

Standing Committee on Private Bills and Private Members' Public Bills

Final Report Bill 201, *Eastern Slopes Protection Act*

Thirtieth Legislature
Third Session
March 2022



Standing Committee on Private Bills and Private Members' Public Bills

3rd Floor

9820 – 107 Street

Edmonton AB T5K 1E7

780.644.8621

BillsCommittee.Admin@assembly.ab.ca



STANDING COMMITTEE ON PRIVATE BILLS AND PRIVATE MEMBERS' PUBLIC BILLS

March 2022

**To the Honourable Nathan Cooper
Speaker of the Legislative Assembly
of the Province of Alberta**

I have the honour of submitting, on behalf of the Standing Committee on Private Bills and Private Members' Public Bills, the Committee's final report containing recommendations on Bill 201, *Eastern Slopes Protection Act*, for consideration by the Legislative Assembly of Alberta.

Sincerely,

(original signed by)

Brad Rutherford, MLA
Chair, Standing Committee
on Private Bills and
Private Members' Public Bills

Table of Contents

Members of the Standing Committee on Private Bills and Private Members' Public Bills	3
1.0 Introduction	4
2.0 Order of Reference	4
3.0 Committee Activities.....	4
4.0 Recommendations	4
Appendix A: Minority Report	5

**MEMBERS OF THE STANDING COMMITTEE ON PRIVATE BILLS AND
PRIVATE MEMBERS' PUBLIC BILLS**

30th Legislature, Third Session

Brad Rutherford, MLA
Chair
Leduc-Beaumont (UC)

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

Mickey K. Amery, MLA
Calgary-Cross (UC)

Pat Rehn, MLA
Lesser Slave Lake (UC)

Michaela L. Frey, MLA
Brooks-Medicine Hat (UC)

Miranda D. Rosin, MLA
Banff-Kananaskis (UC)

Janis Irwin, MLA
Edmonton-Highlands-Norwood (NDP)

Lori Sigurdson, MLA
Edmonton-Riverview (NDP)

Martin M. Long, MLA
West Yellowhead (UC)

Heather Sweet, MLA
Edmonton-Manning (NDP)

Christian E. Nielsen, MLA
Edmonton-Decore (NDP)

Substitutions pursuant to Standing Order 56(2.1-2.4):

Kathleen Ganley, MLA* Richard Gotfried, MLA**
Calgary-Mountain View (NDP) Calgary-Fish Creek (UC)

Peter Singh, MLA***
Calgary-East (UC)

Members also in attendance on March 22, 2022:

Rachel Notley, MLA
Edmonton-Strathcona (NDP)

* Substitute for Janice Irwin on March 22, 2022

** Substitute for Martin Long on March 22, 2022

*** Substitute for Michaela Frey on March 22, 2022

1.0 INTRODUCTION

Bill 201, *Eastern Slopes Protection Act*, was introduced and received first reading on March 14, 2022.

2.0 ORDER OF REFERENCE

Pursuant to Standing Order 74.11:

- (1) After a public Bill other than a Government Bill has been read a first time, the Bill stands referred to the Private Bills and Private Members' Public Bills Committee.
- (2) The Private Bills and Private Members' Public Bills Committee shall report back to the Assembly within 8 sitting days of the day on which the Bill was referred to the Committee.

3.0 COMMITTEE ACTIVITIES

As part of the Committee's review of Bill 201 a Committee meeting was held on March 22, 2022. At that meeting the sponsor of Bill 201, Rachel Notley, Member for Edmonton-Strathcona, made a presentation on the Bill to the Committee, and the Committee received a technical briefing from the Ministry of Environment and Parks. The Committee completed deliberations on Bill 201.

4.0 RECOMMENDATIONS

Pursuant to Standing Order 74.2 the Standing Committee on Private Bills and Private Members' Public Bills recommends

that Bill 201, *Eastern Slopes Protection Act*, not proceed.

Minority Report

Bill 201 - Eastern Slopes Protection Act

Standing Committee on Private Bills and Private Members' Public Bills

Bill 201, the Eastern Slopes Protection Act, would provide legislated prohibitions against coal mining on the Eastern Slopes and specific legislative requirements on environmental, water, cumulative effects monitoring, as well as on Indigenous and public consultation, and on regional planning. In short, it responds in law to the recommendations of the government's [Final Coal Committee](#) and to the tens and even hundreds of thousands of Albertans who have called for a ban on coal mining on the Eastern Slopes.

On Tuesday, March 22, 2022 the following UCP Members of the Standing Committee on Private Bills and Private Members' Public Bills voted to end any debate or consideration of the The Eastern Slopes Protection Act. They reversed their (or their Caucus') previous position that this same bill proceed to the Legislative Assembly for debate:

- MLA Miranda Rosin, Banff-Kananaskis
- MLA Jeremy Nixon, Calgary-Klein
- MLA Peter Singh, Calgary-East
- MLA Mickey Amery, Calgary-Cross
- MLA Pat Rehn, Lesser Slave Lake
- MLA Richard Gotfried, Calgary-Fish Creek

Members of the UCP Caucus argued on March 22, 2022 that Bill 201 is now unnecessary and redundant; that - contradictorily - Bill 201 is both identical to the recommendations in the March 4, 2022 Coal Committee Report ('the Report') and also that it fails to take the findings of the Report into account; and, finally, and most troublingly that Albertans should trust the Government and, as MLA Nixon for Calgary-Klein argued, Albertans should "have a little bit of faith in democracy." These arguments are false, as outlined in the report below, and Albertans would be well served by this Committee if the Members would support the Eastern Slopes Protection Act to proceed to the Legislative Assembly.

The Eastern Slopes Protection Act

Only one year ago, on April 13, 2021, this committee considered this identical bill - the Eastern Slopes Protection Act. And at that time, [this committee voted unanimously](#) that the bill should proceed to the legislative assembly for second reading. The protections in the Bill are as relevant and necessary today as they were one year ago.

The Eastern Slopes Protection Act:

- Prohibits the AER from issuing any permits - including water permits - for coal mining activities across all categories of lands 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, among other things: 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 sub-regional plans; and, while existing mines are able to operate, unlike the Government's current approach, Bill 201 does not grandfather-in exploration and project applications.

Public Consultation and the Findings of the Coal Committee

Over the last two years, and still today, an unprecedented number of Indigenous leaders, municipal leaders, ranchers, environmentalists, country music stars ... and a vast majority of Albertans have agreed: DO NOT MINE THE EASTERN SLOPES. Albertans said this when the UCP first rescinded the 1976 Coal Policy, and have been consistent since then.

The [Coal Committee's own consultation report](#) said the top responses from Albertans were that the Government of Alberta needs to ensure:

- Better cumulative effects management/environmental review
- No coal exploration or development in Eastern Slopes
- Better Indigenous engagement and rights
- Improved Water management and monitoring
- Improved reclamation system
- Better engagement
- No new mines

The consultation report and the [Coal Committee's Final Report](#) also outline that while coal mining carries some economic benefits, it also has impacts that can hurt the economy. A [March 2021 report by Clear Water County Economic Development](#) makes it clear that coal mining would have significant economic costs to the whole region and province.

- Water: "Well over 111,000 people live directly downstream from the proposed coal mines.... Water treatment plants along the Oldman River are not currently equipped to easily remove selenium... Unlike British Columbia, Southern Alberta does not have other rivers or lakes nearby to draw water from..."
- Agriculture: "Downstream of these proposed mines is one of Canada's most valuable agricultural regions. Throughout the Oldman watershed, we use water for primary industries including the irrigation of specialty crops, food processing, and livestock production. Contamination of the water supply—or even a perception of dangerous or unhealthy water—would create a new and significant challenge for the agricultural industry, which is the foundation of our current economy."
- Tourism - "Nordegg and Abraham Lake are known for their beautiful surroundings and wildlife, and people from all over the world travel here to enjoy hiking, camping, horseback trail rides, canoeing, and OHV trails. ... Mines, in particular surface mines, would not be compatible with our nature focused tourism industry."

Clear Water County also reported the unwelcome economic risk of being tied to a volatile commodity. This is especially true now as global industry including steel are making massive investments to move away from metallurgical coal to alternatives like hydrogen and electricity.

A Ministerial Order is Weak and Insufficient Protection

On March 4, the Minister of Energy said she listened to Albertans and that she put a ministerial order in place to protect lands. This [Ministerial Order](#) 002/2022, however, is inadequate. The ONLY protection the Order provides is, "until written notice is given by the Minister of Energy and/or the Minister of Alberta Environment and Parks (AEP)." The Assistant Deputy Minister of Policy for the Department of Environment and Parks falsely claimed that the Ministerial Order carries a legal condition that regional planning be completed before Ministers can approve coal mining activities. It does not do this. The

Preamble to the Order, which has no legal force, says Albertans expect regional planning, “WHEREAS, Albertans expect coal exploration and development in the Eastern Slopes (as defined in the 1976 Coal Policy and depicted in Annex 1) to remain suspended until such time as sufficient land use clarity has been provided through a planning activity.” There is no legal conditionality for regional planning in the Ministerial Order, and the information heard from AEP was false.

So, this order can be rescinded without notice to Albertans and without consultation. It also allows several new mining projects to advance. A stroke of the pen by a Government that Albertans don’t trust is what protects the Eastern Slopes. The UCP Government has proven they will move secretly and won’t consult either their own UCP Caucus or Albertans. They rescinded the 1976 Coal Policy quietly, and without consultation, through Ministerial Order, late on the Friday of the May long-weekend in 2020. They then proceeded for months to deny that they had, in fact, opened up approvals for coal mines. At the same time that the Premier called the Coal Policy “dead letter” in the Legislative Assembly, the government was issuing dozens and dozens of permits and leases for coal mine roads, drill pits, and land disturbance.

Albertans have had to fight for two years. If Members of the Assembly share the goals of the Eastern Slopes Protection Act, to protect sensitive lands and watersheds, Treaty rights, businesses, farms, biodiversity, and drinking water, they will reject the recommendation of the Committee, and direct the bill to the assembly for full consideration in the democratic process.

Members have an opportunity, with the Eastern Slopes Protection Act, to listen to Albertans and put protections into legislation that cannot be undone with the stroke of a pen.

NDP Committee Members

Janis Irwin

Chris Neilsen

Lori Sigurdson

Heather Sweet