involve disturbance to surface water and groundwater (impacts related to development). Although groundwater and surface water quality and flow planning considerations are largely regulated at the provincial level through the pit registration process and the Code of Practice, municipalities can still play an important role to ensure these considerations are appropriately addressed and mitigated to avoid or reduce possible effects upon adjacent landowners and/or the local environment.

Supportive Measures

- Reclamation Plan (as provided by the province)
- Site Plan

Performance Standards

- Specific development setbacks are required for each RE1 and RE2 levels
- Specific hours of operation are required for both RE1 and RE2 levels
- There must be a 300m setback between the outer wall of a nearby dwelling and a secondary processing (i.e. crushing) use in both RE1 and RE2 zones
- Progressive reclamation and extraction must prioritize and expedite areas that pose the most impact to adjacent dwellings and identified sensitive areas
- Reclamation plans must be prioritized by requiring proposals to reclaim a development to be included in the development application

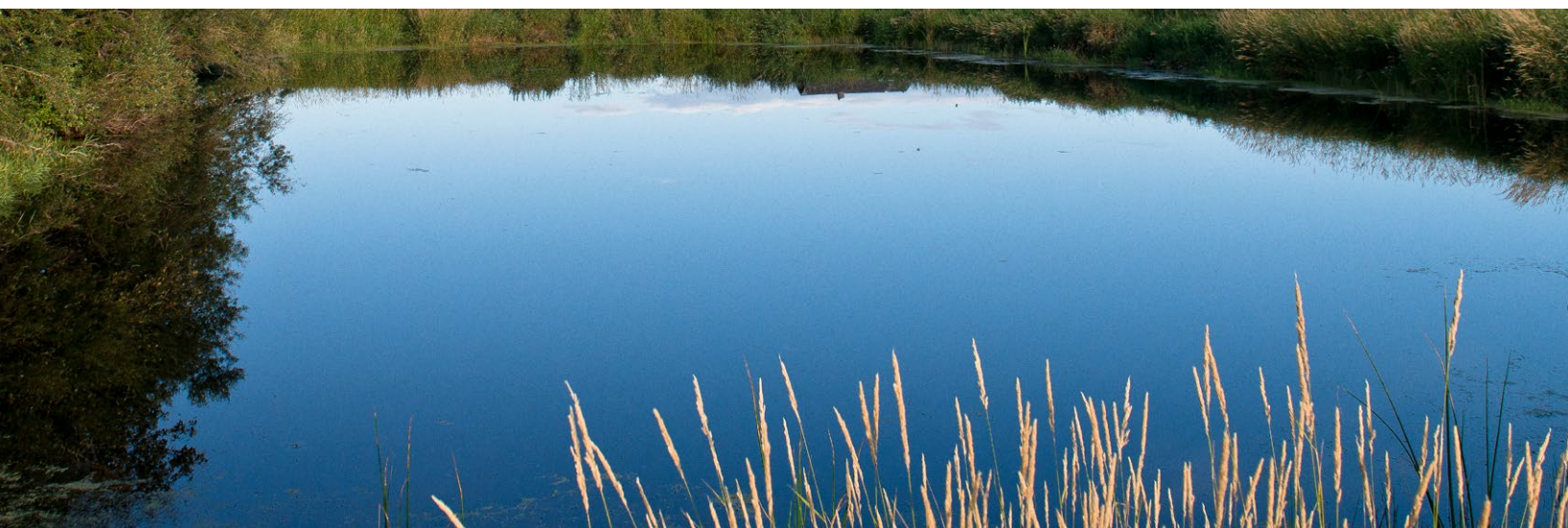
RE1 and RE2 Performance Levels

RE1 specific regulations include the following:

- 200m setback between the outer wall of a nearby dwelling and the nearest edge of an extraction development.
- Hours of operation:
 - 7 am to 8 pm Monday to Friday
 - 8 am to 5 pm Saturday to Sunday and Statutory Holidays

RE2 specific regulations include the following:

- 50m setback between the outer wall of a nearby dwelling and the nearest edge of an extraction development.
- Hours of operation:
 - 6 am to 10 pm Monday to Friday
 - 7 am to 6 pm Saturday to Sunday and Statutory Holidays



Recommendation #2

Apply flexible processes for permitting and approvals

Recommendation:

Apply new flexibility in the municipal permitting process for operators to accommodate options to either re-district to one of the new resource extraction zones, or to apply for approval for discretionary use within the agriculture district.

Rationale:

The recommendation includes adding resource extraction in two different levels based upon intensity (RE1 and RE2) and adding these as individual districts within the Land Use Bylaw and RE1 level as a discretionary use within the AG-Agricultural district of the land use bylaw. Resource extraction is maintained as a discretionary used in the I5 - Heavy Industrial District as an RE2 level. The table and process chart describe what each of these processes entails and why they are important. While both processes are similar (prioritizing consultation and remaining discretionary in nature), there are differences between the two. However, ensuring that resource extraction is considered in the agricultural district supports transparency about the widespread possible locations for this use and provides operators with additional process flexibility. It is noted that both processes includes public engagement requirements, which ensures residents in proximity to resource extraction have their say about an application.

The recommended process options include the following:

	Discretionary Use Applications	Re-Districting Applications
Overview	<ul style="list-style-type: none"> • Resource extraction is a listed use, with “RE1” level provisions, in the AG – Agricultural district • Transparency: Including RE in the AG – Agricultural District may support transparency by supporting landowners in understanding where RE uses may be considered • Public consultation requirements are preserved for this process • The use remains discretionary. This means use can be refused if the site is unsuitable (flexible conditions to manage impacts may be imposed) 	<ul style="list-style-type: none"> • Two different “levels” of resource extraction are available as specific districts • Maintaining RE districts helps support transition plans for current operations • Resource extraction uses within these districts are permitted; however, public consultation is required per the Municipal Government Act for any re-districting, and occurs prior to the land use district changing
Application	<ul style="list-style-type: none"> • A comprehensive application of resource extraction use within the Ag District • Technical studies that assess performance standards, must be provided 	<ul style="list-style-type: none"> • A comprehensive application for either RE1 or RE1 zoning • An application including technical studies that assesses performance standards, must be provided
Processing	<ul style="list-style-type: none"> • Administration reviews information submitted, including technical studies and engagement reviews, supplemented by technical experts where required 	<ul style="list-style-type: none"> • Administration reviews information submitted, including technical studies and engagement reviews, supplemented by technical experts where required

	Discretionary Use Applications	Re-Districting Applications
Consultation	<ul style="list-style-type: none"> • Consultation requirements in the Land Use Bylaw would require operators to host public engagement sessions and provide a report on engagement results in their application (prior to a deliberation and decision making) • Advertising is required following development permit approval (mailings to adjacent landowners and those within 400m of the parcel boundaries), and must include consultation opportunities to those within 400m of the parcel boundaries • No public hearing would be required 	<ul style="list-style-type: none"> • Consultation requirements from the <i>Municipal Government Act</i> would require a public hearing prior to finalization of the re-districting • Advertising in public newspapers and to lands within 400m of the parcel boundaries is required prior to the public hearing
Decision-Making Authority	<ul style="list-style-type: none"> • The development authority for discretionary uses will be the Municipal Planning Commission (MPC) 	<ul style="list-style-type: none"> • The decision-making authority for a re-districting is Council • The decision-making authority for a permit, once the re-districting is approved by Council, is the Development Officer
Appeal	<ul style="list-style-type: none"> • Applications that are appealed will go to the relevant appeal board • In some cases, this may be the SDAB. In others, it may be a provincial appeal board, such as the MGB/Land and Property Rights Tribunal (LPRT)* <p>* — <i>The relevant appeal board depends on the Red Tape Reduction and Implementation Act and legislative requirements at the time</i></p>	<ul style="list-style-type: none"> • There are no appeals for a re-districting; the decision of Council is final • There are no appeals for a permitted use development permit
Timeline	<ul style="list-style-type: none"> • Dependent upon the application; varies 	<ul style="list-style-type: none"> • Dependent upon the application; varies
Result and Future Process	<ul style="list-style-type: none"> • If approved, the operator would hold a conditional discretionary use permit, effective for five (5) years prior to renewal • At each point of renewal, a similar process would be required 	<ul style="list-style-type: none"> • If approved, the operator's lands zoned either RE1 or RE2 and the operator would be supported in applying for a permitted use development permit to extract. The permit would be effective for five (5) years prior to renewal. • At each point of renewal, municipal administration would have the authority to issue a permit directly, subject to required conditions

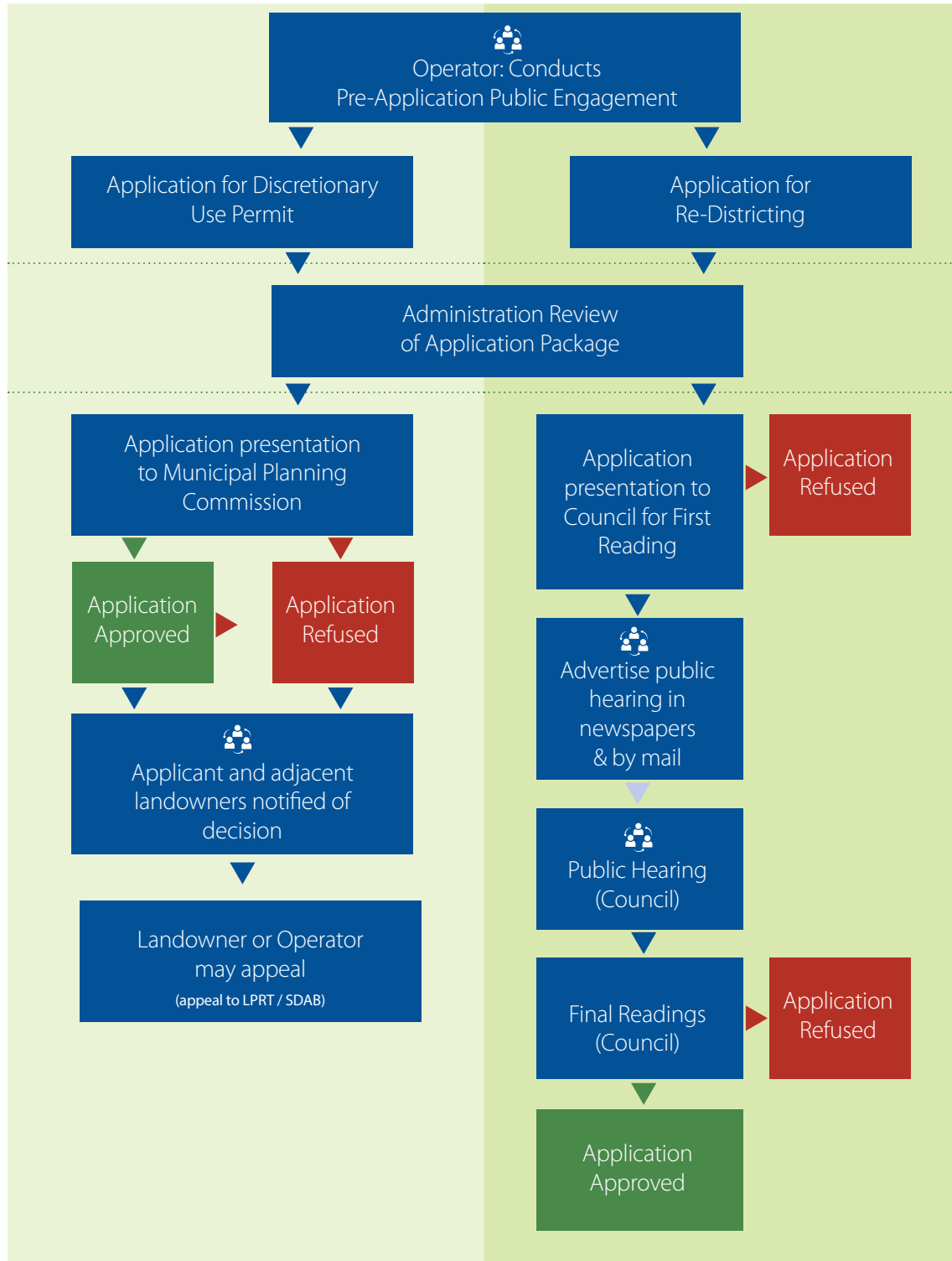
DISCRETIONARY USE PROCESS (RE 1 LEVEL ONLY)

RE-DISTRICTING PROCESS (RE 1 OR RE2)

Application

Processing

Decision Making



Public Engagement

Recommendation #3

Enhanced Operator Reporting and Municipal Enforcement

Recommendation:

Increase municipal compliance and education resourcing, to complement a minimum of enhanced operator quarterly reporting and annual third-party validation requirements.

Rationale:

The implementation of performance standards can enable Sturgeon County to better measure and assess the potential impacts of aggregate operations, and ensure the mitigation of potential impacts. With this, it is important to provide for ongoing operator monitoring and reporting program and that ensures performance standards are being adhered to. Ensuring compliance not only supports the effective implementation of performance standards, but also supports trust between aggregate operators and adjacent landowners throughout the lifespan of extraction. Enhanced enforcement processes will be designed to support compliance to performance standards.

Performance monitoring will not only identify and quantify the level of success associated with different operating practices and mitigation techniques, but this knowledge can also be transferred to the evaluation of new and renewed development permit applications and refined performance standards in the long term. It is expected that operator led reporting would be ongoing and aligned with all approved municipal performance standards. This reporting and specific data would be provided to the municipality on a quarterly basis and be subject to an independent and expert validation process annually at a minimum. Costs related to data and reporting validation would be an industry responsibility.

Municipal enforcement and education would be subject to Council approval of the required resources and personnel. It would be expected that a municipal Resource Compliance and Education Officer could complement this requirement well by supporting the application processing; monitoring ongoing multi-party communications; reporting review, compliance, and inspection activities; providing public education; and more. Note that it would not be suitable to fund related costs through application fees due to the amount and ongoing nature of the costs (but the CAP Levy could be considered to fund such costs).



Recommendation #4 Updated Municipal Processes

Recommendation:

Update municipal application processes, including, but not limited to, fee schedules, policies, and administrative procedures to align to the revised regulatory framework.

Rationale:

The table below briefly summarizes a sample of the municipal processes to be updated and the rationale for these updates, including how they would support implementation.

Enhancement	Rationale
Fee Schedule Updates	Possible amendments to Sturgeon County's fee schedule may be contemplated to ensure that the application fees accurately reflect the processing and review required for permits and re-districting processes under the new regulatory model. Internal resourcing requirements will shift as a result of a new regulatory model; updated fees may support cost recovery, and also ensure that fees align with regional benchmarks.
Administrative Policies	Shortcomings that could be addressed via policies and procedures to support new regulations and processes.
Application Procedures	Review of application procedures for resource extraction will be necessary to ensure the application process supports the new regulatory process. This may include updates to application forms, etc.
Public Engagement Processes	Existing policies and procedures may be enhanced to address additional standards for public engagement and consultation practices for resource extraction. These updates may enhance advertising requirements, stipulate the accessibility and length of an engagement process, etc.



Recommendation #5

Municipal Communications and Information Platform

Recommendation:

Develop a new municipal communication and information platform to support all stakeholders in local resource extraction activity, including a dedicated web platform, educational materials, contact information, newsletters, and more.

Rationale:

Ongoing communication between the municipality, industry, and residents is important to build a foundation of trust, respect, and mutual appreciation. Community consultation should be an important part of aggregate planning processes; strong information provision platforms support this objective both during active consultation, and on an ongoing basis. Good working relationships with neighbours and local communities will help aggregate operators to identify the most appropriate operating methods, ongoing mitigation strategies, and local benefits.

The aim of community communications is to educate stakeholders regarding the aggregate operations framework; provide information about existing aggregate operations; identify potential concerns that can be addressed at the land use amendment and/or development permit stage; identify best management practices and performance standards that can be used during site operations to reasonably mitigate expressed concerns; establish opportunities for community benefits; and create open lines of communication between aggregate operators and the local neighbours.

Enhancement	Outcomes
Dedicated Sturgeon County Web page	<ul style="list-style-type: none">• Consistent, clear location for resource extraction related information• Easily accessible to Sturgeon County residents• Supports the provision of current information
Educational & Industry Information on Resource Extraction	<ul style="list-style-type: none">• Supports resident education• Provides resources for all to understand resource extraction regulatory frameworks and processes• Supports knowledge sharing to support engagement (i.e. related to CAP Levy, governance committees, etc.)• Supports inclusion of industry in information sharing for well-rounded and detailed communications
Contact Information	<ul style="list-style-type: none">• Improves transparency and accessibility for residents• Supports good working relationships and open lines of communication between all industry members, local communities, and Sturgeon County• Supports sharing of information and concerns in order to identify and address possible impacts early on
Regular Mailings, Newsletters, etc.	<ul style="list-style-type: none">• Allows regular updates to be provided to subscribers• Supports information and update sharing for timely communication

Recommendation #6

Review of Community Aggregate Payment Levy

Recommendation:

Review the Community Aggregate Payment (CAP) Levy and allocation model, to reflect greater expected revenue over time and to achieve the following:

- The distribution of broad community benefit versus benefit to communities immediately near aggregate operations
- The appropriate percentage of allocations of CAP levy for different types of initiatives (regulatory support, community facilities, local programs, infrastructure, municipal tax relief, etc.)
- Identify the possibility for supportive policies and procedures related to the allocation of the CAP Levy

Rationale:

The Best Management Practices (BMP) Report identifies the importance of the opportunity for municipalities to collect a Community Aggregate Payment Levy (CAP), as established in 2006 under the Municipal Government Act (MGA). The CAP Levy is intended to collect funds from aggregation operators for the municipality to deploy as it sees fit. The maximum fee that can be sought under current Provincial regulations is \$0.40 per tonne of aggregate produced. In the past, Sturgeon County has directed portions of these funds to support local amenities such as community halls and outdoor recreation facilities.

During the public engagement sessions, members of the public expressed the importance of effective CAP levy allocation. There was a desire to see more information on the CAP levy revenues, allocation of CAP levy funds, and a clear link between community benefit and areas with aggregate operations. A review of the CAP Levy will support these objectives and identify areas of possible improvement.



Recommendation #7 Representative Committee Membership

Recommendation:

Review the Calahoo-Villeneuve Sand and Gravel Committee Bylaw to identify a geographic area, membership, and other elements that are reflective of known extraction areas in Sturgeon County.

Rationale:

Sturgeon County's resource extraction governance committee (the Calahoo-Villeneuve Sand and Gravel Committee) reflects a defined geographic area. It is important to ensure that known significant deposits in Sturgeon County (such as in the northeast) are reflected by the advisory committee. This assures representation for all related industry and community members who may have inquiries or interests related to resource extraction. It also responds to feedback received during the public engagement processes.

Recommendation #8 Communicate Transitions for Existing Operations

Recommendation:

Develop transition communications to describe the potential options and implications of new regulations on existing aggregate operators and residents.









Rationale:






Transition communications will serve both existing operators and members of the public, explaining changes and potential future options and ensuring that highly accessible and transparent processes are supported. The implementation of new regulations allow operators to continue their operations, and will not require alteration of current practices. Any change in setbacks or standards will require regulatory approval through the same process that a new operation requires, including all consultation and engagement components. If a new operation does not transition to the new regulations, the operator will continue to operate under original conditions, until the operation is concluded following reclamation. To ensure clarity for both operators and residents, a transition plan will be shared.



Implementation Considerations

The proposed recommendations must be supported by various implementation activities, to ensure recommendations are enacted in the most seamless manner possible and that the County has a foundation for short and long-term success. The implementation plan aligns with the recommendations above, and includes the following:

Cost Estimate		Resource Estimate	
	Less than \$25,000		0 to 75 administrative hours
	\$25,000 to \$49,999		76 to 150 administrative hours
	\$50,000 to \$74,999		151 – 225 administrative hours
	\$75,000 +		225+ administrative hours

Implementation Item	Purpose and Rationale	Anticipated Timing	Cost	Resource Estimate
New Municipal Regulatory Model with Enhanced Performance Standards (Recommendation #1)	Revisions to Sturgeon County's statutory plans and Land Use Bylaw will support a new regulatory model based on performance standards and reporting which will achieve increased compliance and transparency.	Q2 2021 <i>Effective date of amendments recommended January 1, 2022</i>	—	
Apply Flexible Processes for Permitting and Approvals (Recommendation #2)	Revisions to Sturgeon County's processes for permitting and approval will be encompassed in the Land Use Bylaw amendments and support flexibility and transparency.	Q2 2021 <i>Effective date of amendments recommended January 1, 2022</i>	—	
Enhanced Operator Reporting and Municipal Enforcement (Recommendation #3)	Confirmation of operator reporting systems, and recommendation of municipal resourcing for application processing, regulatory oversight, public education, etc. will ensure compliance to newly implemented performance standards regulations. This is essential for an effective overall approach to aggregate regulation.	Q3 – Q2 2022, with Budget 2022 consideration	 — 	

Implementation Item	Purpose and Rationale	Anticipated Timing	Cost	Resource Estimate
Updated Municipal Processes (Recommendation #4)	Creation of new municipal fee schedules, policies, and processes will support new application and decision-making processes relating to all aspects of the regulatory model.	Q3 – Q4 2021, with Budget 2022 consideration for Fees and Charges	—	 
Municipal Communications and Information Platform (Recommendation #5)	Development of a municipal communications platform, integrated for the needs of all stakeholder groups will improve transparency of and access to information.	Q3 2021 – Q3 2022	—	
Review of Community Aggregate Payment (CAP) Levy (Recommendation #6)	Review of Sturgeon County's CAP Levy would ensure that future expected CAP Levy revenues are being most effectively allocated to local communities. This review may involve consultation with key stakeholders and residents to develop recommended CAP Levy bylaw changes (if applicable).	Q3 – Q4 2021	 —  	 
Representative Committee Membership (Recommendation #7)	Review of geographic reach, membership, and other elements of the CVSG committee would ensure that the CVSG represents all resource areas in the Country for effective recommendations, stakeholder involvement, etc.	Q3 – Q4 2021	—	
Transition Communication and Options for Current Operations (Recommendation #8)	Development of communications for current operators and residents to understand new regulatory options will support transparent processes and clear communications regarding the implications of new regulations on existing operations.	Q3 – Q4 2021	—	

ADDITIONAL RESOURCES

[What We Heard Report Phase 1](#)

[Aggregate Best Management Practices Report](#)

[Jurisdictional Review & Bylaw Amendment Option](#)

[What We Heard Report Phase 2](#)





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