

RESOLUTION 8-23
CONSIDERATION OF MUNICIPAL ENVIRONMENTAL AND AGRICULTURAL
POLICIES FOR LARGE SCALE RENEWABLE ENERGY DEVELOPMENTS ON
AGRICULTURAL LANDS

WHEREAS the *Municipal Government Act* requires that Municipal Development Plans include policies for the protection of agricultural operations and that a land use bylaw may regulate and control the use and development of land and buildings to protect agricultural land; and

WHEREAS the *Weed Control Act* requires municipalities to inspect compliance under this Act; and

WHEREAS the *Soil Conservation Act* requires landowners to prevent soil loss or deterioration from taking place; and

WHEREAS the South Saskatchewan Regional Plan 2014-2024 aims to promote and remove barrier to new investments in renewable energy; and

WHEREAS Federal and Provincial policies are impeding collaboration, innovation, and diversification by adding regulations to large scale energy developments without consideration of the local environmental conditions and of local municipal policies and bylaws to uphold existing Acts, Regulations, and regional plans.

THEREFORE BE IT RESOLVED
THAT ALBERTA'S AGRICULTURAL SERVICE BOARDS REQUEST

That when Federal and Provincial governments approve large scale renewable energy developments through quasi-judicial boards, that they consider local environmental conditions and the policies that the local municipality has in place on the development through their permitting process.

SPONSORED BY: County of Warner No. 5

CARRIED

STATUS: Federal and Provincial

DEPARTMENT: **Agriculture and Agri-Food Canada**
Environment and Climate Change Canada
Impact Assessment Agency of Canada
Canada Energy Regulator

Alberta Energy
Alberta Agriculture and Irrigation
Alberta Environment & Protected Areas

**Alberta Energy Regulator
Alberta Utilities Commission**

BACKGROUND INFORMATION

Recently in the County of Warner, these issues of stripping topsoil, wind erosion, soil degradation, lack of cover and invasive weeds were highlighted when a large-scale solar development was approved by our local planning committee with conditions regarding soil and weed control in place. These conditions included a specific grass seed mix, and a combination of chemical treatment and mowing schedule to control the known weeds in the area. When the approvals came back from the Federal government, they said that the developer was not allowed to spray chemicals and altered the grass seed mixture. With the Federal government approvals for stripping topsoil, we have experienced wind erosion, soil degradation and invasive weed issues, due to the lack of ground cover. If the conditions of our approval were upheld these issues would have been minimized.

We are asking the Federal and Provincial governments to consult with municipalities on how to minimize impacts on the environment and that they work with the municipal policies and follow their permitting process.

Relevant legislation

Several acts inform the purpose of municipalities, first and foremost the *Municipal Government Act* (MGA). It states the purpose of municipalities as including “to foster the well-being of the environment,” and “to provide services, facilities or other situations that, in the opinion of council, are necessary or desirable for all or a part of the municipality.” In addition, the role of an Agricultural Service Board (ASB) according to the *Agricultural Service Board Act* (ASB Act) is “to advise on and to help organize and direct weed and pest control and soil and water conservation programs” and “to promote and develop agricultural policies to meet the needs of the municipality.” Specifically, under the *Weed Control Act* (WCA) “a local authority shall appoint inspectors to enforce and monitor compliance with this Act within the municipality” and under the *Soil Conservation Act* (SCA) “every landholder shall ... take appropriate measures ... to prevent soil loss or deterioration from taking place.” As in many rural municipalities around the province, the County of Warner has a policy appointing the Agricultural Fieldman to act as a municipal inspector under the WCA, SCA, and *Agricultural Pests Act* to fulfill the purpose and duties as assigned to us through the Acts.

To uphold the WCA the Ag Fieldmen work closely with landowners to develop a customized weed control program. The exact program design depends on the ecological factors in the area, which the Ag Fieldman is familiar with, such as the variety of weeds (including noxious and prohibited noxious weeds), weather patterns, and geology. This is particularly significant for prohibited noxious weeds as limited control options may be available, and further spread has the potential to cause significant crop yield losses and become an established invasive species in natural and riparian areas. Understanding the local ecological factors also weighs heavily in upholding the SCA, which has a long history in Alberta with the aim to provide a framework for encouraging sound soil

conservation practices, to preserve Alberta's agricultural land base, and to ensure the long-term productivity of the farming sector. The ASBs and their Ag Fieldmen of rural Alberta have over the years worked hard to gain knowledge, improve practices, and uphold the regulations to provide this protection. This protection and compliance with legislation should be the goal of all levels of government, which should be attained with more awareness and cooperation rather than disregarding work already done.

One of the objectives of renewable energy according to the South Saskatchewan Regional Plan 2014-2024 (SSRP) is that "value-added opportunities that enhance the sustainability of Alberta's industries and communities are created". The SSRP strategies include to "ensure policies are in place to promote and remove barrier to new investments in renewable energy." In addition, the Canada Energy Regulator regulates pipelines, energy development and trade, while ensuring the confidence of Canadians, safety, and environmental sustainability. This often makes it more difficult for local jurisdictions to work with companies by interfering with local policies and strategies despite holding the same aims of supporting the sustainability of upcoming energy industries. Through the roles taken by municipalities and ASBs, the municipalities have been close stewards of the local land and understand how to ensure environmental sustainability in the area. However, the lines of power and responsibility between the three levels of government often blur and appear to overlap, and one level of government ends up re-doing work already done by other levels. Relevant to the WCA and SCA is how regulation of the environment has been found to come under the federal government's jurisdiction pursuant to peace, order, and good government (POGG).

Environmental regulation of higher levels of government is triggered by large scale developments through the Environmental Impact Assessments (EIA) at both the provincial and federal level. EIA is a process to predict the impact of projects on the environment before they are carried out. In Alberta, projects may trigger a provincial or federal EIA depending on what matters the project will touch on. The current EIA process in Alberta is based on the *Environmental Protection and Enhancement Act*, with processes set out in the Environmental Assessment Regulation and activities that trigger an EIA set out in the Mandatory and Exempted Activities Regulation. In addition to the provincial EIA, the current federal EIA process is based on the 2012 *Canadian Environmental Assessment Act* (CEAA). Pursuant to this Act, the federal government developed a regulation to designate physical activities that automatically trigger a federal EIA. These clauses are highly important to municipalities, as numerous municipal projects may contain one or more of these impacts. For example, projects such as dams have the potential to trigger both a provincial and federal EIA, leading to a long and resource intensive process before the project can be completed, which is detrimental to investment. This causes the revisitation, and sometimes disregard of conditions municipalities have previously placed during the permitting processes of large-scale developments, and so dismisses the local knowledge of necessary weed and soil control programs.

RMA Background:

Resolution 5-18S

Provincial Government Consultation and Communication Protocol with Municipalities

THEREFORE, BE IT RESOLVED that the Rural Municipalities of Alberta (RMA) appeal to the Government of Alberta to establish and maintain a uniform consultation and communication protocol with municipal elected officials which is applicable to all provincial bodies;

FURTHER BE IT RESOLVED that through this consultation and communication protocol, the Government of Alberta recognizes and acknowledges the legislated significance of municipal elected officials, and that the Government of Alberta engage municipalities openly and transparently to provide input and feedback on the consultation and communication protocol from inception through to implementation.

link <https://rmalberta.com/resolutions/5-18s-provincial-government-consultation-and-communication-protocol-with-municipalities/>

Resolution 6-22S

Responsiveness of Service Delivery by Quasi-independent Agencies in Alberta

THEREFORE, BE IT RESOLVED that the Rural Municipalities of Alberta request that the Government of Alberta review the continued use of unelected, quasi-independent agencies for the administration and delivery of essential public services, with the results of the review published for public examination.

Resolution 7-20F

Amendments to Municipal Government Act of Service Delivery by Quasi-independent Agencies in Alberta

THEREFORE, BE IT RESOLVED that the Rural Municipalities of Alberta urge the Government of Alberta to amend Section 619 of the *Municipal Government Act* to clearly state that the Natural Resources Conservation Board, the Energy Resources

Conservation Board, the Alberta Energy Regulator, the Alberta Energy and Utilities Board or the Alberta Utilities Commission must consider municipal statutory land use planning related to the protection of productive agricultural lands when making decisions on licenses, permits, approvals and other authorizations under their jurisdiction. link <https://rmalberta.com/resolutions/7-20f-amendments-to-municipal-government-act-section-619/>