

ALBERTA RECLAMATION CONFERENCE
Alberta Chapter, Canadian Land Reclamation Association
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THE DEVELOPMENT AND RECLAMATION REVIEW PROCESS

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ABSTRACT

The Development and Reclamation Review process, as it currently operates, is presented and discussed with the aid of a flow chart. Suggestions are made to improve and expedite the process with particular emphasis on initiation of the process, completeness of the application, and preparation of the approval. Further comments and suggestions are welcomed.

INTRODUCTION

There are many review and approval processes that have been established as requirements under the statutes of Alberta to provide for the orderly development of our natural resources and the preservation of our land resource base. The legislation that establishes these processes has been reviewed at conferences such as this many times in the past, the most recent being at the Symposium on Surface Coal Mining and Reclamation in the Northern Great Plains held in Billings Montana in March of this year. I will, therefore, not review the legislation since most of you are familiar with the legislation, at least as it applies to your operation.

The objective of this presentation is to outline the Development and Reclamation Review and Approval process which is one of the many review and approval processes established by the legislation. As I go through each step of the process I will make some suggestions as to how the process may be made more effective and will allude to developments that would be deemed as major such as large coal mine and oil sand extraction projects.

However, before discussing the Development and Reclamation Review and Approval process it may be beneficial to briefly outline the entire approval procedure and its stages to illustrate where it (Development and Reclamation Review and Approval process) occurs in relation to the other review and approval processes.

OVERALL APPROVAL PROCEDURE

To illustrate the procedure let's assume there is a company or consortium of companies that wishes to develop a coal or oil sands extraction facility within the province. For the sake of brevity let's also assume that the company has obtained the surface and mineral rights and has conducted an exploration program through the appropriate review and approval processes.

The next major step is to obtain an approval in principle from the province. This approval provides the company with the go ahead for the project and a dedication of the required resource for the life of the project. At this stage, the company will have satisfied itself and the government that the project is feasible.

Once it has been determined that a project exists, potentially at least, the review and approval processes intensify somewhat with respect to information requirements and diversity. In fact, I understand there are more than twenty approvals, permits, and/or licenses to obtain to operate a major project. I have no intention of listing them all; only the next major steps that lead to the Development and Reclamation Review and Approval process. These next steps consist of obtaining the permit to develop a mine and the license to operate a mine.

The permit to develop a mine is obtained by applying to the Energy Resources Conservation Board (ERCB) for approval. This application includes all of the information required by the Board to make a decision and includes the details of the project as well as an Environmental Impact Assessment (EIA). The board permit process involves a detailed review of all aspects of the project and culminates in a public hearing where concerned groups, government agencies, the board staff and members, and the general public have an opportunity to question the company on any and all aspects of the project. The board then issues a decision to the provincial cabinet and a permit is either granted or refused. To this stage in the procedure no approvals related to reclamation are required although reclamation will have been addressed in the EIA, at least conceptually.

The next stage is to apply for an ERCB license to operate a mine. It is at this stage in the procedure that the Development and Reclamation Review and Approval process officially becomes a part of the overall procedure. This is not to say that the Development and Reclamation process has not been initiated or that the Development and Reclamation Committee is not aware of a forthcoming application. Firstly, The EIA review branch is presently instituting a system by which they will report to the Chairman of the Development and Reclamation Review Committee the highlights of relevant issues

identified in their process. Secondly, the Chairman of the Development and Reclamation Review Committee receives a copy of the EIA for an initial review of the reclamation matters presented in the EIA. Thirdly, the members of the Development and Reclamation Review Committee, being aware of the project through the Chairman, will have made an initial contact with the EIA review person in their respective department or agency, and thus have an opportunity to discuss the concerns identified very early in the process. Fourthly, and perhaps of greatest importance the company will have made contact with the Development and Reclamation Review Committee prior to submission of the formal Development and Reclamation Application. Discussions with the committee prior to application are very important and will assist the company in making sure their application is complete. Only a complete application can be reviewed and an approval issued. The importance of an open line of communication between the company and the Development and Reclamation Review Committee cannot be over emphasized.

THE DEVELOPMENT AND RECLAMATION REVIEW PROCESS

The company is now in a position to apply to the ERCB for a mine license. This is the stage in the procedure to apply for a Development and Reclamation Approval since to properly develop a reclamation plan for review and approval it is necessary to have a mine plan approved by the ERCB under the mine license.

The company submits the Development and Reclamation application to the Chairman of the Land Conservation and Reclamation Council either through the ERCB or directly and the Development and Reclamation Review process has formally commenced. Figure 1 illustrates the path that the company's application will take to obtain an approval.

When the application is received by the Chairman of the Council it is registered, a file opened, and receipt is acknowledged back to the ERCB and the company. After registration the application is forwarded to the Chairman of the Development and Reclamation Review Committee who in consultation with the head of the Regulated Operations Branch of Alberta Environment and the secretary of the Council determines the completeness of the application and its disposition. If an application is found to be incomplete it will be returned to the company requesting that the missing information be incorporated. This is obviously an important point in the Development and Reclamation Review process; without a complete application the review cannot proceed. Again, I would like to emphasize the importance of communication between the company and the Development and Reclamation Review Committee prior to submission of the formal

application. Prior communication will go a long way to ensuring the submission of a complete application and an expedient review. The legislation requires that the committee complete its review within ninety days of receiving a complete application.

Once the application has been deemed complete its disposition will be decided. Major projects such as coal and oil sands projects require the review of the Development and Reclamation Review Committee. Minor projects generally are sent to the Regulated Operations branch of Alberta Environment. These include transmission lines, pipelines, and sand and gravel operations.

The application is then sent to the committee members for their review and placed on the agenda of the next Development and Reclamation Review Committee meeting. The committee generally meets twice a month, however, special meetings are frequently held to deal with specific matters. These meetings do not usually involve the entire committee. Some are pre-application meetings; some involve meeting with companies to discuss a particular matter.

Members of the Development and Reclamation Review Committee are appointed by an Order-in-Council, usually for a term of a year or more. They perform this service in addition to their regular functions. At the present time, the only committee member whose full effort is devoted to the activities of the committee is the Chairman. The Chairman is assisted by a full time secretary. There are fourteen committee members, in addition to the Chairman, who represent their respective departments and agencies as follows:

Alberta Agriculture - Soils Division - John Hermans
Alberta Culture - Archaeological Survey - Paul Donahue
Alberta Research Council - Groundwater Division - Mark Trudell
Alberta Energy & Natural Resources - Alberta Forest Service -
Jeff Bondy
Alberta Energy & Natural Resources - Energy Sector - Paul Ziemkiewicz
Alberta Energy & Natural Resources - Fish and Wildlife Division -
Ron Millson
Alberta Energy & Natural Resources - Lands Division - Lorne Winnick
ERCB - Coal Department - Khalid Jamil
ERCB - Oil Sand Department - Brahm Prasad
Alberta Environment - Land Reclamation Division - Dennis Bratton
Alberta Environment - Standards and Approval Division - Les Johnston
Alberta Municipal Affairs - Regional Planning Division - Tom Hong
Alberta Recreation & Parks - Parks Division - Stewart Loomis
Alberta Transportation - Planning & Research Division - Don Szarko

Each member is responsible for representing the concerns of his/her total department or agency, and must therefore solicit comments on the application from all concerned disciplines within that agency or department and present, argue, defend, and be prepared to somewhat compromise these concerns in the interest of obtaining the best solution to the application for development. If the concerns are such that the best solution is to reject the project, then the Committee will recommend to the Chairman of the Council that the Application be denied. If the best solution is to proceed with some modified form of the development, the Committee will meet with the company and work out a modified application that is acceptable to all, and recommend approval subject to the modifications. Occasionally an application is received that can be approved without significant alteration, however, there are usually several contentious issues that cause some conflict among the reviewing agencies that require some give and take among the agencies and may result in modifications to the development and reclamation plans. If an application does not contain all the necessary information for a recommendation to be made, the Committee will issue a deficiency statement asking for more specific information in order to facilitate the review. Throughout the review process there is ample communication between the applicant and the Committee, in order to provide the Committee with a clear understanding of the entire project and to speed up the review process.

Once the Committee has completed its review of the Application, it will write up a list of operational terms and conditions respecting land disturbing activities and land reclamation to be attached as a schedule to the Development and Reclamation Approval.

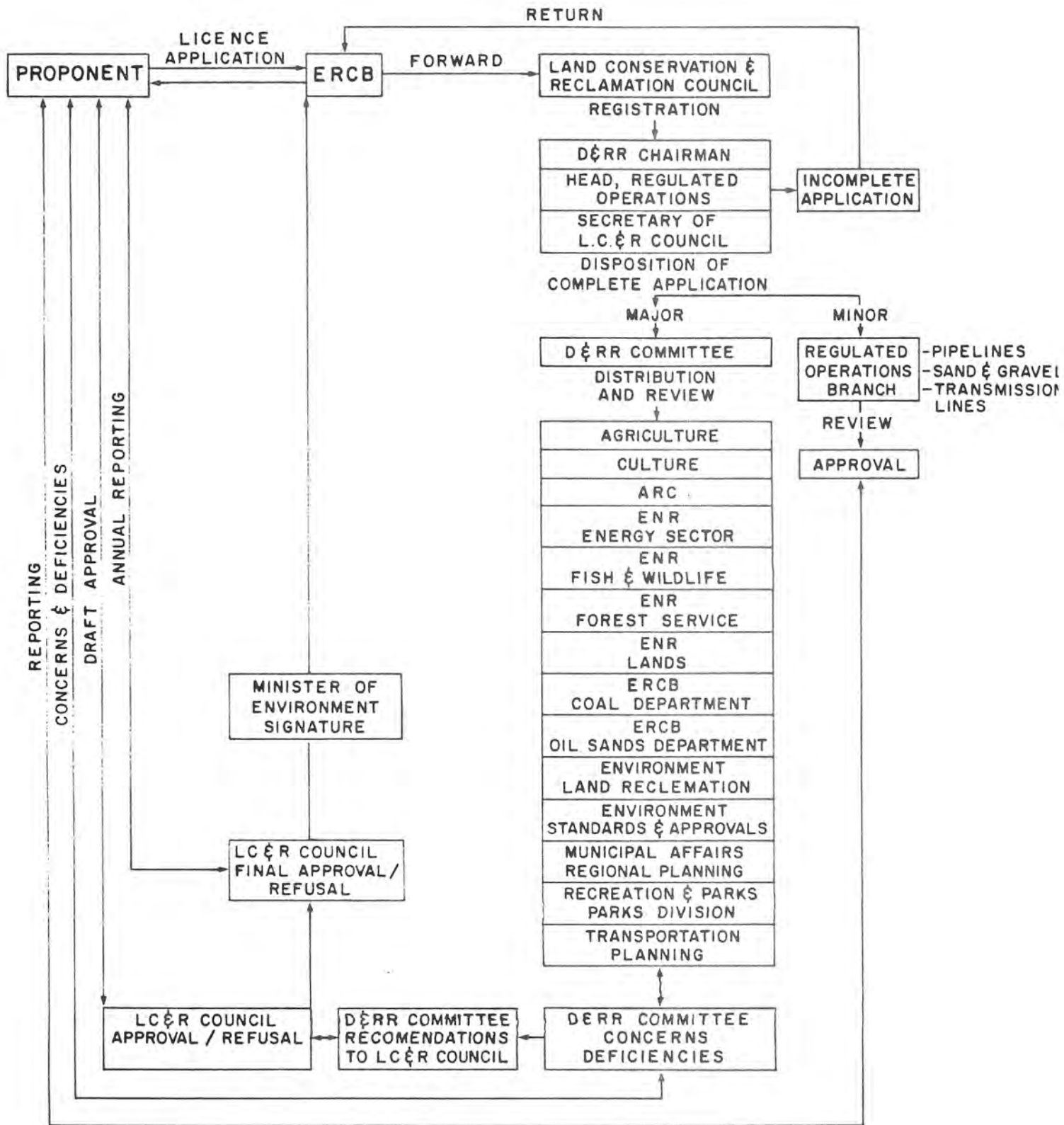
This draft approval is then forwarded to the Chairman of the Land Conservation and Reclamation Council for his review and comments. When the Chairman of the Council is in agreement with the terms and conditions recommended by the Development and Reclamation Review Committee the draft approval is sent to the company for their review. A meeting between the company, the Chairman of the Council and Development and Reclamation Review Committee, and the Head of the Regulated Operations Branch may be held to provide clarification of the terms and conditions in the approval. Any alterations to the approval, as a result of this meeting, will be referred back to the Development and Reclamation Review Committee for their consideration. The final approval terms and conditions are then prepared and the approval is sent through the Chairman of the Council to the Minister of the Environment for his approval and signature. The signed approval is then forwarded to the company and the ERCB.

MONITORING RECLAMATION ACTIVITIES

Once the Ministerial Approval is in place the company can proceed to develop its proposed mine, and day to day surveillance to ensure that the conditions attached to its approval will be adhered to in everyday practice will be provided by the field inspection staff of the Land Conservation and Reclamation Council. Each year, the company will provide the Council with an annual report, explaining the land disturbing activities and land reclamation activities that were undertaken during the year, and provide a plan of land disturbing activities and land reclamation activities for the coming year. When the Council staff decides that the company's development is significantly different from the plans approved in the Development and Reclamation Approval it will order the company to apply for an amendment to the Development and Reclamation Approval. In this manner, the actual development and reclamation activities are monitored and controlled so that all activities are occurring within the terms and conditions of the Development and Reclamation Approval.

THE FINAL APPROVAL

Finally, when the company feels that it has reclaimed portions of its development area in accordance with the terms and conditions of its Development and Reclamation Approval it can apply to the Council for a Reclamation Certificate for the reclaimed lands. The field inspection staff of the Council will inspect the lands and if reclamation is complete they will issue the Reclamation Certificate thereby removing these lands from the lands within the Development and Reclamation Approval, and returning any security deposit funds held with respect to those portions of the development for which a Reclamation Certificate has been issued. Once the Reclamation Certificate has been issued to an operator for lands reclaimed, the operator is then absolved of any further responsibility for those reclaimed lands, and the reclamation and approval process is completed.



DEVELOPMENT AND RECLAMATION REVIEW PROCESS

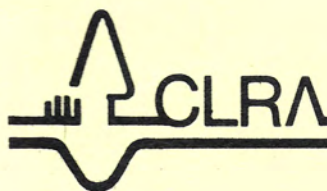
FIGURE 1

#CLRA/AC 82-1

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PROCEEDINGS:
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CANADIAN LAND RECLAMATION ASSOCIATION

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INTRODUCTION

Last Spring the Provincial Government's Reclamation Research Technical Advisory Committee presented a two day Reclamation Research Seminar at the Chateau Lacombe. We were surprised by the large turnout and an overwhelming majority of those in attendance indicated the desirability of an Annual Reclamation Conference for Alberta which would focus on Policy and Practice as well as Research and which would include industry, academic and government participation.

These were very sensible suggestions though their implementation would exceed the mandate and manpower of the Reclamation Research Technical Advisory Committee. So various groups were contacted to sponsor and help organize the Conference. Positive responses were received from the Canada Land Reclamation Association (CLRA) The Alberta Government's Land Conservation and Reclamation Council, The Coal Association of Canada and The Oil Sands Environmental Study Group (OSESg).

The CLRA authorized formation of an Alberta Chapter to serve as the umbrella organization with a Program Committee consisting of representatives of the Government and the two Industry groups. Through this Conference and perhaps other functions the Alberta Chapter of the CLRA can fulfill two important roles:

1. To provide an opportunity for members of the Reclamation community to meet, exchange experiences or argue and otherwise improve communications among its industry, government and academic factions.
2. To provide a public forum for reclamation activities, capabilities, issues and challenges.

This was the first function of its kind in Alberta. Special thanks are due the Sponsors, Speakers and the other Members of the organizing Committee: Jennifer Hansen, Malcolm Ross and Al Fedkenheuer. Their talents and efforts made the Conference a success.

One final word on the Speakers: they were given very short notice of the Conference and not only responded enthusiastically but prepared presentations which were of remarkable quality and consistency. We are fortunate to have individuals of this caliber working in the Field of Reclamation in Alberta.

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