

Frequently Asked Questions

Alberta Wetland Policy Implementation

March 2018

Applicability

Q1. How do I determine whether the *Alberta Wetland Policy* applies to a proposed energy project?

A1. The [*Alberta Wetland Policy*](#) took effect July 4, 2016, province wide. Refer to the [*Decision Process for Alberta Wetland Policy Applicability*](#) to determine whether the *Alberta Wetland Policy* applies to the project.

Q2. How do I determine the submission process and requirements for a proposed energy project that the *Alberta Wetland Policy* is applicable to?

A2. Once it has been determined that the *Alberta Wetland Policy* is applicable to the project, refer to the [*Decision Process for Alberta Wetland Policy Submissions*](#) to determine the submission process and requirements, if any.

Q3. What does the local study area of an environmental impact assessment in *Bulletin 2017-19* refer to?

A3. The local study area of an environmental impact assessment as referenced in *Bulletin 2017-19* is commonly referred to the terrestrial local study area in environmental impact assessments, where various land classes, including wetlands, are assessed for project-related impacts.

Q4. What are the *Environmental Protection and Enhancement Act (EPEA)* and *Water Act* approval boundaries referred to in *Bulletin 2017-19*?

A4. *EPEA* and *Water Act* approval boundaries define areas that the approval holder has had assessed for environmental impacts and that the approval holder has been authorized to operate in. For *Water Act* approvals, this might be an approved fence line boundary as defined by the *Water Act* approval.

Q5. Does the *Alberta Wetland Policy* apply to emergency level spills and releases into wetlands?

A5. Spills and releases in wetlands are inherently unplanned; therefore, they do not fall under the normal regulatory process outlined by the *Alberta Wetland Policy* for planning for impacts in

wetlands. Spills and releases into wetlands are covered under the existing regulatory process for spill responses and remediation. Tools such as the *Alberta Wetland Identification and Delineation Directive*, the *Alberta Wetland Classification System*, and others, might help assess the impact on wetlands and help with decisions about remediation and reclamation actions.

Q6. Does the *Alberta Wetland Policy* apply to planned remediation and reclamation of contamination in wetlands?

A6. Assessment tools and methods under the *Alberta Wetland Policy* are to be used in support of regulatory applications for remediation and reclamation work in wetlands.

Related Regulatory Requirements

Q7. Is a *Water Act* application required whenever a wetland assessment is required by the *Alberta Wetland Policy*?

A7. No. While *Water Act* applications or notifications and wetland assessments under the *Alberta Wetland Policy* are usually all required when activities affect wetlands, *Water Act* and *Alberta Wetland Policy* requirements are distinct from each other. In some cases where the *Water Act* has not previously been involved in the administrative process for managing wetland impacts, existing processes involving the *Public Lands Act* have been adapted to include *Alberta Wetland Policy* requirements. Depending on the proposed activity and its impacts on water management, there might be additional *Water Act* requirements beyond what is covered by *Alberta Wetland Policy*.

Wetland Assessment

Q8. How do I know whether a wetland assessment and impact form (WAIF) or a wetland assessment and impact report (WAIR) is required for a proposed AER-regulated activity in a wetland?

A8. AER-regulated activities eligible for the WAIF are listed in table 2 of the WAIF. A WAIR must be completed for any activities impacting wetlands not listed in table 2 of the WAIF.

Q9. What is the difference between the WAIF and the WAIR?

A9. The WAIF is part of a streamlined approach to documenting relatively low-risk activities in wetlands, whereas the WAIR is for relatively higher-risk activities in wetlands (all other regulated activities not outlined in table 2 of the WAIF). The WAIF is a desktop-based assessment that can be completed at any time, whereas the WAIR has a field component that

must be completed during the growing season using the *Alberta Wetland Rapid Evaluation Tool-Actual (ABWRET-A) Guide*.

Q10. Can a single wetland assessment be completed for multiple, similar activities?

A10. Yes, wetland assessments may be bundled for similar activities, as long as all activities are part of the same project and proposed by the same applicant.

Q11. Is there a minimum size limit for wetlands to be assessed under the *Alberta Wetland Policy*?

A11. The *Alberta Wetland Policy* applies to impacts on wetlands of all sizes and classes as identified by the *Alberta Wetland Classification System*. There is no minimum size limit (minimum area) to be assessed under the policy.

Q12. Are wetland assessments under the *Alberta Wetland Policy* required for manmade wetlands?

A12. The *Alberta Wetland Policy* covers natural wetlands in Alberta, including bogs, fens, swamps, marshes, shallow open-water wetlands, and all restored natural wetlands. It also covers wetlands built to replace other wetlands. Wetland assessments under the *Alberta Wetland Policy* do not apply to wetlands that are manmade.

Q13. What options are available for completing wetland assessments for a large project area that affects numerous wetlands?

A13. Stratified sampling might be an option for large projects, such as oil sands mines, coal mines, and in situ facilities based on AER's review on a case by case basis. A proposal for stratified sampling can be made to the AER before the wetland assessment and regulatory application are complete. Proposals should include the sampling intensity and the methods used for selection of sampling sites. The major wetland classes in the project area must be represented in the wetland assessment.

Q14. Under what circumstances do I need to complete a wetland assessment for installing a pipeline across a wetland?

A14. A wetland assessment using the WAIF is required for pipelines crossing shallow open-water wetlands and marshes using open-cut methods, resulting in surface disturbance to wetlands. The notification process under the *Water Act Code of Practice for Pipelines and Telecommunication Lines Crossing a Water Body* is required for all methods of installing pipelines and telecommunication lines across water bodies, which are defined by the code.

Wetland Assessment Submissions Process and Timelines

Q15. How are wetland assessments to be submitted, and how do I know if a wetland assessment is to be submitted along with a *Public Lands Act* application or through the *Water Act* submissions process?

A15. As outlined in *Bulletin 2017-19*, wetland assessments are to be submitted with *Water Act* applications, and in some cases with *Public Lands Act* applications. Activities and projects that are on public lands and for which a wetland assessment must be submitted along with a *Public Lands Act* application include

- oil sands or coal exploration (at the time of conversion to long-term infrastructure); and
- water monitoring wells, water production wells, experimental monitoring wells, and observation wells

Wetland assessments for all other activities in wetlands where reporting is required are to be submitted with a *Water Act*.

Q16. What if the wetland assessment for the proposed activity is eligible for submission under the *Public Lands Act* process, but the activity is on private land?

A16. Where activities on private lands are proposed to impact wetlands, and where the activity type requires a wetland assessment under table 2 of the WAIF, wetland assessments are to be submitted with *Water Act* applications or notifications.

Q17. Why are there two different intake processes for wetland assessments—under the *Water Act* and the *Public Lands Act*?

A17. To help reduce redundancies and the amount of duplicate work for applicants, wetland assessments can be submitted under the *Public Lands Act* application process instead of the *Water Act* application process in some cases. This applies to activities in wetlands where regulatory processes are already in place.

Q18. What is the processing time for applications or notifications with wetland assessments?

A18. The standard processing times for the application types that intake wetland assessments, *Water Act* and *Public Lands Act* applications, are in effect. See *AER Bulletin 2014-25* for detailed processing times for *Public Lands Act* applications.

The notification period for a *Water Act* code of practice notification for pipelines and telecommunication lines, watercourse crossings, and outfall structures is 14 calendar days.

Please visit the AER website for updates.

Q19. Do I have to wait for confirmation that a wetland assessment submitted with a *Water Act* code of practice notification has been approved before proceeding with the activity?

A19. The AER will contact applicants with questions within the notification period of a wetland assessment submitted with a *Water Act* code of practice notification. *Water Act* code of practice regulated activities in wetlands can proceed if the AER has no questions during the notification period.

Reclamation

Q20. How are commitments to reclaim wetlands tracked throughout the project life?

A20. Wetland reclamation commitments that are made to fulfill wetland mitigation obligations are typically incorporated in approval conditions, which may be a *Water Act* approval or a *Public Lands Act* disposition, depending on the activity type and land ownership. Wetland reclamation progress is reported regularly, as specified by approval conditions, until the wetland mitigation obligations under the *Alberta Wetland Policy* are fulfilled.

Q21. What is the difference between a wetland reclamation plan under the *Alberta Wetland Policy* and a conservation and reclamation plan under *EPEA*?

A21. A wetland reclamation plan under the *Alberta Wetland Policy* describes the proposed methods for reclaiming wetlands impacted by the project back to functional wetlands, whereas a conservation and reclamation plan under *EPEA*, describes the proposed methods for reclaiming various land classes, including wetlands, to equivalent land capability but may not necessarily include reclamation back to wetlands.

Depending on a project's circumstances, it may be possible to align the wetland reclamation plan under the *Alberta Wetland Policy*, and the conservation and reclamation plan under *EPEA* so that the reclamation objectives under both plans can be met for a project.

Where wetlands are proposed to be reclaimed under both the wetland reclamation plan and the conservation and reclamation plan under *EPEA* for the same project, commitments, and objectives for wetland reclamation must align.

Q22. If there are changes to the reclamation objective or if wetland reclamation was unsuccessful, how will a commitment to reclaim wetlands on private or public lands be addressed?

A22. In cases where there is a commitment to reclaim wetlands to mitigate impacts of a proposed project, approval documents would typically specify progressive wetland reclamation reporting requirements. Operators can identify changes in the wetland reclamation plan and

the differences between the pre disturbance and post reclamation wetland area through the reporting requirements.

In cases where the wetland reclamation objective has changed or where wetland reclamation was unsuccessful, a wetland replacement plan must be submitted to address the loss of wetlands in order to fulfill replacement obligations under the *Alberta Wetland Policy*.

Additional Questions

Q23. Who do I contact if I have more questions about *Alberta Wetland Policy* implementation?

A23. Please contact us at Wetland.Reports@aer.ca.