



Legislative Assembly of Alberta

The 30th Legislature  
Third Session

Standing Committee  
on  
Private Bills and Private Members' Public Bills

Bill 201, Eastern Slopes Protection Act

Tuesday, March 22, 2022  
10 a.m.

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**Legislative Assembly of Alberta  
The 30th Legislature  
Third Session**

**Standing Committee on Private Bills and Private Members' Public Bills**

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Nixon, Jeremy P., Calgary-Klein (UC), Deputy Chair

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Rehn, Pat, Lesser Slave Lake (UC)  
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\* substitution for Janis Irwin

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Notley, Rachel, Edmonton-Strathcona (NDP)

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## **Standing Committee on Private Bills and Private Members' Public Bills**

### **Participants**

Ministry of Environment and Parks

Brian Makowecki, Assistant Deputy Minister, Lands

Kate Rich, Executive Director, Land Use Secretariat and Integrated Resource Management Secretariat



10 a.m.

Tuesday, March 22, 2022

[Mr. Rutherford in the chair]

**The Chair:** Good morning. I'd like to call this meeting of the Standing Committee on Private Bills and Private Members' Public Bills to order and welcome everyone in attendance.

My name is Brad Rutherford, MLA for Leduc-Beaumont and chair of the committee. I'd ask members and those joining the committee at the table to introduce themselves for the record and then those who will be joining by videoconference. We will begin to my right.

**Mr. Jeremy Nixon:** Jeremy Nixon, Calgary-Klein.

**Mr. Amery:** Good morning. Mickey Amery, Calgary-Cross.

**Ms Rosin:** Miranda Rosin, Banff-Kananaskis.

**Mr. Singh:** Good morning, everyone. Peter Singh, MLA, Calgary-East.

**Ms Sweet:** Good morning, everyone. Heather Sweet, MLA, Edmonton-Manning.

**Ms Sigurdson:** Lori Sigurdson, Edmonton-Riverview.

**Mr. Koenig:** Good morning. I'm Trafton Koenig with the Parliamentary Counsel office.

**Ms Robert:** Good morning. Nancy Robert, clerk of *Journals* and committees.

**Mr. Huffman:** Good morning. Warren Huffman, committee clerk.

**The Chair:** Thank you.

And just going online, MLA Ganley.

**Ms Ganley:** Good morning. Kathleen Ganley, MLA for Calgary-Mountain View.

**The Chair:** MLA Gotfried.

**Mr. Gotfried:** Good morning. Richard Gotfried, MLA, Calgary-Fish Creek.

**The Chair:** Just looking online, I don't see anybody else who needs to be introduced at this point, but if somebody else joins, then we will deal with that when it comes up.

For substitutions we have Member Singh for Member Frey, Member Gotfried for Member Long, and Member Ganley for Member Irwin.

A few other housekeeping items to note. The microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Assembly TV. The audio- and videostream and the transcript of the meeting can be accessed via the Legislative Assembly website.

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Moving on to approval of the agenda, are there any changes or additions to the draft agenda that was distributed?

Hearing and seeing none, can I get someone who would like to make a motion? MLA Amery has moved that the agenda for the

March 22, 2022, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be adopted as distributed. All those in favour in the room, please say aye. Anybody in the room opposed, please say no. Moving online, all those in favour, please say aye. Anyone online opposed, please say no. That motion is carried.

We also need to review the minutes from our previous meeting of March 15, 2022. They are not ready for review yet? No? Okay. They will be at the next meeting. So that was quick.

We will move on now. Members, Bill 201, Eastern Slopes Protection Act, was referred to the committee on Monday, March 14, 2022, in accordance with Standing Order 74.11, and the committee's report to the Assembly is due on March 28. I would like to invite Ms Rachel Notley, the MLA for Edmonton-Strathcona, to provide a five-minute presentation on the bill, and then I'll open the floor up for questions from committee members.

MLA Sigurdson, do you have a question first?

**Ms Sigurdson:** Yes. Thank you. I'd like to ask for unanimous consent for one staffperson from our caucus to join the leader.

**The Chair:** Thank you for that. I would just like to turn it to everybody, that we just have one staff member join Ms Notley at the table. Is there anybody opposed to that? Hearing none, I think that that would be appropriate to have.

Thank you, MLA Sigurdson.

We'll just give that a moment. Okay. Thank you.

Ms Notley, we will turn to your five-minute presentation. If you could just introduce yourself for the record and then the staff member sitting next to you, and then your five minutes will start.

**Ms Notley:** You betcha. Thank you very much for that opportunity. I'm Rachel Notley, Leader of the Official Opposition and also MLA for Edmonton-Strathcona, and I am joined today by Amy Nugent, our director of policy and research for the Alberta NDP Official Opposition caucus.

**The Chair:** Your five minutes will begin when you start. Thank you.

**Ms Notley:** All right. Okay. Last spring the Legislative Assembly considered Bill 214, the Eastern Slopes Protection Act. In fact, on April 13, 2021, almost a year ago, this committee considered this identical bill, the Eastern Slopes Protection Act, and at that time the committee voted unanimously that the bill should proceed to the Legislative Assembly for second reading and the opportunity for debate within the whole Assembly. Now, a cynic might conclude that members supported the bill last year as a way to send it back into the Legislature, understanding that it would not likely ever make its way to the top of the list and be debated as a result of expected decisions to prorogue.

However, I would like to believe, particularly given the ridings that many on this committee represent, that they actually meant it when they talked about the need to protect the eastern slopes, and it's my expectation that the committee will find now, as it did last year, that this bill is reasonable and that it will protect the eastern slopes and the sensitive headwaters from coal exploration and coal mining.

I'd like to first outline again, only briefly, what Bill 201 would achieve. I'd then like to outline why the actions of the Minister of Energy and the UCP government, subsequent to the bill being introduced, do not provide the necessary or sufficient protections that people of the province want to see and why, therefore, the committee should support this bill for a second time.

In terms of what's in the bill, what it includes is this. There is a prohibition on the AER issuing any permits, including water permits, for coal mining activities across all categories of land in the eastern slopes. In category 1 and 2 lands it permanently prohibits new coal mining and related activities and cancels all existing coal leases on these lands. In category 3 and category 4 the bill prohibits coal mining and related activities pending the development of a thorough regional plan that is prescribed in law, sets timelines, and requires explicit rules around coal mining; a cumulative effects environmental analysis; extensive consultation with the public, Indigenous governments, and communities as well as municipalities, ranchers, farmers, recreational businesses, and more; a 12-month timeline for subregional plans; and the bill would not grandfather in exploration and project applications that are already in play.

Over the last two years and still today an unprecedented number of Indigenous leaders, municipal leaders, ranchers, environmentalists, country music stars, and the vast majority of Albertans who have been consulted or asked about this have agreed: do not mine our eastern slopes. Albertans said this when the UCP first rescinded the 1976 coal policy and have been consistent on that matter since.

Now, on March 4, earlier this month, the Minister of Energy said that she listened to Albertans and that she put a ministerial order in place to protect lands. This ministerial order, however, is inadequate, and to be completely honest, neither the UCP caucus nor Albertans writ large should trust the minister, the cabinet, or the Premier on this issue. The only protection that the ministerial order provides is "until . . . written notice is given by the Minister of Energy and/or Minister of Environment and Parks." This order can be rescinded without notice to the public in any way, shape, or form, without consultation or discussion in any way, shape, or form.

It also allows several new mining projects to proceed and advance. Contrary to statements by the minister and the Minister of Energy, the order itself does not require regional plans. It simply says in a preamble that that's what Albertans would like, but that is not what the order itself says. The stroke of a pen by a government that Albertans don't trust is what protects the eastern slopes right now, and frankly that is not enough.

Now, this minister and the government have proven that they will work secretly and that they won't consult either their own UCP caucus or Albertans when it comes to these kinds of decisions. The Premier called the coal policy, quote, a dead letter and then proceeded to issue dozens and dozens of permits and leases, and Albertans had to fight for two years. Members of the committee: I believe you will say in our deliberations today that you share the goals of the Eastern Slopes Protection Act, and if that is true and you do share these goals to protect sensitive lands, watersheds, treaty rights, businesses, farms, biodiversity, and drinking water, I urge you to support this bill.

Members have an opportunity to listen to Albertans and put protections into legislation that cannot be undone with just the stroke of a pen.

**The Chair:** Thank you, MLA Notley. I'll just give you a moment. Is there any other final comment, or did you time that properly?

**Ms Notley:** I will simply say, just to be slightly clearer than that last sentence, that we all share the same goals. These goals should be protected in legislation, where it will always attract the level of transparency and accountability that Albertans need to see and want to see and expect to see.

**The Chair:** Thank you.

We will now turn to 20 minutes of questions. Because this is an NDP bill, the precedent of the committee is to start on the government side. MLA Singh, you're up for a question and then a follow-up, please.

**10:10**

**Mr. Singh:** Thank you, Mr. Chair, and thank you, Member, for being here with us today and presenting your private member's bill. I know it was introduced last session as Bill 214. My question is: when you developed Bill 201, did you consider the recommendations of the coal report? How does Bill 201 differ from your previous Bill 214, at the same time, from last session?

Thank you.

**Ms Notley:** Well, thank you very much for that question. I'll start with your last question first. The bill is, in essence, the same as the bill that came before the House and this committee last year. There's no significant difference at all or no difference at all.

Yes, we did consider the results of the coal consultations that the Minister of Energy engaged in. What the Minister of Energy heard from Albertans and what the report itself suggests, which we agree with, is that the consideration around coal mining in the eastern slopes needs to consider cumulative effects, that people did not want to see coal development or exploration in the eastern slopes, that there needed to be a more consequential and predictable and defensible engagement with Indigenous people and recognition of their rights, that we needed to see improved water management and monitoring, that we had to have an improved reclamation system, and that there needed to be better engagement. These are the things that were in the report itself.

There are differences between what this report generated by way of the actions taken thus far by the Minister of Energy and what our bill would achieve. One, the Minister of Energy mostly answers these questions but does not entirely through her ministerial order because, of course, (a) she allows for currently approved projects to carry on, certain ones that were identified, and (b) the prohibition itself does not include an obligation for transparency, accountability, or consultation for that prohibition to end whereas our legislation, because it is in legislation, would require a legislative conversation before any changes were made to plans around further mining of coal in our Rocky Mountains. That's the difference between the two. Literally, you don't even have to change the ministerial order to recommence coal mining. All she has to do is give direction to the AER to say, "Yeah, it's okay" – and that's actually provided for in the ministerial order – whereas our bill would actually execute and operationalize what people who the UCP government consulted with told the UCP government in their report they wanted to see.

That's the difference, and that's why our bill actually amounts to a realization of the asks that were clearly described within the report as having come from the tens of thousands of people that were consulted through that process.

**Mr. Singh:** Thank you, Member, for answering my question.

Thank you, Mr. Chair.

**The Chair:** Do you have a follow-up, or did you sneak both in there? You're good? Okay.

We were turning to MLA Ganley, but I'll pause the clock just for a moment, MLA Ganley.

Mr. Nielsen, if you could introduce yourself, please, for the record.

**Mr. Nielsen:** Thank you, Mr. Chair. Good morning, everyone. Chris Nielsen, MLA for Edmonton-Decore.

**The Chair:** Thank you.

We will continue on. MLA Ganley, go ahead with a question and a follow-up, please.

**Ms Ganley:** Absolutely. My question is: why is legislation necessary in this case? We see that there's a ministerial order that is in place touching sort of related subject matter. I think the legislation is important, but if you wouldn't mind just addressing that a little bit.

**Ms Notley:** Well, thank you, Member. I'll just expand a little bit on what I said in answer to the first member's question. Let's remember how we came to be here. After being extensively lobbied, on the Friday before the May long weekend in 2020 the Minister of Energy, assisted by the minister of environment, secretly and with the stroke of a pen rescinded the 1976 coal policy. They then immediately issued a significant number of leases and permits to foreign coal mining companies. [An electronic device sounded] Are we good? Do you want to break for a sec?

**The Chair:** No. Keep going.

**Ms Notley:** Okay. They then immediately issued a significant number of leases and permits to foreign coal mining companies, penny stocks in some of the most sensitive lands anywhere on Earth. No consultation. No notice. Beyond that, they then tried to tell people that they hadn't actually done anything of significance. There was a long period of time of what is traditionally or euphemistically referred to as gaslighting of the people of Alberta. I'm sure many people here in the UCP caucus would be familiar with the conversation that happened at that time. They then denied, as I said, that anything had taken place at the same time that the Premier finally acknowledged or admitted that the coal policy was a, quote, dead letter.

So with the stroke of a pen, a signed ministerial order, the UCP rescinded protections against coal mining in May 2020, and they didn't consult, as far as we heard, with the UCP caucus before they did that, and they certainly did not consult with the people of Alberta. They didn't consult with the people downstream. They didn't consult with industry downstream. They didn't consult with farmers downstream. They didn't consult with Indigenous people downstream. They didn't consult with the city of Lethbridge downstream. They didn't consult with anybody.

Quite frankly, what's in place now with a ministerial order allows for exactly the same process to be repeated at whatever time the Minister of Energy may conclude that she once again has enough political capital to burn, and as we all know in this room, political capital in this province is a rather volatile commodity. Quite frankly, the people of Alberta need to be able to rest easy at night that the future of their Rocky Mountains does not depend on the volatile political capital of individual ministers from one day to the next. They need to know that there is legislative protection of their Rocky Mountains. That is the difference.

As well, the ministerial order doesn't include legal requirements for regional planning, public or Indigenous consultations, and it doesn't have the force of law to require a cumulative effects analysis, which is best practice in any of these kinds of conversations. The bottom line is that the past actions around how the Loughheed coal policy was originally undone give rise to an understandable level of concern on the part of literally probably hundreds of thousands of Albertans on this matter.

**The Chair:** Thank you.

MLA Ganley, do you have a follow-up?

**Ms Ganley:** Yeah. You mentioned, you know, several different stakeholders who felt that they hadn't been consulted adequately the first time that this current government made these moves. I know that you've done a lot of consultation and conversations with those people, and I was just wondering what you've heard from stakeholders about why the government response falls short in this instance.

**Ms Notley:** You bet. We do know and I'm sure all members in this room know that when finally the Minister of Energy and the minister of environment acknowledged that they had done something of significance and acknowledged the uproar and the unhappiness from thousands and thousands of Albertans that had been expressed, those Albertans breathed a sigh of relief when it was announced that there would be a pause put on exploration and that a report would be conducted. Indeed, as I've already outlined, some of the findings within that report also were supported by a number of folks who had been opposed to the decision originally taken by the UCP Minister of Energy and minister of environment to remove the Loughheed coal policy, so that is good.

The concern is: what is the vehicle for implementing the recommendations and the opinions of Albertans that are described in the report? What we're seeing is that a lot of the stakeholders now see that the state of play that we currently have before us – they see it as temporary relief. They see it as a stopgap measure to protect our mountains. Whether you're talking about Y2Y, whether you're talking about CPAWS, you know, a broad range of stakeholders, what they are saying is: yeah, no, this is fine; the problem is that we need to lock it in, and there is nothing about the current strategy or the current mechanism that's in place right now that in any way, shape, or form reflects something that's locked in.

**10:20**

It's interesting, of course, because up until this point, you know, since the Loughheed coal policy was put in place in the mid-70s up until this government was elected and chose to act in May of 2020, which, of course, we're talking about – for whatever that is, 44 years, a policy was adequate. However, what Albertans have seen from this government is that a policy and a ministerial order is no longer adequate. What we are hearing from all of these stakeholders as well as municipal leaders and industry leaders and agricultural advocates and farmers and all the people – what we are hearing from them is that they've now learned that they need more than a policy from this government in order to trust that they won't see backsliding or a complete reversal on this matter once again.

**The Chair:** Thank you for that.

We're just going to pause the clock quickly. MLA Rehn, if you want to introduce yourself, please, for the record.

**Mr. Rehn:** Yeah. This is MLA Pat Rehn for Lesser Slave Lake.

**The Chair:** Okay. Thank you for that.

Now we will turn to MLA Amery for a question and follow-up.

**Mr. Amery:** Okay. Thank you very much, Chair, and good morning, Member Notley. Thank you for your presentation on Bill 201. Full disclosure for you and the rest of the members of this committee: I did not have the full benefit of participating in the prior discussions or deliberations in relation to Bill 214, so forgive me if I'm going to go a little bit back in time and ask something a little bit rudimentary.

I understand that the Coal Policy Committee conducted broad consultations, and based on the briefing notes that I received for this meeting, I note that the committee received substantial input:

notably, more than 170 technical submissions, 1,000 e-mails, 70 meetings with NGOs, municipalities, round-table discussions, and bilateral meetings with approximately 35 Indigenous communities, and 25,000 survey responses. I consider those to be fairly substantial consultations.

Now, I note further that the government adopted those recommendations from the coal report, and my question is fairly straightforward based on the preamble that I set forward. I'm a little unclear at this point in time how Bill 201 differs from the recommendations that the government has already accepted in the coal report because I see a significant amount of overlap. I heard your answer to the Member for Calgary-East and other members here today, but I'm wondering if you can elaborate specifically on whether or not Bill 201 differs from the coal report recommendations that have already been adopted by government and how.

**Ms Notley:** Certainly. A few things. First of all, the report did a good job of summarizing the concerns and the wishes of the many, many people they consulted, and that's great. I mean, no concern about the depth and breadth of their consultation. The ultimate solution, as manifested within the ministerial order, however, does not execute on all of the asks from the people who were consulted, and the way in which that is the case is multiple. First of all, the ministerial order allows for several major projects still to go ahead, including Grassy Mountain, which – I will tell you, nobody that the Minister of Energy consulted with said: yeah, we want Grassy Mountain to go ahead. Actually, I shouldn't say that. I'm sure the proponents for Grassy Mountain said that and a small number of people said that, but the vast majority who were consulted didn't want to see it go ahead, yet the ministerial order allows for it to still go ahead. Same with Tent. Same with mine 14. Same with Vista. That is different from what we are proposing.

The second major difference is that our bill would require completed regional planning under the land-use framework whereas the ministerial order does not do that. The ministerial order, if you read the order, I mean, as – I can't remember if you have a legal background or not. I don't recall. I think you do. You know, the whereases are irrelevant to any ministerial order, as you would know. It's just what the order itself says. The order itself doesn't say a single thing about regional planning having to be completed before the decision is taken. In fact, all the ministerial order says is that this is in place until the minister advises the AER that it's not. That's actually done within the ministerial order, so the minister doesn't even have to change the ministerial order. There's not even a subsequent gazetting of the decision.

The fact is that this has been structured in a way to be reversed entirely behind closed doors without any public conversation, without any consultation other than through the AER process, which is inadequate right now because it doesn't necessarily link up to the land-use framework or to the required Indigenous consultation, nor is there within the AER process a prohibition against approving any of these projects. So there is actually quite a difference.

The report itself – as I said, you described fabulous engagement, fabulous consultation, fabulous levels of feedback, indeed. Indeed. The report made a number of good recommendations, but the mechanism that the Minister of Energy put in place to allegedly act on those recommendations is solely inadequate.

What this bill would do is actually ensure that those recommendations are acted on and acted on in a way that ensures that the people of the province would get notice if someone decided to change their mind, and they would get notice because the government would have to bring an amendment into the Legislature.

For something as important as our eastern slopes watershed and our Rocky Mountains that seems to me to be a completely appropriate venue within which to make these kinds of decisions. I don't think there's a person in this room who doesn't literally feel the integrity of the Rocky Mountains in their heart and wants to know that level of protection exists for them.

**The Chair:** Thank you.

MLA Amery for a follow-up.

**Mr. Amery:** Certainly. Thank you for that summary and the discussion about the whereases in the preamble. I just want to take you back just a little bit more. You mentioned to other members prior to my question that you had conducted your own consultations as well with respect to Bill 201. Can you elaborate a little bit on those efforts and how they in themselves – I think you mentioned that they were exhaustive as well, so I'd like to hear how they differed from the consultations that took place with the committee.

**Ms Notley:** Again, as the opposition – and it was during COVID. A lot of it was on Zoom, but we had a number of town halls and then a number of individual meetings with key stakeholders. We've spoken to – so we had two town halls with 8,000 folks – oh, 8,000 e-mails. We had a petition that had a number of Albertans – she's writing this out because we hadn't planned this out.

The key is – and I think I just want to really emphasize this – that it's not like our consultations were right and the consultations of the minister were wrong and that somehow we have to have duelling consultations. In fact, the outcome of the minister's consultations, like, what people actually told the minister: roughly, we agree with it.

The problem is not what the minister heard from people; the problem is how the minister responded. We're not really questioning the consultations. Most of the summary there is fine. We're not at odds with them. What we're at odds with is that the minister's response to what Albertans told her is not good enough. It is merely temporary, and it is not secured.

Anyway, I will say, going back, you know, as this happened, when we started in May 2020 and we had the environment minister getting up in the House telling us nothing had changed and we had that whole process of having to first prove that something had changed, it was a bit of a different dynamic. We had to first actually make the case that things had changed, and there were a number of Albertans who became increasingly aware of it.

I will say that as the opposition we heard from probably not a hundred thousand but more than probably around 30,000 or 40,000 Albertans who were concerned about it just by way of e-mail, but you know there's no question that's not the same as in person. So then we had the town halls, and then we had meetings with a range of similar stakeholders that the minister had.

**The Chair:** Thank you.

Thirty seconds, MLA Sweet.

10:30

**Ms Sweet:** Thank you, Mr. Chair. Any comments that you want to summarize in your last 30 seconds?

**Ms Notley:** Again, I think, really, the issue here is whether we're going ahead with the four projects which the current ministerial order would allow and our bill would not. The issue is whether we tie this to regional planning under ALSA as well as a stated obligation to engage with Indigenous communities, and the issue is that the ministerial order can be changed or doesn't even need to be



changed: the minister could change her mind tomorrow, and no one would ever know.

**The Chair:** Thank you for that, MLA Notley. You're welcome to stay for the rest of the deliberations if you like.

We will now turn to technical briefings from the relevant ministries on Bill 201. The committee has invited the ministries of Environment and Parks and Energy to present today; however, the committee received a letter from the Minister of Energy, who respectfully declined. The letter is posted on the internal website.

Now, we do have department officials attending virtually from the Ministry of Environment and Parks to provide a technical briefing, and I want to thank them for being here. I would just ask that you both introduce yourself at the beginning, and then I will turn it over to you for a five-minute presentation. Over to you.

**Ms Rich:** Thanks. I will start. I'm Kate Rich, the stewardship commissioner and head of the government's Land Use Secretariat.

**Mr. Makowecki:** Good morning. My name is Brian Makowecki. I'm the assistant deputy minister of the lands division at Environment and Parks.

**The Chair:** Thank you for that. Your five minutes will start when you do, so please go ahead.

**Ms Rich:** Thank you, Chair. We are pleased to present to the committee regarding implementation of the government's recent decision to extend and expand restrictions on coal exploration and development in the eastern slopes until land-use planning is sufficiently completed. I will also present information regarding land-use planning requirements under the Alberta Land Stewardship Act, or ALSA.

The government's directions made on March 4 included a ministerial order from the Minister of Energy that binds decisions by the Alberta Energy Regulator and expands restrictions on coal exploration and development on all categories of land in the eastern slopes. The order is legally binding under the Responsible Energy Development Act. The direction allows activities related to abandonment, reclamation, security, and safety to continue. The government requires that the 1976 coal policy and additional restrictions in the eastern slopes named in the order remain in effect until sufficient land-use planning is completed in that area. Consistent with the Coal Policy Committee's recommendations, the government's direction allows existing mines to operate under Alberta's robust regulatory system and allows advanced coal projects to proceed through Alberta's regulatory decision-making system.

A second component of the government directions made March 4 is that Environment and Parks will amend the eastern slopes policy in the coming months. My colleague Brian Makowecki will provide further information on this.

A third direction and commitment made March 4 is that additional direction on coal activities will be embedded in new or updated land-use plans in the eastern slopes. Several planning tools can apply to embed that direction. Today I will speak to the requirements of regional, subregional, and issue-specific plans under the Alberta Land Stewardship Act, and Brian will add context related to the work of Environment and Parks.

From Alberta's experience, land-use planning considers multiple land-use activities and values, cumulative effects management, and current and future uses. It's informed by comprehensive consultation with Albertans, Indigenous communities, and other stakeholders regarding the social, economic, environmental, and Indigenous considerations needed to guide all land-use activities in

a given area. Land-use planning takes time. Planning is driven by and responds to multiple land-use priorities, including but not limited to coal. It's complex and takes years to complete.

Time is required to fulfill expectations to consult with Albertans, which is integral in the development or amendment of any plan. Regional plans under ALSA are built through a collaborative process that requires contribution and input from the government and Albertans. Engagement on land-use plans has been broad and has included citizens, landowners, municipal governments, Indigenous communities, businesses, industry, recreation and tourism organizations, environmental NGOs, academia, and so on.

ALSA's section 5 requires the stewardship minister to ensure that regional plans or amendments to them undergo appropriate public consultation. The findings of that consultation must be provided to Executive Council. Regional plans and their amendments must be laid before the Legislative Assembly prior to decisions by the Lieutenant Governor in Council.

Indigenous community involvement in land-use planning is an important component of its development. Alberta respects constitutional requirements, and the land-use framework further commits to consultation with Indigenous communities, whose constitutionally protected rights have the potential to be adversely impacted by land-use planning decisions. For the plans currently established under ALSA, development included Indigenous community members being part of regional advisory councils, that provide advice to government, additional consultation through multilateral and bilateral meetings with communities, and Alberta providing capacity funding to Indigenous communities to provide input.

ALSA also includes a requirement to ensure that processes to make land-use decisions respect all rights to due process, existing rights to compensation, and all appeal provisions in provincial legislation remain in effect. ALSA includes a clear statement that the government must respect the private and other rights of individuals.

ALSA is designed to implement complex land-use and natural resource decisions, as identified in the act's purpose. ALSA's purposes include providing a means by which government can direct and identify economic, environmental, and social objectives; a means to plan for the future, to co-ordinate decisions concerning land, species, human settlement, natural resources, and the environment; and enabling sustainable development by taking account of and responding to cumulative effects.

ALSA establishes clear processes for regional plan preparation and adoption, including scope. It enables a range of content such as development of triggers on limits for water, land, and air and the ability to create subregional and issue-specific plans. ALSA establishes regional plans as public policy and regulations, and they are legally binding on the Crown's decision-makers, local government bodies, and Albertans.

Brian, I will turn to you to add some comments.

**Mr. Makowecki:** The government directed that the department amend the 1984 eastern slopes policy in the coming months by embedding the 1976 coal policy categories in the policy. The guidance from this policy can be translated into regulatory decisions, regional plans, subregional plans, and integrated resource plans. Crown lands across the eastern slopes are covered in a mosaic of parks and protected area designations on public lands.

**The Chair:** Thank you. Do you have just a final concluding line you might want to bring in, or did that time well for you? You were only given 20 seconds.

**Mr. Makowecki:** Yeah. You know, I have probably another minute or so if the committee would indulge me.

**The Chair:** Yeah. Looks like we're getting consensus in the room. We'll give you one more minute.

**Mr. Makowecki:** Thank you. Crown lands across – sorry. The designations in combination with land-use plans, management plans, and other policy instruments provide direction to manage the activities to support environmental, economic, and social outcomes.

Protected areas have been established in many areas along these slopes that protect Alberta's critical headwaters, species at risk, and provide highly valued recreation and tourism opportunities. Additionally, many of Alberta's public land-use zones, integrated resource plans, and subregional land-use plans are within the eastern slopes. These provide additional direction and support our headwaters and biodiversity on public lands.

The South Saskatchewan regional plan supports integrated management, incorporating objectives, biodiversity, and healthy, functioning ecosystems. Watershed management and headwaters protection are a planning priority. Various sources of water contaminants need to be managed to ensure the sustainability of our surface waters, to meet the desired uses in the future. Under the surface water quality management framework we're taking a cumulative effects management approach, which means managing with all consideration of human activities that can affect water quality. A surface water quality management framework for South Saskatchewan region has been in place since 2014, and the department is advancing surface water quality management frameworks for the North Saskatchewan River region and upper Athabasca region ahead of regional planning, which will allow for additional protections of water quality in the eastern slopes.

The Livingstone-Porcupine Hills land footprint management plan was approved by cabinet and released in May 2018 and sets integrated direction for all decision-makers to manage for watershed and biodiversity outcomes. Additionally, there's a protective notation placed on public lands within coal category 1 to ensure environmentally sensitive and recreation land along the slopes is protected. There are additional tools, including codes of practice, master schedules, standards, and conditions that guide decision-making as well.

That concludes our remarks, Chair. Thank you.

**The Chair:** Thank you for that.

I will now turn to 20 minutes of questions, starting with MLA Nixon.

**Mr. Jeremy Nixon:** Excellent. Thank you, Mr. Chair. I guess my question has to do with the land-use planning. Although I do tend to agree with this bill at least in spirit, my concern is that it's putting the cart before the horse a little bit here, specifically when it comes to land-use planning. I know that you both just articulated the extensive process behind making sure that we get that right both in planning and in consultation. Again, I guess the question specifically is your thoughts on whether or not this bill kind of circumvents the land-use planning or gets ahead of it. Maybe talk a little bit about the importance of proper consultation, further consultation that's required in order to get this right.

10:40

**The Chair:** Go ahead. Either one of you can jump in.

**Ms Rich:** Okay. Maybe I will start. Without commenting on the specific intent behind Bill 201, I think I can stress that the Alberta Land Stewardship Act itself, which allows regional planning,

subregional planning, and issue-specific planning in an integrated manner, does lay out many requirements with respect to the process and the scope and the engagement required for establishing those integrated land-use plans. They do include consultation requirements, as I outlined, I think, in my remarks. The requirement to engage Albertans, the requirement to engage Indigenous communities and various stakeholders are integral to that process. There is a requirement that the stewardship minister demonstrate that they've met public consultation requirements and table those findings as part of any plan development process.

**The Chair:** Thank you.

MLA Nixon, do you have a follow-up?

**Mr. Jeremy Nixon:** Yeah. With the ministerial order in effect, that will provide the protections that we need and then allow for us to take the time that's necessary to do this consultation around land-use planning appropriately and, I guess, also make sure that we're consulting and working with Indigenous communities to get this right.

**Ms Rich:** Yes.

**Mr. Jeremy Nixon:** Okay. Thank you.

**Ms Rich:** That is correct. It'll stay in place until land-use plans are established across the region, the eastern slopes region.

**The Chair:** Thank you.

Next on the list I have MLA Ganley.

**Ms Ganley:** Sorry. Many buttons. I was taking extensive notes during your presentation, and I think the opening question for me is: is there a legislated requirement or protection that would require – and when I say "require," I mean statutorily, not something that can easily be revoked by a sitting government – a completed land-use plan and linear disturbance guidelines before the minister could issue written approvals of mines under the ministerial order?

**Ms Rich:** Well, the ministerial order is established under the Responsible Energy Development Act, and it provides that direction to the regulator, in this case the Alberta Energy Regulator, to follow its requirements, which are expanding those restrictions in the eastern slopes area. It also does commit that it would not be lifted until sufficient land-use planning is in place. Coupled with that, we got direction to update the eastern slopes policy in the coming months and then develop and amend plans in that region. According to the ministerial order that's the condition of lift.

**Mr. Makowecki:** I might add one small addition to that in that we do have the Livingstone-Porcupine Hills regulated limit, the motorized limits under SSRP as well for that subregion.

**The Chair:** Thank you.

MLA Ganley, do you have a follow-up?

**Ms Ganley:** Yeah. Just with respect to that, what I think I'm hearing you say is that they may or may not be bound in that way. I guess what I'm trying to get at is: is there something that would bind the actual cabinet not to make an approval under the ministerial order? Let me take it down a level. Say that I'm an Albertan out there in the world, and I'm concerned that mines may get approval in advance of this land-use planning being done. Before the land-use plan comes into place, before the guidelines are in place, how can I be assured that the minister won't write an approval for another coal mine?

**The Chair:** Go ahead, please.

**Ms Rich:** Maybe I should start by – the direction is to the regulator, and we have an existing regulatory process to make public interest decisions as to whether a project like a coal mine would approve. It is the Alberta Energy Regulator that would be making such decisions. But this ministerial order directs or provides restrictions to that regulator with respect to activities in the eastern slopes. It does certainly still allow reclamation and safety measures to still continue. It does provide some provisions as per the Coal Policy Committee recommendations with respect to existing mines and advance projects, but for the rest it is the restrictions. They are provided to the AER to not advance such projects under this order.

**The Chair:** Thank you for that.

We're going to MLA Singh now.

**Mr. Singh:** Thank you, Mr. Chair, and thank you to the Department of Environment and Parks for being here with us today in answering our questions. Can you please explain what actions the government is taking with regard to the recommendations in the coal report?

**The Chair:** Please go ahead.

**Ms Rich:** Maybe I'll start. To reiterate, first and foremost, in response to the coal committee report direction provided March 4, which was to restrict coal exploration development activities, that addresses the committee's first recommendations and allows for land-use planning to be completed. Again, in alignment with the committee's recommendations the reinstated 1976 coal policy remains in place, and under the ministerial order coal exploration and development activities in the eastern slopes are now restricted on all category 2, 3, and 4 lands. That restriction will remain in effect until direction on coal activity is embedded in land-use plans. I will repeat again: we intend to update the eastern slopes policy to embed the 1976 coal categories and in time undertake land-use planning.

In addition, there are various recommendations with respect to water management, ongoing reclamation, et cetera. Maybe just some highlights. Maybe Brian could provide a highlight or two about surface water quality management frameworks and how we have our ongoing monitoring, et cetera.

Brian, do you want to talk about frameworks?

**Mr. Makowecki:** Sure. I'll add a little bit more on the frameworks. The department initiated the development of water management frameworks for the North Saskatchewan and upper Athabasca watersheds last year. We've been working with the public, doing public engagement at numerous sessions. Essentially, those frameworks are going to be established to ensure that there is clarity on the water management and water quality objectives, to ensure that there's transparency in that approach and that there's a system in place that essentially watches for changes to water quality through whatever use or whatever conditions that might impact the change in water quality, investigates the change in that water quality should it come to our attention that there is a change, and then initiates a management response to that so that actions could be taken, if necessary, to ensure that water quality is managed.

**The Chair:** Thank you.

Remind me, MLA Singh. Did you get a follow-up in?

**Mr. Singh:** Yeah, I do have a follow-up here. I know you have answered my next question partially, but in addition to the 1976 coal policy, what environment protections are there in place around coal development in Alberta, more specifically on the eastern slopes?

**Ms Rich:** Maybe I'll start with that again. Alberta has a rigorous regulatory process in place to assess the potential implications of proposed projects, and if they are deemed to be in the public interest, approvals and other authorizations and conditions are granted with appropriate rules and limits and oversight to protect our environment. The process includes things like an environmental impact assessment for large-scale projects like coal mines. That's a multiyear process with significant consultation with the public, Indigenous communities, and others. It really does inform that public interest test of whether a major project is in the public interest, considering environmental, social, and economic impacts and benefits.

In addition, we've got a myriad of legislation: the Environmental Protection Enhancement Act, Water Act, et cetera. To make sure that reclamation and liability are managed, we follow the polluter-pay principle. You know, our coal projects approvals would include requirements for project operation management, project decommissioning, all the way through to reclamation; it's a full life-cycle approach. That's at the project level.

Again, I think we've talked to you quite a bit today about planning and what you also need to meet the cumulative impacts in the region, and then just a reminder that we do have our ongoing monitoring programs. As an example, we monitor surface water quality routinely at 116 sites across our long-term river network and tributary monitoring networks, and then we have an extra 31 in our oil sands monitoring program. We have things like selenium management plans, that are a typical thing, and metallurgical coal mine approval. I could go on and on about our regulatory process and our oversight, so maybe I'll leave it there.

10:50

**Mr. Singh:** Thank you for answering my questions, and thank you, Mr. Chair.

**The Chair:** Thank you, MLA Singh.

MLA Sweet, please go ahead.

**Ms Sweet:** Thank you, Mr. Chair, and actually I would like to follow up on the water monitoring. I mean, I've said this in the Chamber before, and I will say it again. I was born in Sparwood, and I understand what has happened in the Elk valley region in relation to the leaching of selenium, the impact that it's had on the economy, on the tourism industry, on the environment, and the negative impacts that it's had on many wildlife in those zones. My concern is, obviously, around the fact that although there was monitoring happening in that area around the same time when coal mining was occurring, there was significant leaching that happened with very detrimental impacts. My question would be, to follow up on the comments that were just made: instead of reacting to what could potentially be very devastating for our economy in Alberta, what is going to ensure that we don't have a similar scenario as happened with tech industry in the Elk valley?

**Mr. Makowecki:** I can provide a few comments. Under the Environmental Protection and Enhancement Act mountain mine operators must follow selenium management provisions. This includes submitting a selenium management plan to the AER with detailed information on possible risk and mitigation strategies. Selenium is routinely monitored at 89 river and tributary sites across the province as part of AEP's long-term river network and tributary monitoring network. As I spoke to earlier, we continue to update that system, continue to improve that system, and last summer we launched a review of Alberta's current regulatory requirements related to selenium and, as I just spoke to, began work on new surface water quality management frameworks for the

North Saskatchewan, Battle, and upper Athabasca rivers to address some of the water quality concerns that we became aware of.

**The Chair:** Thank you. Do have a follow-up?

**Ms Sweet:** Yes, please. Obviously, there has been acknowledgement that there are concerns that there might be an impact into our waterways. Clearwater county made some very strong arguments in regard to what the economic impact could be if there was to be any type of significant leaching into our waterways. So my question would also be: in regard to the ministerial order has that social economic assessment been completed to ensure that we do not have a similar scenario as we do in Elk valley?

**Ms Rich:** Maybe that's a twofold part to this. The consideration of social, environmental, and economic impacts is part of land-use planning. As land-use plans are amended or come into place, that would be part of that process, and, again, if it's a project-specific site, our environmental impact assessment also considers at the project scale in consideration of the project itself and then in consideration of how it fits to broader regional cumulative effects and management requirements. It does also consider those social, economic, and environmental considerations. I think you can see that in some of the processes. I mean, Benga recently underwent its EIA process, and a decision came forward in the fall of 2021 regarding that. I think you can see that in some of the regional planning that we've undertaken to date in the regional or subregional planning as well.

**The Chair:** Thank you for that.  
MLA Nixon.

**Mr. Jeremy Nixon:** Excellent. Thank you, Mr. Chair. I guess my question – the rescinding of the 1976 coal policy is part of why we're here today. It's created a pretty robust discussion in Alberta about coal and the vision for coal and how we move forward with coal, but it's hardly been the Wild West when it comes to coal development. I'm just wondering if you can talk a bit about what laws and regulations are currently in place that protect our water and lands to ensure that we're preserving these resources for the future.

**Mr. Makowecki:** Well, first, maybe I'll start with the work that we are undertaking to move the coal categories into the slopes policy. This will embed them in that policy to ensure that as future plans are undertaken, the existing policy direction is included in that planning. Until plans are put in place, the slopes policy will provide direction to regulators that are operating under legislation, including the Public Lands Act, including EPEA, the Water Act, et cetera. The legislative framework that is in place in Alberta would be guided by that direction.

Alberta has a rigorous regulatory process in place to assess potential impacts of proposed projects and, if deemed in the public interest, ensure that appropriate rules, limits, and oversight are in place to protect our environment. This includes an environmental impact assessment for large-scale projects, a multiyear process that includes significant consultation with the public and Indigenous communities, the EIA process, or environmental impact assessment process, which informs the decisions on whether major projects are in the public interest, considering the environment, economic, and social impacts and benefits.

**The Chair:** Thank you.  
Do you have a follow-up?

**Mr. Jeremy Nixon:** Yes, I do. I think part of the concern here, at least what I'm hearing from the opposition, is that we're going to somehow just pull back on the ministerial order and just open it up for wide-scale coal development in the Rockies and blow up mountains. I think that's what we've been accused of. I don't think that that's even possible with the current laws and regulations, based on my reading, and obviously we want to make sure we get this right. So my follow-up question is in regard to the timing of the land planning, and we talked about that potentially taking years. I'm wondering if you can kind of get into a little bit more detail about how long this is going to take and where we're at in the current process.

**Ms Rich:** All right. Maybe I'll start. So, again, as a first step the eastern slopes policy will be amended in the coming months to embed the coal categories from the 1976 coal policy and provide direction to include the categories in land-use plans for the eastern slopes. That's in the coming months that that will be complete.

I just want to stress that the eastern slopes policy provides overarching guidance for the area, and that guidance can be translated into regional plans, subregional plans. It can also provide direction to planners and regulatory decision-makers. Then the second step is that we'll be considering the coal activity, along with other activities and land uses, in land-use plans over the coming years. Land-use planning does take time to consider everyone's input and cumulative effects management and the integration of social, economic, environmental, and Indigenous considerations. It will take some time, but, as an example, a mandatory 10-year review of the South Saskatchewan plan is required to begin in 2024. That is a requirement under the Alberta Land Stewardship Act.

**The Chair:** Thank you for that.

Ms Ganley, there are 20 seconds if you have a question.

**Ms Ganley:** I will try to be as quick as possible. You've talked about how long land-use planning takes. I think Albertans have been clear that in the interim we ought to take a cautious approach. So even though this provides direction to the AER, what I'm wondering is: how do we prevent it from potentially being revoked?

**The Chair:** I know the timer went, but you can certainly answer quickly, please.

**Ms Rich:** Again, it's a ministerial order established under an act, the Responsible Energy Development Act, providing that direction and extending those restrictions with the condition that would hold. I think it was positioned as being in direct response to the Coal Policy Committee recommendations that did say to have some restrictions until land-use planning did occur.

**11:00**

**The Chair:** Thank you for that, and again thank you for your time and your presentation and answering our questions. You're free to stay and listen to the rest of this. If you do, just please remain muted. You're also free to go, if you like, and carry on with your day.

Members, this brings us to the portion where the committee must now decide how to conduct its review of Bill 201. In accordance with our approved process the committee may choose to invite additional feedback from up to six stakeholders, three from each caucus. Alternatively, the committee may also choose to expedite this review and proceed to deliberations. Does anyone have any thoughts on this?

**Mr. Jeremy Nixon:** My thoughts are that we not proceed with stakeholder consults and that we not proceed with this bill.

**The Chair:** Okay.

**Mr. Jeremy Nixon:** Can I move a motion to that effect?

**The Chair:** Be a bit more specific. Which motion would you like? I can give you wording; just help me out on which one.

**Mr. Jeremy Nixon:** Yeah, help me with the wording, please. Essentially, my motion would be that we not make a recommendation that this proceed in the Chamber.

**The Chair:** Just give me one second. If we're able to get this up on the screen, I believe it would go along the lines, if I've got this right, MLA Nixon, that you move that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 201, Eastern Slopes Protection Act, not proceed.

**Mr. Jeremy Nixon:** Can I explain?

**The Chair:** Yeah. We will get to that. We're just going to get it up on the screen first.

Then, Mr. Nielsen, I see we'll have you on the list as well.

Okay. What's up on the screen, MLA Nixon: is that accurate?

**Mr. Jeremy Nixon:** Yeah, I believe so.

**The Chair:** Okay. Then, I think, why don't you read that into the record given that's the motion that you want to make? Then you can proceed with explaining some rationale here.

**Mr. Jeremy Nixon:** I move that  
the Standing Committee on Private Bills and Private Members'  
Public Bills recommend that Bill 201, Eastern Slopes Protection  
Act, not proceed.

**The Chair:** Thank you for that. Are there any other comments you want to make to it?

**Mr. Jeremy Nixon:** For sure. My general thought process on this one is that, obviously, again, I get the spirit of the bill. We want to make sure that we're protecting these areas. I believe that currently under the ministerial order as well as the numerous acts, laws, and regulations that currently govern coal development, these areas are protected and not at immediate risk.

My thought process is that we need to make sure that we get this right. I think the government has been accused in the past, certainly with the rescinding of the 1976 coal policy, of proceeding in haste without appropriate consultation. One of the things that I got very clear from the report and from conversations with my community is the need to make sure that we're doing proper consultation, especially when it comes to land use.

That's why I'm not wanting to move forward on this hastily. Again, I think we're putting the cart before the horse. Let's make sure that we slow down, we do the land-use consults properly, that we include Indigenous communities in those conversations, and that we get this right. That's why I'm recommending that this not proceed.

**The Chair:** Thank you for that.

Mr. Nielsen.

**Mr. Nielsen:** Thank you, Mr. Chair. I have several thoughts here. First, I guess, I'm confused how the committee, when it first reviewed this bill last session, agreed that it needed to proceed to the House for debate. We essentially have the same bill in front of us. Now, all of a sudden, there seems to be a thought process that it

shouldn't proceed. So that's a little confusing, a little contradictory there.

During the course of the presentations what I heard was that a ministerial order is in place. There are protections in place. Those can't be changed or anything like that. But what I didn't hear during that was that there is language in place that prevents a minister from rescinding the ministerial order, thus shooting everything else down, you know, into the garbage. Every member at this table knows that I always get hung up on the language. What does it say, and what doesn't it say? There's no language that says, "to prevent a minister from rescinding the order which throws out all the other stuff," which I don't disagree with. Right now the ministerial order is protecting those areas. As soon as that ministerial order is gone, all bets are off. That's a big concern. As I've always said, our job is to craft language in such a way so that when all of us are gone, when we're not around and not available to answer questions, can somebody read the language and interpret exactly what we know today? That is the purpose of what we have to do when we're creating this language.

I also heard during the presentations – and this is certainly not a slight against anybody. This is just the way things have developed over the decades. We seem to be in a position of being reactionary rather than preventive when it comes to potential spills or contamination, things like that. I mean, when we're talking about our water, this is the one necessity that every living thing on this planet requires to continue. Once that water is contaminated, that's it; it's done. You know, at that point you're simply trying to negate just how far the damage will go as quickly as you can rather than just taking the position of: let's not even have to worry about that to begin with, putting people at risk, animals at risk, businesses, farmers, all of that.

You know, I've always said that it takes just one example to say that it can happen. My colleague Heather Sweet pointed to that over at Elk valley. We have the example. We've seen what happens when it goes wrong. At that point we should be responsible and simply prevent it.

Last, final comment I'll make around the proper consultation, especially around the 1976 coal policy: as was said, we are here because that policy got rescinded on the whim of a minister. That in itself should show us that not having language in place with this ministerial order should be of great concern. This bill needs to proceed to the House. We need to debate it. We can always amend things if you don't necessarily like some of the details, but we have to have the language in place for prevention of all the other things I've mentioned.

**The Chair:** Thank you for those comments.

MLA Rosin.

**Ms Rosin:** Thank you, Chair. I will be voting in favour of this motion, effectively against allowing the bill to proceed. I was on this committee the last time that this bill came through, and I did vote in favour of the bill proceeding then, contradictory to how I will vote today. That is because today we have the coal policy report, which went through extensive consultations with many, many, many people in our province. The government has already made a commitment to implement the recommendations of that report, not just the ministerial order but to make them permanent once the land-use planning is complete. That land-use planning is not yet complete and requires extensive consultations in addition to what's already been concluded in this report.

Because the government will be effectively proceeding with exactly the contents of this bill, as was outlined by the proposer of the bill, I see this bill now as redundant. I am quite confident that

the government's process, once it is finalized through the ministerial order as well as the land-use planning, will actually go further than this legislation would.

I think it's important to put on the record as well that we're not dealing with the Wild West here in Alberta. Any coal project that wants to go through, even put an application in, which it no longer can – the ministerial order right now restricts any new applications from going forward. Even if there were one to go forward, I believe the last one that tried to get through the Alberta Energy Regulator process took nearly a decade. I do believe that when water is involved, it might actually tie in the federal regulator as well, which we know can take even longer than a decade in some instances. I'm more than confident that the government's ministerial order will tie us over until that land-use planning is complete.

I would certainly hope that land-use planning does not take a decade. If we do, then I think there are bigger problems that we need to deal with. I am pretty confident right now that once we get through the process of completing the land-use planning, consulting with Indigenous communities, local municipalities, and all other users of the land in the eastern slopes, we will get to a final proposal that encompasses and makes permanent all of the recommendations of the coal report, which, as were recognized earlier, are effectively the exact same contents of this bill.

Despite voting for this bill to proceed last time it came through the committee, at this point I think it is redundant, and I will be voting in favour of this motion.

11:10

**The Chair:** Thank you for that.

Ms Ganley, you're next up on the list.

**Ms Ganley:** Thank you very much, Mr. Chair. I don't think I can state my objections to this strongly enough. I think it's worth considering when we're implementing any policy: what is the mischief we're trying to guard against? In this case the mischief is twofold. The first is that Albertans are incredibly concerned about coal mining in the eastern slopes. I mean, that has been made abundantly clear. I think both sides agree.

The second form of mischief is that protection can be revoked with no notice to the public. Part of the reason the public reaction to this was so strong was that it was done sneakily and in secret. The government did it on the Friday before a long weekend. There was no consultation. There was no conversation. There was just: whoops, protection that's been in place since 1976 has been revoked.

I think there are two types of mischief we're attempting to guard against, and the ministerial order which is presently in place doesn't guard against either. It doesn't guard against the ability to revoke it because it's a ministerial order. So by definition the minister can just revoke it at any point she wants. In addition, the order itself permits her to issue a direction to let a mine through without even having to revoke the order. Neither of these things requires a further public consultation.

I realize that the government members are saying: "Don't worry. Just trust the government. They always do everything to be public and transparent." But, I mean, the level to which history does not support that assertion is just incredible. It's not just on this file; it's on many, many other things. I don't think that the ministerial order as it presently exists protects the public from the very thing we're concerned about.

Now, members are saying: oh, well, we voted for it to proceed last time, but this time we have the recommendations of the coal committee. Well, yeah. That's exactly the point. We have the recommendations of the coal committee, and in my view this

ministerial order absolutely doesn't implement those recommendations.

First off, the whereases are not actually part of the legal order, so there is actually no requirement for land-use planning. It's not a thing that's ordered through the order. It's just a thing that's mentioned. So saying, "Oh, we have to wait for this land-use planning process, and we have to wait for this, and we have to wait for that": it's just not on.

There's a big, big difference between something which is a law that is legally enforceable and something that's a suggestion or the government saying that this is a good idea or we like this. A law has legal force to it. Someone out there in the public can challenge a government decision on the basis of that law. That isn't the case with this ministerial order because it's a law that can so easily be revoked.

I think the other thing to note is that if this gets messed up, it can't be undone. Once the water is poisoned, it's poisoned. Once the mountains and landscape are destroyed, they're destroyed. It's very difficult to reclaim that. It's very difficult to put it back in its original state. So I think that if we're going to err on one side or the other, we ought to err on the side of caution. We ought to err on the side of protecting our environment and protecting an environment that is absolutely critical to our economy in the future.

You know, water is very important. Land is very important. These are drivers of sectors of our economy, and we have to keep in mind that, you know, we'd get potentially a very minimal benefit now to the people of Alberta and a massive detriment in the future. So I absolutely think it is reasonable to take the most cautious possible approach.

I further think that that is what Albertans have been telling us, not just us in the opposition – and certainly we received a bunch of e-mails, many of them, in fact, from the delightful riding of Banff-Kananaskis, on this issue – but, you know, the government's own coal report says the same thing: Albertans want protections. What we're debating here is whether or not this ministerial order is sufficient protection. I think it's clear, and I think the history of this matter, wherein a policy was previously revoked, wherein the government claimed, "Don't worry; we put it back into place, but actually we let a bunch of projects through that we're just not going to mention," is incredibly problematic.

I think the ministerial order is woefully insufficient, and I think the fact that the members of this committee aren't even willing to have that conversation in public, in the Legislature, in front of Albertans is a huge problem.

**The Chair:** Thank you, Ms Ganley.

Mr. Nixon.

**Mr. Jeremy Nixon:** Excellent. Thank you, Mr. Chair. I'm pretty sure this debate is public. I'm on the record right now, so yes, we are having this discussion right now in public. I think it's a pretty important discussion, so thank you to the last member for her comments.

I guess I'd like to say: have a little bit of faith in democracy. You know, I think the concern that the minister is just going to go and rescind this – at the end of the day, it was actually government members, alongside opposition members albeit, that did push back and pushed for further review after the rescinding of the 1976 coal policy, and that's what led to this robust discussion that we're having under this government about how we move forward with coal and coal development and how we further protect our land and water. It's this government, these MLAs that are pushing this discussion. The reality is that if we had not rescinded the 1976 coal policy, we probably wouldn't be having this conversation right

now. I believe that a lot of the projects that had been brought up and raised as concerns at my office were actually working through the regulatory process under the previous government, under the NDP government, so thank you to the government members that have been such big advocates on this issue and making sure that we move forward in a responsible way in protecting our land and our environment.

I believe that if we were just moving forward and passing this legislation quickly, without doing the proper consultation, if this was a government member's bill, the opposition would be criticizing us right now for not taking the proper time to do this properly and consult. We need to make sure that we do this right, that we plan the land use and do the proper consultation around all that. That is absolutely critical, so I'm not going to play political games with this anymore. This is the environment. This is my kids' future, their environment, their backyard. We need to make sure we slow down, get this right, and that's, again, why I'm pushing forward this motion. Let's not make this political. Let's get this right.

Thank you.

**The Chair:** Thank you, MLA Nixon.  
MLA Sigurdson, go ahead.

**Ms Sigurdson:** Yeah. Thank you very much, Mr. Chair. Well, certainly, if we just look at what a ministerial order is, we know that it is an order that the minister can change and implement. They don't even have to take it to cabinet. It's certainly not legislative. It's not a bill that is law. Member Ganley explained about that process earlier. You know, it's just not hoping for the best intentions of the minister. That's not what we do as legislators here.

We want to make sure that the Rockies are protected, and certainly Albertans have spoken very clearly about this. This is extremely weak legislation. It's just a ministerial order. A bill like Bill 201 would have teeth, and it flies in the face of what government members are saying. This ministerial order does not protect the eastern slopes or watersheds. It doesn't do that. It gives no legal requirement for regional planning, public or Indigenous consultations. It does none of that – Bill 201 does – and it does not have the force of law required to look at cumulative effects of analysis. Frankly, I don't trust the government, and I don't believe that they are necessarily going to have my best interests, my children's best interests. That's why we need to make it a law, and that's why we need to pass Bill 201.

Thank you, Mr. Chair.

**The Chair:** Thank you for that.

I don't have anybody else on the list, so I'll just pause for a moment. Is there anybody else who'd like to make comments?

Hearing none, I'll move to the question. MLA Nixon has moved that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 201, Eastern Slopes Protection Act, not proceed. I will call the question. All those in favour in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour of the motion, please say aye. All those opposed online, please say no. Thank you. That motion is carried.

11:20

**Some Hon. Members:** Recorded vote, please.

**Ms Ganley:** Could I request a recorded vote, Mr. Chair?

**The Chair:** Absolutely.

That was three quick requests for a recorded vote. I will just start to my right, and then I will move online and ask each member to vote just based on how I see them on the list. MLA Nixon.

**Mr. Jeremy Nixon:** In favour.

**The Chair:** MLA Amery.

**Mr. Amery:** In favour.

**The Chair:** MLA Rosin.

**Ms Rosin:** In favour.

**The Chair:** MLA Singh.

**Mr. Singh:** I support.

**The Chair:** Thank you.  
MLA Nielsen.

**Mr. Nielsen:** Against.

**The Chair:** MLA Sweet.

**Ms Sweet:** Opposed.

**The Chair:** MLA Sigurdson.

**Ms Sigurdson:** Against.

**The Chair:** Thank you.

Moving online, I'll give just a bit of a pause as I go through this to make sure everybody can get through. MLA Ganley.

**Ms Ganley:** Opposed.

**The Chair:** Thank you.  
MLA Gotfried.

**Mr. Gotfried:** In favour.

**The Chair:** Thank you.  
MLA Rehn.

**Mr. Rehn:** In favour.

**The Chair:** Thank you.

**Mr. Huffman:** Mr. Chair, for the motion, six; against, four.

**The Chair:** Okay. Thank you for that.  
The motion is carried.

Members, the committee has now concluded its deliberations on Bill 201 and should now consider directing research services to prepare a draft report including the committee's recommendations. Would a member like to move a motion to direct research services to prepare the committee's draft report? We do have a draft motion. MLA Singh – thank you – has moved that

the Standing Committee on Private Bills and Private Members' Public Bills (a) direct research services to prepare a draft report on the committee's review of Bill 201, Eastern Slopes Protection Act, which includes the committee's recommendations, and (b) authorize the chair to approve the committee's final report to the Assembly on or before noon on Friday March 25, 2022.

Any discussion? Yes, MLA Sweet.

**Ms Sweet:** Mr. Chair, just for clarity the opposition would like to do a minority report. Is this where we notify the committee that we'll be doing that?

**The Chair:** I will give you the date shortly after this motion as to when that can be submitted to be included in the report.  
Any other questions?

All right. All those in favour of the motion in the room, please say aye. Okay. All those online in favour of the motion, please say aye. Okay. Anybody online opposed, please say no. Okay.

That motion has carried.

Moving on. Any other business? Oh, sorry. The minority report part. Before we move on to the next agenda item, I would note for the members that any minority reports should be provided to the committee clerk by noon on Thursday, March 24, 2022.

Any other business to discuss?

Hearing none, the date of the next meeting is at the call of the chair.

Can I get a motion to adjourn? MLA Nixon has moved that the meeting be adjourned. All those in the room, please say aye. Anybody opposed in the room, please say no. Same question online. All those in favour, please say aye. Anyone opposed online, please say no. That motion is carried, and the meeting is adjourned.

Thank you.

[The committee adjourned at 11:23 a.m.]









