

# AER Bulletin 2014-28

September 19, 2014

## **Application Requirements for Activities within the Boundary of a Regional Plan**

The Alberta Energy Regulator (AER) continues to take measures to ensure that it meets its statutory obligation to act in compliance with regional plans under the *Alberta Land Stewardship Act (ALSA)*. The AER has a statutory obligation to ensure that all activities under its jurisdiction that occur within the boundaries of an approved regional plan or any future regional plan comply with those plans.

Applicants seeking approval from the AER for an activity that is to be located within the boundary of an approved regional plan as set out under the *ALSA* must assess the following:

- whether that activity would also be located within the boundaries of a designated conservation area, a provincial park, a provincial recreation area, or a public land area for recreation and tourism;
- whether that activity is consistent with the land uses established in the applicable regional plan or with any of the outcomes, objectives, and strategies in that same regional plan;
- if that activity is to be located within the boundaries of a designated conservation area, a provincial park, a provincial recreation area, or a public land area for recreation and tourism, whether the mineral rights associated with the activity are subject to cancellation; and
- how that activity is consistent and complies with any regional trigger or limit established under the management frameworks detailed under the applicable regional plan or any notices issued in response to an exceedance of a regional trigger or limit.

Applicants must retain this information at all times and provide it on request unless otherwise indicated below. The information must be sufficient to allow the AER to assess an application under the applicable regional plan.

### ***Environmental Protection and Enhancement Act and Water Act Applications***

When applying under the *Environmental Protection and Enhancement Act*, applicants must also address Alberta Environment and Sustainable Resource Development's (ESRD's) *Guide to Content for Industrial Approval Applications*.

Applications under the *Environmental Protection and Enhancement Act* or the *Water Act* must address any regional initiatives, in addition to any regional plans and management frameworks.

### **Public Lands Act Applications**

When applying under the *Public Lands Act*, applicants must run a land standing report or use the Landscape Analysis Tool (LAT) to identify any potential conflicts at the location of the proposed activity. Designated provincial recreation areas and conservation areas are placed under reservation for applications under the *Public Lands Act*. Reservations are one potential conflict.

Applicants will be required to consult with the AER and/or ESRD if there is any overlap with one of the reservations.

See the AER website, [www.aer.ca](http://www.aer.ca), for access to Electronic Disposition System and the LAT.

### **Oil and Gas Conservation Act, Oil Sands Conservation Act, Pipeline Act, and Coal Conservation Act Applications**

When applying under the *Oil and Gas Conservation Act*, *Oil Sands Conservation Act*, *Pipeline Act*, or *Coal Conservation Act*, applicants must submit the information noted above if the activity being applied for

- is within the boundaries of a designated conservation area, a provincial park, a provincial recreation area, or a public land area for recreation and tourism;
- is not permitted and is inconsistent with the land uses established in the applicable regional plan or is inconsistent with the outcomes, objectives, and strategies in that regional plan;
- may result in the exceedance of a regional trigger or limit in the applicable regional plan or will contravene a notice issued in response to an exceedance of a trigger or limit; or
- is “incidental” to previously approved and existing activities.

Any application submitted under *Directives 051: Injection and Disposal Wells—Well Classifications, Completions, Logging, and Testing Requirements*, *Directive 055: Storage Requirements for the Upstream Petroleum Industry*, *Directive 056: Energy Development Applications and Schedules*, and *Directive 058: Oilfield Waste Management Requirements for the Upstream Petroleum Industry* to which the above applies must be submitted as nonroutine. For *Directive 056* applications, this may be done by responding “no” to the question of whether the AER’s environmental requirements have been met on the *Directive 056* application form.

### **Incidental Activities**

Applicants must submit the information noted above if they believe that their proposed activity is permitted under the applicable regional plan because it is “incidental” to previously approved and existing activities. Applicants must provide information to support their position.

Applicants should not assume that a proposed activity is incidental to a previously approved activity or activities. Applicants should also not assume that a proposed activity that was disclosed in a previously submitted application or project plan that has not received AER approval is permitted under the applicable plan. The AER may deny an application for approval of activities that fall under the requirements of this bulletin if it is not satisfied that the proposed activities are consistent with the policy objectives set out in the applicable regional plan. The AER has no authority to waive compliance with or vary any restriction, limitation, or requirement regarding a land area or land use under a regional plan. Applicants that wish to seek this type of relief must apply directly to Alberta's Land Use Secretariat established under the *ALSA*. The Stewardship Minister may by order, grant a variance which lifts a restriction, limitation or limit in a regional plan if certain specific criteria under *ALSA* are met. For more information, contact Alberta's Land Use Secretariat by phone at 780-644-7972 or by e-mail to [LUF@gov.ab.ca](mailto:LUF@gov.ab.ca).

### **Additional Information**

The requirements announced in this bulletin will be incorporated into all applicable directives and guides. This bulletin rescinds and replaces *Bulletin 2012-22: Application Procedures for Approval of Activities Located In or Near the Boundaries of the Lower Athabasca Regional Plan*.

For more information on this bulletin, e-mail [regional.plans@aer.ca](mailto:regional.plans@aer.ca). The AER may seek direction and advice from Alberta's Land Use Secretariat if it is uncertain as to whether a proposed activity is in compliance with a regional plan, including whether a proposed activity is incidental to an existing operation or approval.

For copies of the regional plans, including maps depicting the geographical boundaries of approved regional plans, see ESRD's Land-use Framework website at [www.landuse.alberta.ca](http://www.landuse.alberta.ca).

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