

May 18, 2023

To: Mayor, council and administration Sturgeon County

Re: Public Hearing Tuesday May 23, 2023 - Bylaw 1621/23 and 1385/17

Proximity to a Residence - Setback

In 1996 the Alberta Government identified in the Environmental Reference Manual for the Review of Subdivisions - Standards and Guidelines Branch, Alberta Environmental Protection, Chapter 5 - Potential Land Use Conflicts - Nearby Developments the Resource Extraction Projects (i.e. gravel pits) within 800 meters - 0.5 mile can have Public Health, Safety or Quality of Life Concerns implies universal truth.

It has been clearly identified that resource extraction activities have the following problems:

- Contamination air, water or soil;
- Nuisance (Dust, foul odor, negative visual impact, noise, traffic);
- Adverse changes to water bodies, water tables and aquifers.

Any setback closer than 800 meters must not be approved.

Redistrict Land

The applicant has identified that mining would mostly all occur below the water table, within an aquifer with a high AVI.

Why isn't there a requirement for this supposed land use change for strip mining to be reviewed by a registered hydrogeologist and made available to the public prior to any consideration of a land use change?

The Strategic Alignment Checklist for Bylaw 1622/23 – Amendment to Land Use Bylaw 1385/17 – Redistricting of a Portion of N-27-54-27-W4 from AG Agriculture District to RE – Resources Extraction District identifies:

- Thriving Communities - as N/A not applicable;
- Environmental Stewardship - conservation of natural areas and agricultural lands,, enhanced greening and biodiversity, safekeeping ecosystems as Not Consistent; and
- Environmental Stewardship – sustainable development – as N/A not applicable.

The Code of Practice for Pits identifies under the Alberta Water Act aquifers are considered bodies of water and identifies strip mining activities can affect the aquifer, such as hydraulic characteristics and water availability of the groundwater aquifer. Determine if the pit is on a known aquifer, pit registration holders must take extra precautions where activities impact groundwater and/or an aquifer quality and quantity. The Code of Practice for Pits does not apply to public lands and/or public bodies of water and adjacent land.

In the 2008, 2014, and 2019 Alberta Auditor General of Alberta Report for Alberta Environment and Parks (AEP) Management of Sand and Gravel Pits identify:

- reclamation, inspection, enforcement processes and security remain inadequate,
- no enforcement actions taken;
- reclamation inspections inefficient;
- reclamation not actively monitored and/or proven to function naturally; and
- no evaluation of reclamation and a lack of data.

In conclusion, AEP did not implement their own recommendations to improve processes regarding inspecting of sand and gravel strip mines on public land (bodies of water) and to enforce and/or improve reclamation requirements.

Reclamation is unproven and only takes into account the top vegetative layer (approx. 30 cm) and does not include reclamation to similar land capability for hydrology prior to strip mining.

Why hasn't reclamation for the natural functions of the groundwater and/or aquifer been proven by a registered hydrogeologist within the Sturgeon River Watershed?

The process for this land use change implies that it does not integrate environmental protection and/or conservation at the earliest stage of land use planning and development ignores the purpose of the

Alberta Municipal Government Act, Water Act and Environmental Protection and Enhancement Act. Discretion should be used to promote the policies and object of the constituting statute. Conversely, discretion must not be used to frustrate or thwart the intent of the Act, or to achieve a purpose not contemplated by the Act. A decision maker must not act on “extraneous, irrelevant and collateral considerations”; it must consider all relevant factors as mandated by the enabling statute to fulfill its statutory duties’.

To not integrate the ‘direction, control and management’ of public lands and/or public water bodies’, pursuant to s. 60 of the Alberta Municipal Government Act and other enactments at the earliest stage of land use planning for Bylaws 1621/23 and 1385/17 implies willful ignorance undermining Alberta’s water law designed to ensure our water resources are safe, healthy and well-managed for current and future generations.

Public trust is the principle that natural resources are maintained and preserved for the common good identifies public ownership of the water, surface and ground water, waterbodies. This ‘natural capital’ must be safeguarded and well managed for current and future generations. The concept of public trust includes the belief; all individuals in society must hold the interests of society above their own.

Sturgeon County council and administration must not allow strip mining activities below the groundwater table that negatively impact public surface and ground bodies of water natural functions of an identified groundwater aquifer that supports the Sturgeon River, its tributaries, agricultural and household users.

The precautionary principle must be applied in these matters and Bylaw 1621/23 and 1385/17 should be denied.

Thank you,
Ian and Terri Skinner