RMA
RURAL MUNICIPALITIES
*of* ALBERTA









# REPORT

## RMA MEMBER COMMITTEE ON QUASI-JUDICIAL AGENCIES REVISITED



OCTOBER 2026

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# CONTENTS


**Executive Summary** 3

**Introduction** 4

- Context 5
- Recommendations 6
- Increasing Development Activity 7
- Brief Overview of Changes 8

**Progress Assessment** 9

- RMA Findings 10

**Recommendation 1** 11

**Recommendation 2** 17

**Recommendation 3** 23

**Recommendation 4** 28

**Recommendation 5** 33

**Recommendation 6** 38

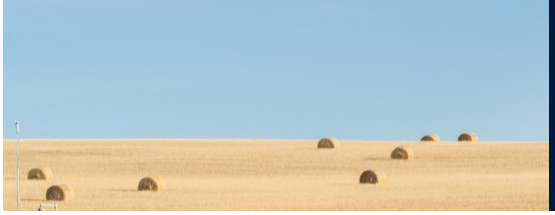
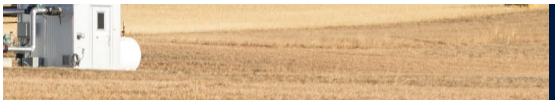
**Recommendation 7** 41

**Recommendation 8** 45

**Accelerating Action On Implementation** 48

**Conclusion** 51



# EXECUTIVE SUMMARY

The Government of Alberta (GOA) has created several quasi-judicial agencies to carry out regulatory functions on their behalf. Three of the agencies (Alberta Energy Regulator [AER], Alberta Utilities Commission [AUC], and Natural Resources Conservation Board [NRCB]) approve industrial-scale projects commonly located in rural municipalities. Forthcoming amendments to the *Municipal Government Act* through Bill 28 will grant provincial paramountcy to Class I aggregate pit registrations issued under the *Environmental Protection and Enhancement Act,* [1] in a manner similar to projects approved by the three quasi-judicial agencies.

The Rural Municipalities of Alberta (RMA) has continually expressed concern with the limited requirements for consideration of municipal land use plans and input in approval processes for projects in rural municipalities. This introduces the risk of land use conflicts and unintended impacts after projects have been approved and built.

In 2023, the RMA formed a member committee to better understand and consider solutions to this issue. The Quasi-Judicial Agency Committee (QJAC) developed eight recommendations across five themes common to the agencies related to strengthening recognition of municipal plans and perspectives in project approval process. In anticipation of increased development activity across the rural landscape, RMA revisited the QJAC recommendations to assess agency progress and identify priority areas for action to deliver tangible improvements for rural municipalities.

While some agencies have made progress on giving effect to the recommendations, overall, progress has been insufficient to address barriers to municipal participation and to manage municipal impacts.

To accelerate progress and maintain momentum, the RMA suggests that agencies consider the following for incorporation into work plans in the near-term:

- **Adjust notification and consultation procedures and tools to place greater responsibility on the agencies and proponents to support application monitoring and tracking.**
- **Enhance two-way communication and information sharing through clear points of contact and timely response to municipal questions and concerns prior to hearings.**
- **Align decisions with municipal planning documents and land use provisions as a standardized part of application review processes.**
- **Improve transparency in decision making with publicly available decision reports that set out the agency's rationale, benefits, alignment with public interest mandate, and accepted risks and trade-offs.**

The Government of Alberta has a crucial role in driving coordination across agencies and creating an expectation for transparent, public-interest decision-making. The GOA has a responsibility to take an overarching, strategic view of how provincial agencies can work together more effectively to evaluate projects with consideration of local factors, cumulative effects of development, land use impacts, and process efficiency. Provincial leadership is required to address some of the legislative barriers that prevent quasi-judicial agencies from implementing recommendations. Achieving the intended outcomes of the recommendations also benefits industry by increasing trust, understanding, and credibility of approval processes through the development of more locally responsive and consistent processes.

[1] At the time of writing, relevant provisions in Bill 28 had not been proclaimed

# INTRODUCTION

In 2023, RMA's Quasi-judicial Agency Committee (QJAC) released a report with recommendations to improve integration of rural municipal perspectives into quasi-judicial agencies' project engagement and approval processes for provincially regulated developments such as renewable energy, oil and gas, and confined feedlot operations[2]. To reflect the focus of member resolutions and concerns, the quasi-judicial agencies examined include the Alberta Energy Regulator (AER), Alberta Utilities Commission (AUC) and the Natural Resources Conservation Board (NRCB). The QJAC engaged with these three agencies during the development of the report. However, following the release of the report, there had been limited response from agencies as to whether and how recommendations have been considered or whether there are plans to move forward with any of the recommendations. [3]

RMA members have continued to express concerns that some quasi-judicial agency project evaluation and approval processes inadequately assess a project's local impacts, that project engagement and hearing processes are not accessible to municipalities, and that the agencies are inconsistent in their decision making processes, all of which put municipalities in a position of risk. Since 2023, RMA members have passed additional resolutions describing inadequacies in quasi judicial processes and calling for improvements. These include:

- 2-23F: Amendments to the Municipal Government Act – Section 619
- 5-23F: Municipal Involvement in Quasi-Judicial Agencies
- 2-25F: Quasi-Judicial Decisions and Inter-agency Communication
- 6-26S: Municipal Involvement in Regulatory Processes

The Government of Alberta (GOA) has stated that it supports the sustainable growth and diversification ofthe rural economy, as new industries and opportunities emerge alongside traditional economic drivers.[4] Emerging sectors like hyperscale data centres and growing demand for electricity and other resources may see the scope of quasi-judicial agencies broadened, project complexity increased or approval processes expedited. In the absence of progress toward better integration of rural municipal perspectives, current issues associated with quasi-judicial agency processes are likely to persist or worsen as development activity increases across rural Alberta. Rural Alberta is the backbone of the provincial economy and local and regional level impacts ultimately lead to provincewide impacts.

This report is intended to highlight RMA's findings related to quasi-judicial agencies' progress in implementing the 2023 recommendations while providing suggestions for tangible, smaller-scale actions to make progress toward achieving outcomes that benefit municipalities, industry, landowners and all Albertans.



[2] RMA. 2023. Report: RMA Member Committee on Quasi-judicial Agencies

[3] Full resolutions and related resolutions extending back to 2011 can be accessed online in the RMA Resolutions Database.

[4] Rural economic development | Alberta.ca

# CONTEXT

Quasi judicial agencies are arms length organizations delegated by the GOA to perform regulatory and adjudicative functions on its behalf. For some quasi judicial agencies, these delegated functions include approving development applications for projects within their mandated scope. As industries such as renewable energy, oil and gas, and industrial agriculture are prevalent throughout Alberta's rural municipalities, it is crucial that quasi judicial agency approvals of such developments take place through a public interest lens that considers project benefits and risks at both a local and provincewide level. While the Municipal Government Act (MGA) assigns responsibility to municipalities for local land use and development decisions, it transfers approval responsibilities to quasi judicial agencies for certain development types. [5] In practice, quasi-judicial agencies do not always ensure that municipal plans and perspective are properly included and considered in their decision-making process.

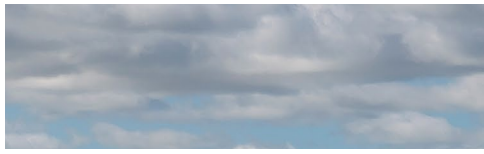
In November 2023, RMA released a member committee report (Quasi-judicial Agency Committee (QJAC) report) on quasi-judicial agencies. RMA formed the member committee as a response to intensifying member concerns related to a lack of recognition by agencies of municipal land use plans and input when approving projects in rural municipalities. The committee focused on three agencies:

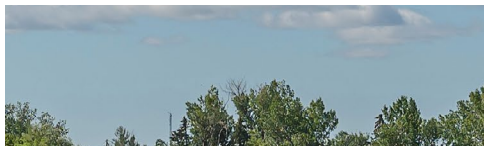
- **Alberta Energy Regulator (AER): Responsible for the regulation of oil, oil sands, natural gas, coal resources, geothermal, and brine and rock-hosted mineral resources.**
- **Alberta Utilities Commission (AUC): Responsible for the regulation of electricity (including renewable power generation), natural gas, and water throughout the province. The AUC's approval of wind and solar projects is the focus of this report.**
- **Natural Resources Conservation Board (NRCB): Responsible for regulating confined feeding operations (CFOs) and major natural resource projects. The NRCB's approval of CFOs is the focus of this report.**

The Committee focused on the process by which the three quasi-judicial agencies review and approve individual project applications. The committee delivered eight recommendations for the GOA and quasi-judicial agencies to consider to better integrate municipal input into their planning and approval processess.

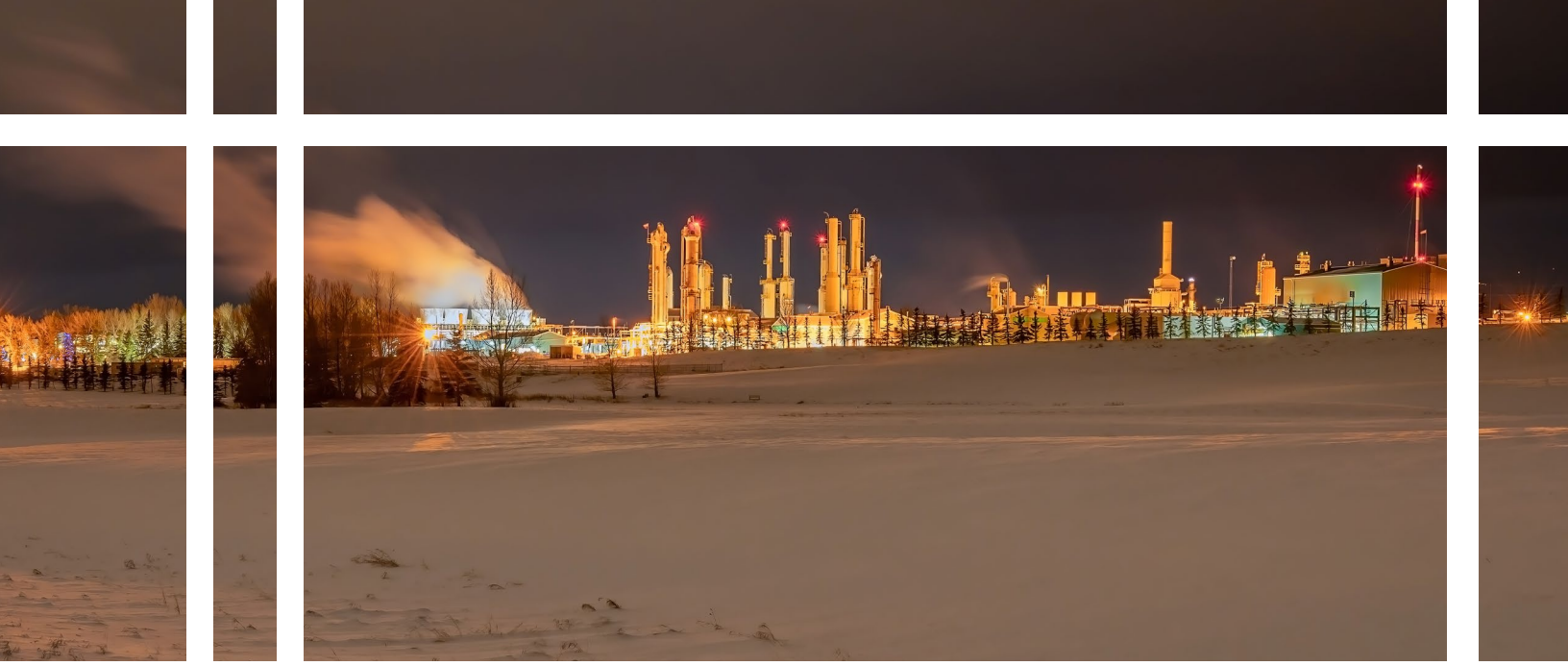






[5] Municipal Government Act



# RECOMMENDATIONS

| | |
|---|---|
| 1. | That the GOA and quasi judicial agencies work with stakeholders to develop an approach to integrating land use impact assessments and reclamation requirements into project approvals. |
| 2. | That the GOA and quasi judicial agencies work with stakeholders to develop a public interest evaluation framework to assess decision making and engagement processes. |
| 3. | That the GOA and quasi judicial agencies work together and with stakeholders, including municipalities, to regularly adapt approval processes to industry changes. |
| 4. | That agencies review and redevelop current notification systems to better engage with municipalities at the onset of projects. |
| 5. | That agencies review and redevelop current notification systems to better engage with municipalities at the onset of projects. |
| 6. | That the AER, AUC, and NRCB collaborate to harmonize their respective engagement and approval processes as much as possible. |
| 7. | That the AER and AUC adopt NRCB requirements related to aligning projects with municipal development plans, and that the requirements be expanded to include land use bylaws and intermunicipal development plans. |
| 8. | That municipalities have automatic status as directly affected parties and automatic standing at all hearings, and that all municipal costs to participate in the engagement and hearing process be covered. |

# INCREASING DEVELOPMENT ACTIVITY ACROSS RURAL MUNICIPALITIES

Emerging industries such as hyperscale data centres, nuclear power generation and critical minerals alongside growing demand for electricity and other resources (e.g., aggregates) will increase development activity across the province.

Municipalities typically bear responsibility for providing developments with infrastructure and services and responding to risks or challenges linked to the project. As many of these developments are likely to be in rural areas, there is a risk of increased land use conflicts, infrastructure strain, and encroachment on agricultural land, residential areas and environmentally sensitive areas.

As an indication of increasing development activity:

- **The Alberta Electricity System Operator (AESO) has 39 data centre connection requests in its queue, representing a load of 20.5 GW. All applications have been submitted in the last two and a half years.[6]**
- **As a comparison, in 2025, Alberta's average internal load was 10.3 GW with a total installed capacity of 23.2 GW.**
- **Alberta accounts for over 90% of planned data centre capacity in Canada.**
- **In 2024, AESO forecasted the addition of 1,800 MW of nuclear energy, 3,718 MW of wind and 4,260 MW of solar by 2043 alongside significant transmission and distribution infrastructure build.**
- **Permit applications for confined feeding operations increased from 155 in 2021 to 208 in 2025, with further increases anticipated to meet domestic and global demand.**

Rural landscapes form the backbone of Alberta's environmental stewardship, energy transition and economic diversification opportunities. Rural municipalities provide municipal governance across approximately 85% of Alberta's land mass, and therefore rural municipal land use planning decisions have a tremendous impact on the province's landscape. When these planning decisions are overridden or inadequately integrated into provincial engagement and approval processes, municipalities, landowners and communities are unnecessarily exposed to increased risk and cost. Provincially-led development processes must be structured in a way that balances consideration of both local and provincewide benefits and risks.

Rural municipalities are champions of development that consider and balance various impacts on the community. Improvements to engagement and approval processes also benefits industry by increasing trust, understanding and credibility in quasi-judicial decision-making, and reducing risks associated with inadequate regulatory frameworks.



[6] AESO Connection Project List (August 6, 2026). Accessed August 17, 2026.
[7] AESO. 2025 Annual Market Statistics Report. Accessed June 6, 2026
[8] Carlo, Alexander and Rolheiser, Lyndsey. Data Centred: the Shifting Landscape of Canada's Digital Infrastructure (July 3, 2026). Schulich School of Business Real Assets Research Paper Series (forthcoming). Available at https://ssrn.com/abstract=6464099 or http://dx.doi.org/10.2139/ssrn.6464099. Accessed June 8, 2026.
[9] AESO. 2024 Long-term Outlook. Cited figures are based on the modelled Reference Case. Significant renewable generation build took place between 2021 and 2024, plateauing in 2025. Actual additional renewable generation capacity in 2025 fell well short of projections, particularly for solar, reflecting a changing policy landscape and significant supply of gas and renewable generation coming online.
[10] NRCB. Statistics. Accessed June 6, 2026.
[11] Permit applications include approvals, registrations and authorizations which cover new and expanded operations.

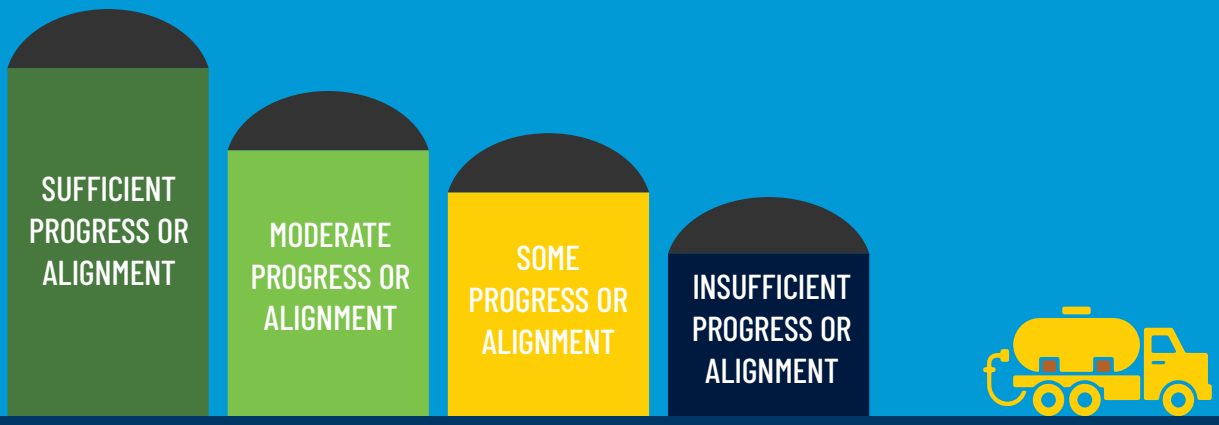
# BRIEF OVERVIEW OF RELEVANT CHANGES INTRODUCED SINCE 2023

The table summarizes notable areas of policy or regulatory changes that the GOA and quasi-judicial agencies have introduced since 2023, with varying levels of relevance to the 2023 QJAC report recommendations. More detailed descriptions of relevant changes are provided under the RMA findings subsection. Note that while a ministry may lead the development of a change, it may be listed under the quasi-judicial agency that it affects.

| | |
|---|---|
|  AER | • Directive 031: REDA Energy Cost Claims<br>• Directive 056: Energy Development Applications and Schedules<br>• Directive 068: Security Deposits<br>• AER Rules of Practice<br>• Oil and Gas Conservation Regulation<br>• AER-AUC Memorandum of Understanding |
|  AUC | • Electric Energy Land Use and Visual Assessment Regulation<br>• Code of Practice for Solar and Wind Renewable Energy Operations<br>• Conservation and Reclamation Regulation<br>• Activities Designation Regulation<br>• Guidelines to evaluate agricultural land for renewable generation<br>• Rule 007: Facility Applications<br>• Rule 009: Rules on Intervenor Costs<br>• Proposed standardized setback ranges for renewable energy projects<br>• AER-AUC Memorandum of Understanding |
|  NRCB | • Fact sheet: Public interest reviews of proposed major natural resource projects in Alberta under the Natural Resources Conservation Board Act<br>• Field Service Approvals Operational Policy 2016-7<br>• NRCB/RMA Policy Advisory Group sub-committee |
|  GOV'T | • Bill 20: Municipal Affairs Statutes Amendment Act, 2024<br>• Bill 28: Municipal Affairs and Housing Statutes Amendment Act, 2026<br>• Bill 44: Agricultural Operation Practices Amendment Act, 2025<br>• Mature Asset Strategy<br>• Property Tax Accountability Strategy (PTAS) Final Report*<br>• Sand and Gravel Task Force report |

*Led by RMA

# PROGRESS ASSESSMENT




## RMA ASSESSMENT APPROACH

RMA is revisiting the QJAC report recommendations to assess whether the GOA and quasi-judicial agencies have made progress towards implementation. In addition to the three quasi-judicial agencies, we are also assessing whether the Ministry of Environment and Protected Areas' (EPA) existing engagement and approval processes for Class I aggregate pits are aligned with the recommendations.[12]

RMA has defined "progress" as any reasonable measure(s) taken by a quasi-judicial agency to give effect to a recommendation to better integrate rural municipal perspectives into project engagement and approval processes. Measures must have been finalized or in effect between November 2023 and May 2026. Examples of reasonable measures could include a requirement for applicants to provide verification that they engaged with the affected municipality as part of a project application, granting municipalities automatic standing at a hearing, or targeted notification and communication practices. We noted whether a measure might unintentionally create new barriers to integration of rural municipal perspectives and weighed this against other measures, if any. We also considered whether quasi-judicial agencies acknowledged and responded to the report publicly or directly with the RMA.

To identify whether a measure had been introduced. RMA tracked and scanned GOA and quasi-judicial agency announcements regarding major changes to rules, regulations, and policies. We also reviewed a sample of decision reports, board reviews and court decisions. This information was complemented by:

- **Member engagement to understand recent rural municipal experiences with current quasi-judicial agency processes and;**
- **Quasi-judicial agency engagement to identify or verify recent and planned changes to respective engagement and approval processes.**

We recognize that giving effect to or achieving the intended outcome of a recommendation can be met in different ways, over different time periods. 'Significant progress' does not necessarily indicate that the quasi-judicial agency has fully implemented the recommendation to the extent and in the manner described in the QJAC report. Rather the changes, on balance, represent a notable shift toward acknowledging and addressing the challenges and barriers faced by rural municipalities when participating in provincially regulated development approval processes.

[12] Class I aggregate pits are five hectares or more in area and located on private land. Existing processes include changes introduced through Bill 28 as at July 2026. At the time of writing, Bill 28 had not yet been proclaimed and EPA was working to operationalize both Bill 28 provisions and recommendations from the provincial Sand and Gravel Task Force.



## THE GOVERNMENT OF ALBERTA HAS A CRUCIAL ROLE IN DRIVING PROGRESS

While the RMA's QJAC reports focus on the three quasi-judicial agencies, the Government of Alberta has a crucial role in driving coordination across agencies and creating an expectation for transparent, public-interest decision-making. The GOA has a responsibility to take an overarching, strategic view of how provincial agencies can work together more effectively to evaluate projects with consideration of local factors, cumulative effects of development, land use impacts, and process efficiency.

Provincial leadership is required to address some of the legislative barriers that prevent quasi-judicial agencies from implementing recommendations or adjusting their processes as industries evolve and become more sophisticated.







## RMA FINDINGS

To fully understand the context of the original recommendations in this section, please refer to the 2023 QJAC report.





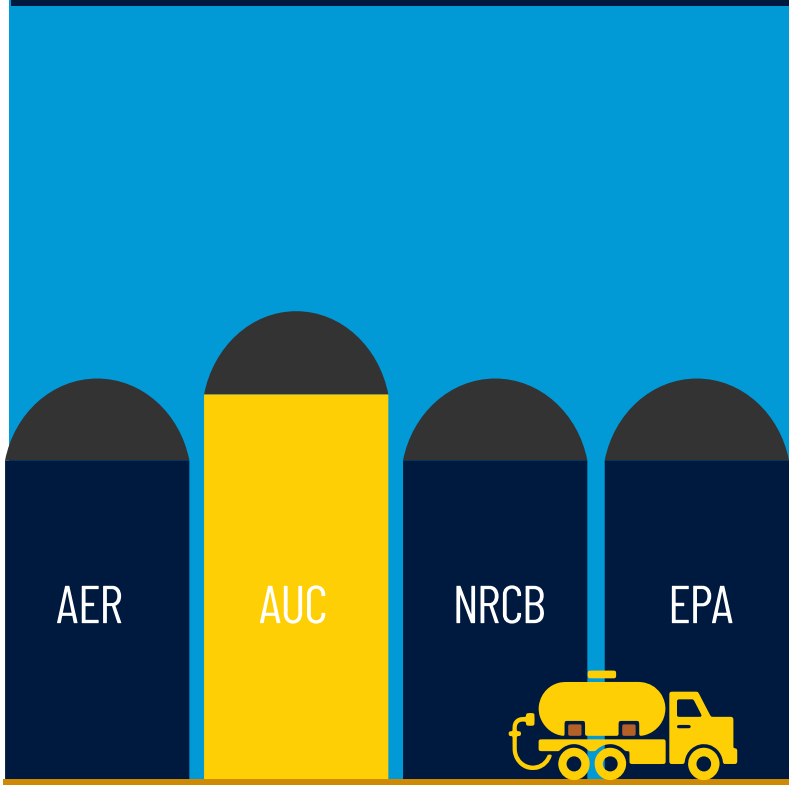
# RECOMMENDATION 01

That the Government of Alberta and quasi-judicial agencies work with stakeholders to develop an approach to integrating land use impact assessments and reclamation requirements into all project approvals





## PROGRESS ASSESSMENT




- Some Progress or Alignment
- Insufficient Progress or Alignment






# AER

The AER requires proponents to submit a variety of project information for review ahead of an application (and as part of an application). Depending on the information received, an environmental impact assessment under the *Environmental Protection and Enhancement Act* (EPEA) may be required. Reclamation is a mandatory component of the project lifecycle – reclamation plans are required as part of a development application and companies are subject to closure spend quotas. Every type of energy development has its own reclamation program or requirements to follow. The AER's liability management framework has evolved over time to balance multiple concerns.

In April 2026, AER updated Directive 068 to clarify security deposit requirements to offset the estimated costs of carrying out activities necessary to ensure the protection of the public and the environment and to address regulatory and liability obligations, including closure. Closure spend and activity is publicly reported, but it is important that the effectiveness of this change is measured and communicated by the AER. An increasing number of wells transferred to the Orphan Well Association (OWA)[13] indicate that current reclamation and remediation requirements and regulatory oversight and enforcement are insufficient, resulting in continued negative impacts across rural Alberta including sterilization of land for other economic uses and municipal tax arrears.

In early 2025, the GOA released the Mature Asset Strategy (MAS) report which recommended that the Government work with stakeholders to facilitate improved weed control on oil and gas sites on or near agricultural land to protect agricultural productivity in line with the polluter-pays principle.[14] Subsequently the Oil and Gas Conservation Regulation came into effect on May 1, 2026, providing the AER with the ability to hold oil and gas operators accountable for controlling noxious and prohibited weeds and agricultural pests on their wellsites. Municipal weed inspectors can notify the AER and trigger compliance and enforcement activity under a Reasonable Care and Measures (RCAM) Order.

While this measure acknowledges the impact of industrial activity on agricultural land, it does not constitute a proactive measure or broader approach that integrates agricultural land use impact assessments prior to approval of the activity occurring or continuation of that activity. In instances where a municipality takes action to prevent further spread of weeds or pests to nearby agricultural land from active wellsites operated by solvent companies, there is no cost recovery provided under the new regulation, further negatively impacting rural municipalities.

[13] Orphan Well Association. 2026. OWA 2025/26 Annual Report, page 19
[14] Government of Alberta. 2025. Mature asset strategy: What we heard and recommendations report, page 27.

# AUC

On December 6, 2024, the Electric Energy Land Use and Visual Assessment Regulation (EELUVA)[15] came into effect, applying to applications for the construction or operation of power plants under AUC Rule 007: Facility Applications. The Regulation created requirements for an 'agriculture first' approach that:

- **Establishes buffer zones and visual impact assessment zones as designated by the province**
- **No longer permits renewable energy development on Class 1 and 2 lands under the Land Suitability Rating System (LSRS) unless the proponent can demonstrate the ability for agricultural production to coexist with renewable generation activities. In municipalities without Class 1 or 2 lands, Class 3 lands will be treated as Class 1 and 2**
- **Requires proponents to conduct an irrigability assessment.**



In 2024 and 2025, the AUC amended Rule 007 across several areas including municipal consultation, visual impact, agricultural land use, reclamation securities, solar glare, shadow flicker, energy storage safety and cumulative effects.[16] While introduction of the EELUVA Regulation and amendments to Rule 007 introduce agricultural impact assessments (AIA) for certain classes of land, gaps remain in terms of scope, clarity and effectiveness. The AIA requirement does not account for the wide range of factors that influence the agricultural value of land at a local level and proponents are not required to share the AIA with the rural municipality for verification or input. Alberta's agricultural geography is far from uniform, and under the LSRS, what constitutes high-value agricultural land in one region may not be such in another. Land with Class 3 or 4 soil may still be highly productive due to irrigation, management practices, or local infrastructure. Conversely, land with Class 2 soil may have limited agricultural value due to topography or parcel fragmentation. The current framework fails to account for these realities and does not recognize the importance of site-specific knowledge. Further, the requirement for an AIA should extend to all power plant developments, not just renewable energy generation.

Rule 007 also requires applicants to confirm awareness of other existing developments in the project area that could cumulatively affect the rural landscape. [17] Applicants are required to discuss any other planned developments that may, among other considerations, impact on adherence to municipal planning documents. There is no guidance for how applicants should demonstrate awareness, the projected horizon for inclusion of planned developments, or whether non-adherence to municipal planning documents should be mitigated. The applicant is assumed to have a significant amount of local knowledge related to long term development plans and their impacts on adjacent lands without a requirement to consult with the municipality on such matters. The municipal engagement form does not suffice for such purposes.

[15] Electric Energy Land Use and Visual Assessment Regulation (AR 203/2024)
[16] AUC Rule 007: Facility Applications
[17] AUC Rule 007: Facility Applications, WP12, SP12, TP14, OP14, HE12, ES17
[18] Government of Alberta. 2025. Code of Practice for Solar and Wind Renewable Energy Operations
[19] Government of Alberta. 2025. Guidelines to evaluate agricultural land for renewable generation
[20] AUC Rule 007: Facility Applications



In 2025, the GOA introduced mandatory project registration and reclamation securities for renewable energy evelopments. This was enabled through the Code of Practice for Solar and Wind Renewable Energy Operations (COREO),[18] amendments to the Conservation and Reclamation Regulation and Activities Designation Regulation, and Guidelines to evaluate agricultural land for renewable generation.[19] Reclamation security requirements were also added to AUC Rule 007 as part of end-of-life management.[20] Registration under the COREO is not subject to public consultation and application for registration does not require involvement with landowners as AUC approval is required prior to registration under the Code.

Proponents may choose to register reclamation security under a provincially administered system, through a private contract with the landowner(s) or both. Existing renewable energy operations are required to register under the COREO and comply with updated reclamation requirements by January 1, 2027. Under Rule 007 the onus is on the applicant to develop and justify their methodology for calculating reclamation security. Given the potential mismatch in project experience and legal capability between developers and landowners, baseline reclamation requirements should be standardized with clearly defined parameters and a data-driven methodology to ensure transparency in approach and adequacy of funds. RMA welcomes the introduction of reclamation requirements for renewable energy developments, but the current regulatory approach to reclamation securities may be insufficient in mitigating the potential impacts of an un-reclaimed or poorly reclaimed site.

If the proponent chooses to provide security directly to the government, and it is accepted by the government, the AUC does not undertake its own assessment for adequacy. Recent data provided by the AUC indicates that 14 out of 20 renewable energy projects approved between 2025 and 2026 chose to register under the provincially administered system.[21]

[21] Of the six projects that have not registered under the provincial system, two have not yet confirmed the form of reclamation security. All projects are solar PV farms

# NRCB

The NRCB Policy Advisory Group sub-committee on QJAC recommendations found that existing Agricultural Operations Practice Act (AOPA) requirements and NRCB policies addressed this recommendation and determined that no further action was required.[22]

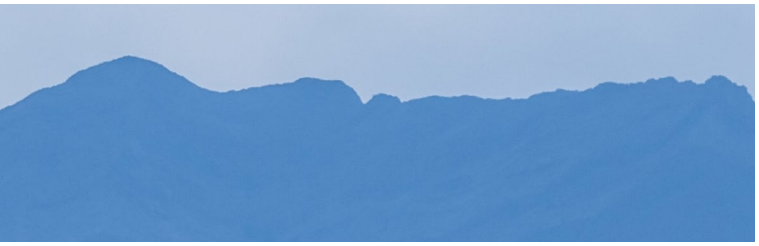
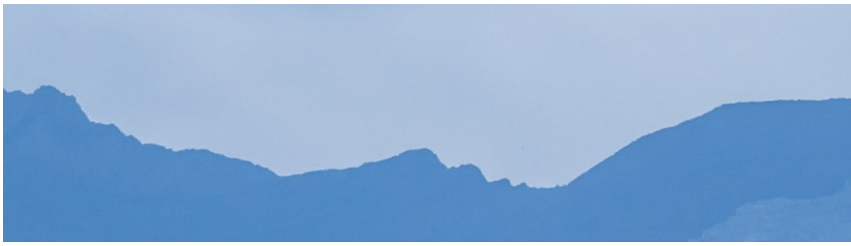
AOPA and related regulations and the NRCB Approvals Policy do not require approval officers or the Board to weigh the impacts of converting existing agricultural land into land that is hosting an industrial-scale facility with potentially different infrastructure and service needs and environmental impacts. There is no requirement to consider the cumulative impact of an increasing number and scale of confined feeding operations across the province. The NRCB has noted in some Board review decisions that "the issue of cumulative effects is not within the Board's regulatory mandate…AOPA does not provide for cumulative effects assessment." [23] The cumulative impact of CFO growth, particularly in certain regions of the province, necessitates a more holistic and cumulative assessment of impacts and potential measures to mitigate such impacts.

# EPA

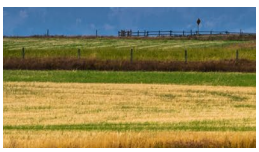
The Code of Practice for Pits (COPP) sets out registration and operation requirements for Class I aggregate pits, including security and reclamation requirements for operators.[24]

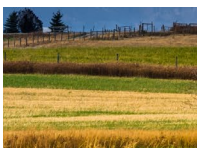
The GOA recently introduced significant changes to the aggregate pit approval process through Bill 28 which, once proclaimed, will skew the dual stream provincial-municipal approval process to one where provincial decisions take primacy.[25] This significantly reduces municipal authority over land use planning, severely restricts public input, and constrains the ability of municipalities to address local impacts.

While not a recommendation, and outside the scope of its terms of reference, the provincial Sand and Gravel Task Force had suggested that municipalities apply a more "aggregate-centric" lens to land use planning to prevent resource stranding and potential future lanWd use conflicts. Given the GOA's recent approach to introducing changes to aggregate development, there is a high risk of uncoordinated and inappropriate land use for resource development with minimal regard for local land use plans, agricultural land use impact, and potential cumulative effects. Coupled with changes introduced through Bill 20 in 2024, the GOA is less aligned with this recommendation than it was previously.[26]







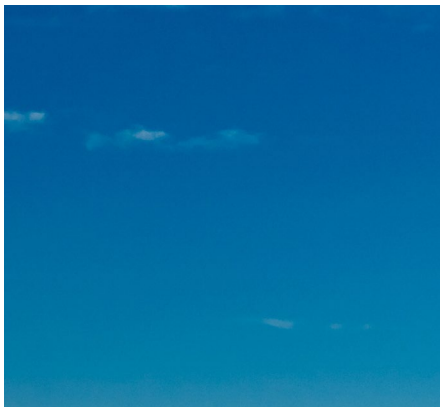
[22] The NRCB Policy Advisory Group sub-committee included RMA staff and Board members along with representatives from Alberta Agriculture and Irrigation
[23] For example, Serfa Farms (July 2026, RFR 2026-08), Zealand Farms (February 2011, RFR 2011-02)
[24] Government of Alberta. 2004. Code of Practice for Pits
25 Bill 28: Municipal Affairs and Housing Statutes Amendment Act, 2026
26 Bill 20: Municipal Affairs Statutes Amendment Act, 2024



## AREAS FOR IMPROVEMENT OR ATTENTION

Some agencies have introduced measures that recognise the importance of land use impact assessments, cumulative effects, and reclamation requirements in the project approval process. Overall, there has not been any progress on the overarching intent of the recommendation, which was for the GOA to lead cross-agency development of a broader approach to establishing principles and methods for balancing all types of industrial development with agricultural land preservation and other land uses, as well as expectations for end of life management for various development types. Updated mandates and legislative amendments from the GOA can help compel quasi-judicial agencies to integrate land use considerations into approval processes and decisions.





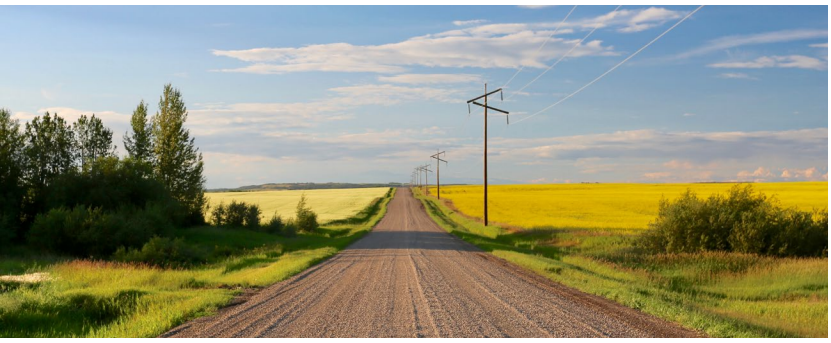






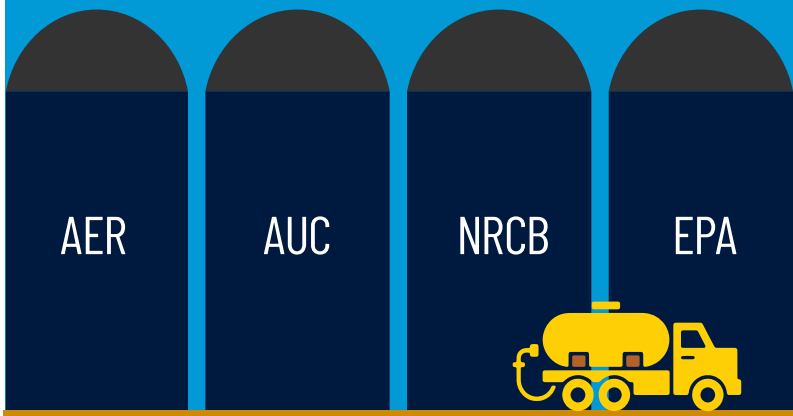
# RECOMMENDATION 02

THAT THE GOVERNMENT OF ALBERTA AND QUASI-JUDICIAL AGENCIES WORK WITH STAKEHOLDERS TO DEVELOP A PUBLIC INTEREST EVALUATION FRAMEWORK TO ASSESS THEIR DECISION-MAKING AND ENGAGEMENT PROCESSES





## PROGRESS ASSESSMENT




■ Insufficient Progress or Alignment







# AER

Public interest is assessed by the AER within the legislative framework that they operate to provide for the efficient, safe, orderly and environmentally responsible development of energy and mineral resources in Alberta. In other words, the AER's broad mandate forms the basis of how they assess "public interest" when reviewing proposed developments. Section 15 of the Responsible Energy Development Act (REDA) and section 3 of the Responsible Energy Development Act General Regulation (REDA GR), require the AER to consider the social and economic effects, environmental effects, and impacts on landowners. While "public interest" is not explicitly stated in the REDA or the REDA GR, it is one of the purposes of legislation administered by the AER such as the *Oil Sands Conservation Act, Coal Conservation Act, and Mines and Minerals Act.*

In the past, AER has acknowledged that meeting the requirements of their mandate under the REDA alone may not ensure that a proposed development is in the public interest.[27] It is understood that evaluation involves comparing and weighing potential positive and negative impacts of a proposed development across different domains, and the distribution of those impacts. The lack of guidance, policy or framework may result in differences between reviewers and decision makers in how they interpret and weigh potential impacts.

During development of the 2023 QJAC report, senior AER staff indicated that the regulator often relied on environmental, social and governance (ESG) principles as a measure for evaluating whether a given project was in the public interest. This is somewhat aligned with legislative requirements to consider the social and economic effects of an activity, effects on the environment, and the impacts on a landowner where the activity will be located. In more recent engagement, AER staff have communicated to RMA that a separate ESG framework is not applied in the agency's decision-making.

The AER indicates that since 2023 it has increasingly emphasized a risk-informed, lifecycle-based approach through the Integrated Decision Approach (IDA) and the Regulatory Decision Framework (RDF). The IDA is intended to provide a standardized approach for how regulatory decisions are assessed and made.

[27] Government of Canada. 2021. Joint review panel final report on Grassy Mountain Coal Mine, page 616, para 3011

# AUC

Public interest is assessed by the AUC within the legislative framework that they operate. In other words, the AUC's mandate forms the basis of how they assess "public interest". When approving projects within their regulatory scope, the AUC must focus on whether an application meets the requirements set out in various rules, directives, codes of practice and regulations. Under section 17(1) of the Alberta Utilities Commission Act, the AUC shall have regard to the social, economic and environmental effects of the development. The AUC assesses the evidence it receives and engages "in a multi-faceted analysis established by the regulatory regime" which includes consideration of municipal planning instruments.[28]

AUC's decision reports detail the Commission's assessment of the public interest, municipal planning instruments, consideration of cumulative effects, and findings in relation to the different factors considered when assessing the public interest. For example, environmental and wetland impacts, fire risks, visual impacts, noise, agricultural impacts and reclamation. However, the level of detail in these sections varies substantially between decision reports and over time, and frequently only contain standard content. The AUC typically does not indicate how trade-offs between different factors are made or what they view as an acceptable level of risk or impact outside of what is required in various rules and regulations. Additionally, the AUC indicates that "the applicant bears the onus of demonstrating that approval of its project is in the public interest."[29]





[28] AUC. 2026. Decision 28906-D01-2026: Laramide Battery Energy Storage Facility and Connection, para 23.

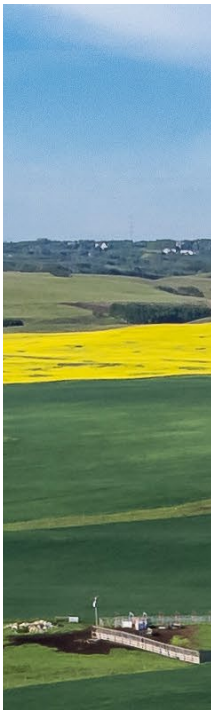
[29] For example, 29274_X[]_Decision 29274-D01-2025 - Harvest Sky Solar Farm_000394.pdf, para 17

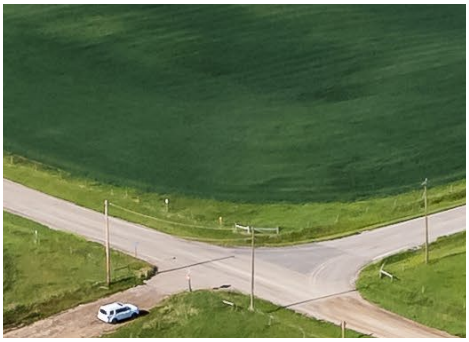
# NRCB

During engagement in 2025, RMA and NRCB agreed that further clarity is needed on how the NRCB addresses public interest under the AOPA. In September 2025, the NRCB released a fact sheet on how the public interest lens is applied in the approval of projects under the Natural Resources Conservation Board Act (NRCBA).[30] A separate fact sheet outlines the permitting process for confined feeding operations under the Agricultural Operation Practices Act (AOPA) but does not outline how the public interest lens is applied by the approval officer or the Board.[31] Unlike the NRCBA, there is no specific reference to public interest in the AOPA.

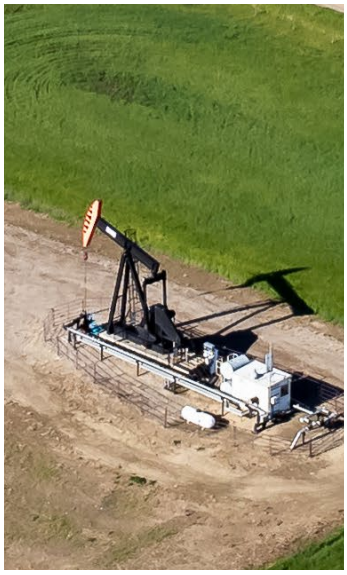


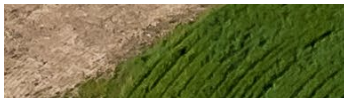
NRCB approval officers' decision summaries typically do not address why a proposed development is in the public interest. These decision summaries focus on application alignment with requirements under AOPA such as alignment with municipal land use provisions, regional plans, environmental risks, notification requirements, responses from directly affected parties, and other factors that would normally be considered if a development permit were issued. Similarly, based on a sample of Board review decisions, the Board typically does not base decisions for upholding or reversing an approval officer's decision on whether the project is in the public interest. In instances where an approval is granted that conflicts with municipal land use provisions, a Board review decision must clearly outline its rationale.



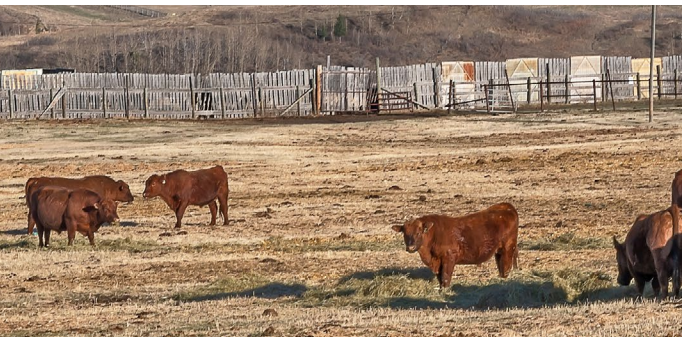
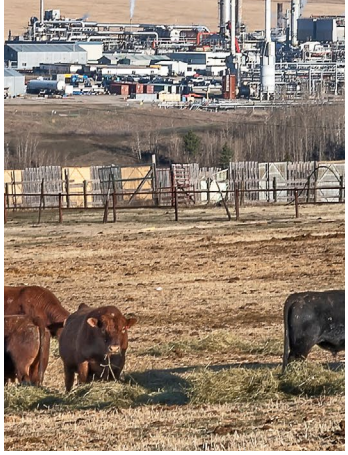








[30] NRCB. 2025. Fact sheet: Public interest reviews of proposed major natural resource projects in Alberta under the Natural Resources Conservation Board Act.
[31] NRCB. Fact sheet: The permitting process for confined feeding operations in Alberta.



# EPA

Decisions made by a Director under the EPEA are intended to “support and promote the protection, enhancement and wise use of the environment”. If the Director is satisfied that regulatory requirements and related policies have been met, an application for registration under the Code of Practice for Pits (COPP) is likely to be approved. Under the COPP, there is no requirement for the Director to ensure that a pit registration is in the public interest and there are no opportunities for municipal or public input. Decisions are documented in EPA decision memos and the Director’s record; these documents are not published.

Where the Minister is of the opinion that a proposed activity is not in the public interest having regard to the purposes of the EPEA, the Minister may order denial of approval or registration of the activity.[32] It’s not clear whether the Minister has exercised this statutory power in the past especially in respect of an aggregate pit development, or what is needed to trigger a Ministerial review of the Director’s decision. There is also no formal criteria or threshold for when the Minister would be able to exercise this statutory power.Recent changes to the aggregate pit approval process were not accompanied by modifications to ensure that the provincial registration process provides opportunities for municipal and community input.

At the time of writing, EPA has proposed to rely more heavily on the referral process to ensure municipal input is integrated. However, the referral process is not a regulatory requirement; the Director can approve an application regardless of the municipal input received.[33] Without meaningful participation from municipalities and the community, it would be difficult to ensure that a proposed aggregate pit is in the public interest.





[32] Environmental Protection and Enhancement Act (E-12 RSA 2000), section 64(1)
[33] Government of Alberta. 2021. Aggregate pits: municipal and provincial processes







## AREAS FOR IMPROVEMENT OR ATTENTION

Quasi-judicial agencies are granted a high level of discretion to define, interpret, and apply 'public interest', consider evidence received to inform a decision, determine who is directly and adversely affected, and determine whether a hearing is required and who can participate. RMA recognises that, when making decisions, quasi-judicial agencies act within the jurisdiction granted by their respective statutory legislation and other applicable statutes. This is common across federal and provincial regulators in Canada. What is also common is a lack of clarity and transparency around how agencies interpret different legislative provisions within their governing legislative framework to inform their public interest mandates.[34] There is an opportunity for the provincial government to evaluate and align, to the extent practically feasible, legislation in a way that recognizes the intersection of industrial-scale developments and their cumulative impact on surrounding municipalities

Public interest-based decisions require adequate input from those that are impacted. This means that decisions should be underpinned by processes that are accessible, transparent, provide mechanisms for participation and deliberation, and ensure accountability. Public interest is referenced by the three quasi-judicial agencies as a key aspect of their final decision-making process but not as a measure of the effectiveness of how they gather information and perspectives from the public.

It is reasonable to assume that having regard to the social and environmental (i.e., land use) effects of a development requires meaningful participation and input from the municipality and community where the development is proposed to be built. If a proposed development conflicts with municipal planning documents and land use bylaws, there may very well be unacceptable social, economic or environmental effects to the community. Provision of sufficiently detailed project information to affectedparties and clear guidance on requirements for proponents to address community concerns or misalignment with municipal land use provisions would enable more meaningful participation.

There has been no indication that the GOA and quasi-judicial agencies have begun working together or with stakeholders to develop a public interest evaluation framework or to adopt common criteria or thresholds. Alberta has a jurisdictional ESG framework [35] and approach [36] that provide high-level information on the government's strategic priorities around energy and resource development. It has not been updated since 2023.

With the introduction of an 'automatic yes' framework and an expedited 120-day approval process for major projects alongside continued provincial overreach into municipal jurisdiction, transparency in provincial decision-making is critical in supporting rural municipalities' ability to plan for the infrastructure and services required to support large-scale projects

[34] Winter, J., Goodday, V., Westwood, A. April 2020. Public-Interest Determination for Infrastructure Development: A Review of Guidance and Practice in Canada. https://jenniferwinter.github.io/website/GWW_PublicInterest_KS_Report.pdf
[35] Government of Alberta. 2022. Jurisdictional ESG framework
[36] Government of Alberta. 2023. Alberta's ESG approach

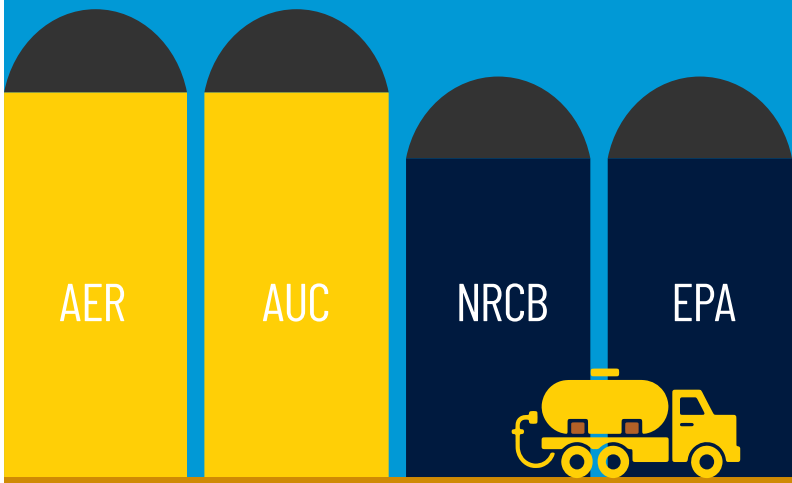
# RECOMMENDATION 03

That the Government of Alberta and quasi-judicial agencies work with stakeholders to develop an approach to integrating land use impact assessments and reclamation requirements into all project approvals





## PROGRESS ASSESSMENT




- Some Progress or Alignment
- Insufficient Progress or Alignment

# AER

Since 2020, the AER has partially adapted to industry changes and an evolving operating environment through updates to the Compliance Dashboard, Liability Management Framework, OneStop application platform, various directives, and industry performance programs. A 2023 Report of the Auditor General of Alberta found that the regulatory system did not provide sufficient assurance that companies would meet their long-term closure and reclamation obligations, and that the AER could not adequately demonstrate the effectiveness of its oversight framework.[37]

Adaptation to industry changes can act to mitigate existing and persistent issues related to licensing, approvals and transfers, or to guard against growth of emerging issues. For example, unpaid municipal taxes and orphaned wells are a costly, long-standing regulatory issue with significant impacts on rural municipalities. The Property Tax Accountability Strategy (PTAS) Working Group, comprised of representatives from RMA, GOA and AER, developed 17 recommendations to eliminate or significantly reduce continued accumulation of oil and gas property tax arrears and strengthen long-term accountability across the sector.[38] The GOA has a clearview of the actions required to adapt eligibility, licensing and approval processes to reflect an industry that has gradually become less compliant with certain regulatory requirementto ensure the PTAS delivers the outcomes envisioned by the Working Group, the GOA and AER must work together to translate the recommendations into a coordinated, transparent, and time-bound implementation strategy and monitoring framework. In August 2026, the GOA communicated to the RMA that the government has accepted the PTAS recommendations in principle and has begun work to plan and develop implementation steps.[39]



37 Auditor General of Alberta. 2023. Report of the Auditor General (December 2023)
38 RMA. 2026. Property Tax Accountability Strategy (PTAS) Final Report
39 RMA News Bulletin: Government Accepts PTAS Recommendations in Principle

# AUC

Industry practices and technologies change over time, driven by government policy, market and economic conditions, and other factors. This can lead to larger or more complex projects with different types and levels of impact on surrounding communities. For example, hyperscale data centres that bring their own power and any necessary grid infrastructure upgrades, nuclear energy generation, or large-scale battery energy storage. Given the emergent nature of some of these technologies in Alberta, regular review and updates to relevant legislation, regulations and operational policies, rules and directives would improve clarity for both rural municipalities and industry. In turn, rural municipalities may amend statutory planning documents and land use bylaws to account for the cumulative impact of development and provincial direction.

stakeholders on proposed standardized setbacks for renewable energy projects in response to industry concerns over variability in municipal land use bylaws. Targeted consultation with municipalities was beneficial in identifying particular areas of concern and instances where existing municipal setbacks were outside the proposed ranges. Where a municipality's setback distance(s) in its land use planning documents fall within the proposed standardized range, the AUC intends to accept and apply those setbacks in future facility application decisions. To support greater transparency and certainty for rural municipalities and industry, the AUC must adhere to its stated intent. As of writing, the proposed setback ranges have not been finalized.



# NRCB

The NRCB Policy Advisory Group sub-committee on QJAC recommendations found that existing AOPA requirements and NRCB policies addressed this recommendation and determined that no further action was required.

From a broader perspective, the Government of Alberta could implement legislative and policy changes thatreflect changes in the agricultural industry. In August 2025, RMA sent a letter to the Minister of Agriculture and Irrigation, requesting amendments to the NRCB Act and AOPA Administrative Procedures Regulation to reflect the current context of the agricultural sector, namely the significant increase in high impact/large-scale confined feeding operations. RMA also requested the implementation of a regularly occurring review policy to ensure that all relevant regulatory processes and legislation remain up to date and streamlined. The Minister's response indicates these approaches will not be considered by the Government of Alberta, stating that existingmprocesses adequately account for different sized operations.

The NRCB Field Service Approvals Operational Policy 2016-7 states that approval officers generally do not address an applicant's past compliance record as part of their decision to issue a permit.[40] As the industry continues to evolve, and the GOA does not intend to amend related legislation, there is a risk of increased conflict with municipalities and nearby landowners and non-compliance by operators.

RMA remains of the view that approval processes must account for the cumulative impacts of a significant increase in the number of large-scale confined feeding operations – on infrastructure, the environment and nuisance impacts. Current municipal tools may not be adequate to support a level of infrastructure and services for an evolving agricultural industry, resulting in greater reliance on residents and other businesses forrevenue generation. Degraded infrastructure, limited cost recovery tools, and an unevenly spread tax burden can negatively impact the ability of rural municipalities to grow and diversify their economies.

# EPA

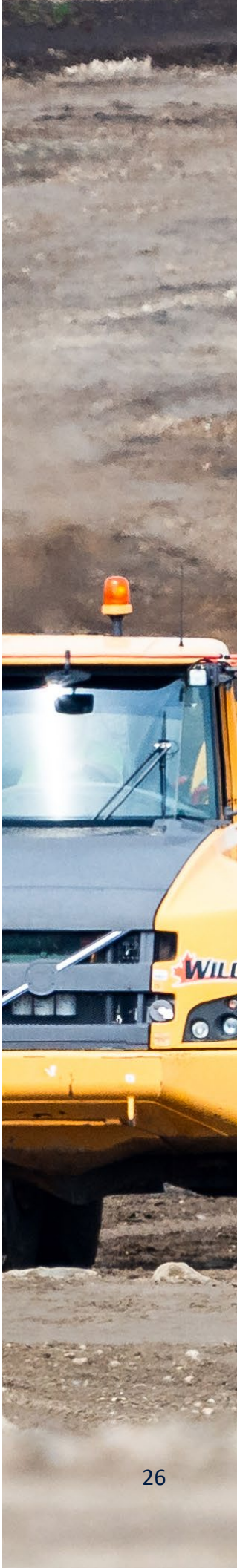
Economic and population growth, housing demand, and infrastructure maintenance necessitates a continued supply of aggregate. In adapting to these needs, the GOA has shifted the provincial-municipal approval process for Class I aggregate pits to one where a pit registration under the EPEA has paramountcy over municipal land use authority. No engagement with RMA or rural municipalities was undertaken prior to the introduction and passing of Bill 28.

The COPP has not been updated in over two decades. According to the EPA, a series of changes are proposed to provide practical, operational and environmental improvements, reflecting changes in best practice. Further changes will be incorporated to reflect changes to the MGA under Bill 28.

While the COPP and application platform require modernization, changes to the broader regulatory framework should have been preceded by meaningful consultation with municipalities. As recommended by the provincial Sand and Gravel Task Force, if roles and responsibilities were changed, it should be "addressed through substantive engagement with municipalities and will require analysis of implications under the Municipal Government Act."[41] EPA is less aligned with this recommendation than it was previously.

[40] NRCB. 2016. Approvals: Operational Policy 2016-7 (Updated November 14, 2023), section 9.16.2

[41] Government of Alberta. 2025. Sand and Gravel Task Force Final Report, page 37.

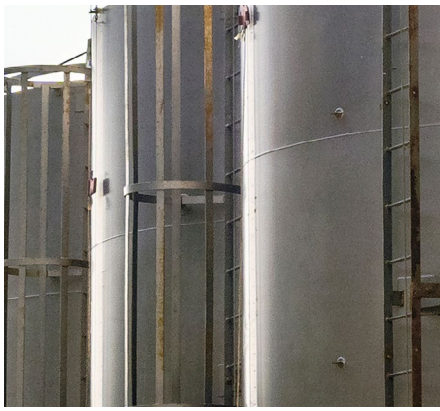




## AREAS FOR IMPROVEMENT OR ATTENTION

While there has been some progress in updating regulations, operational policies, rules and directives to accommodate sectoral and technological change, some changes work against the intent of the recommendation. Adapting approval processes to industry changes now can avoid more generational issues like unpaid municipal taxes in the future. This should take place in conjunction with industry to ensure that the regulatory process evolves as industry evolves and to avoid risks to industry from an inadequate regulatory regime.









# RECOMMENDATION

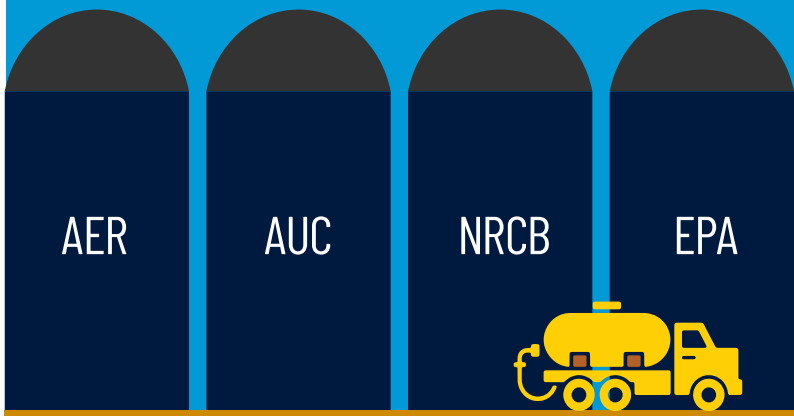
# 04

That both quasi-judicial agencies and applicants play a direct role in initial project engagement processes





## PROGRESS ASSESSMENT




■ Insufficient Progress or Alignment

# AER

Since 2016, as part of the Integrated Decision Approach, the AER has taken a risk-informed, lifecycle view for applications which "looks at how the operator has engaged with the landowners…and other stakeholders" through area-based regulation. The Approach involves the AER and operators working collaboratively with residents, non-governmental organizations, Indigenous groups and other stakeholders to identify concerns and come up with solutions prior to submission of an application.[42]

Statements of concern (SOC) and the Participant Involvement Program (PIP) are the main channels for municipal and public input. The PIP is proponent-led, must be implemented ahead of an applicant filing an application with the AER, and must be submitted as part of an application. An SOC can be submitted by a "person who believes the person may be directly and adversely affected by an application."[43] The SOC must be specific to a particular aspect of an active project application.

AER Directive 056 recommends that applicants involve the agency (and local authorities) at an early stage in planning an energy development and PIP, noting that local AER staff are available to assist in the proactive engagement of stakeholders and resolution of public issues before an application is submitted.[44] Once an application is lodged, AER staff may also travel to the area of a project ahead of a hearing to talk about the hearing process only and not the application itself.[45] The applicant may choose to hold an open house or townhall for the broader public but this would not meet consultation requirements, if any.

There has been no change to proponent requirements under Directive 056 or the AER Rules of Practice in relation to more direct involvement by the AER and applicants during initial engagement processes. RMA has not received evidence from its members that the AER has increased their role or visibility of staff in initial project engagement processes. From discussion with the AER, there are no plans to increase staff presence at proponent-led engagement events or to host AER-led project engagement events as there is a risk that the AER may be perceived as advocating for a project or type of development.

The AER also has a pre-application concern process where a person may lodge a written submission about a particular energy development activity for which no application has yet been submitted.[44] However, these submissions are not includen the AER's review of an application and are addressed as part of a separate dispute resolution process which may act as a broader early engagement tool to address concerns in advance.[46]



[42] AER. 2016. Looking at the Big Picture and Integrated Decision Approach
[43] Responsible Energy Development Act (R-17.3 2012), section 32
[44] AER. 2026. Directive 056: Energy Development Applications and Schedules, section 3.2
[45] AER. 2020. Manual 003: Participant Guide to the Hearing Process, section 5.4
[46] AER. Fact sheet: Pre-application Concern

# AUC

Similar to the AER, the AUC relies on a proponent-led PIP under Rule 007 which sets out requirements for different levels of engagement with municipalities, from public notification to personal consultation, depending on the type and size of project.

Recent changes to Rule 007 did not change the role that the AUC plays in initial project engagement processes as previously recommended by the RMA.[47] [48] There are no requirements for proponents or AUC staff to engage early and actively with municipalities and landowners. However, proponents' required level of engagement with municipalities was increased for most renewable energy projects larger than 10 MW which is a welcome change. RMA remains of the view that increased engagement requirements should extend to renewable energy projects between 1 MW and 10 MW, and to therma energy projects.

# NRCB

The NRCB and project applicants rely on approval officers to engage with municipalities on their behalf. This process remains unchanged from 2023. Under AOPA, applicants cannot be compelled to conduct engagement, but the NRCB encourages applicants and operators to establish good relationships with neighbouring landowners.

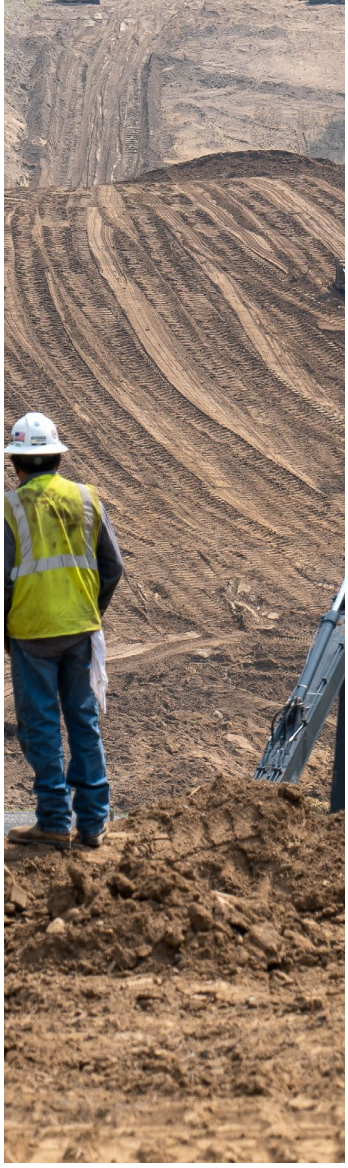
In response to the NRCB Policy Advisory Group sub-committee suggestions on implementing QJAC recommendations, NRCB considered creating a package of resources for applicants on best practices for engagement and released a process guide for Board reviews to improve clarity.[49] It is unclear whether the best practices guide has been released and whether the application of those practices is monitored. It is likely that neither of these measures would increase the role of applicants in initial project engagement processes.



[47] RMA. 2024. Submission on AUC Rule 007 Consultation Round One
[48] RMA. 2025. Submission on AUC Rule 007 Blackline
[49] NRCB. 2026. The Board Review Process under the NRCBA: Process Guide











# EPA

Provisions under Bill 28, updates to the COPP, and recommendations from the provincial Sand and Gravel Task Force are likely to result in less interaction between the EPA, operators and municipalities during initial project engagement processes. For example, it is not clear whether operators will still be required to comply with the existing pre-application engagement requirements in some municipalities, or whether municipalities are automatically invited to proposed discovery meetings between the EPA and applicants.

While the introduction of MGA section 619.1 establishes provincial paramountcy for aggregate pit developments, no changes have been made to the provincial process to accommodate municipal and public input. Under forthcoming MGA subsections 619.1(4) and (6) a municipality's ability to hold public hearings for an aggregate pit application is severely restricted. As a result, broader public input, intervenor participation and public accountability is removed from the approval process. These amendments continue a trend of the GOA shifting areas of municipal jurisdiction to provincial authority without transferring equivalent accountability to the provincial level.



## Areas for Improvement or Attention

Quasi-judicial agencies continue to place a high level of trust in the industries they regulate to undertake fulsome engagement processes. While the AER and AUC both require completion of a PIP as part of an application, the AER emphasizes meeting prescribed notification, consultation and documentation requirements rather than demonstrating how consultation influenced project development. Often, if municipal land use planning documents are not submitted as evidence, agencies will not review the documents on their own accord as part of their decision-making. Rules and directives could be amended to require proponents to engage early with municipalities and landowners, rather than recommend or suggest that they do so.









# RECOMMENDATION

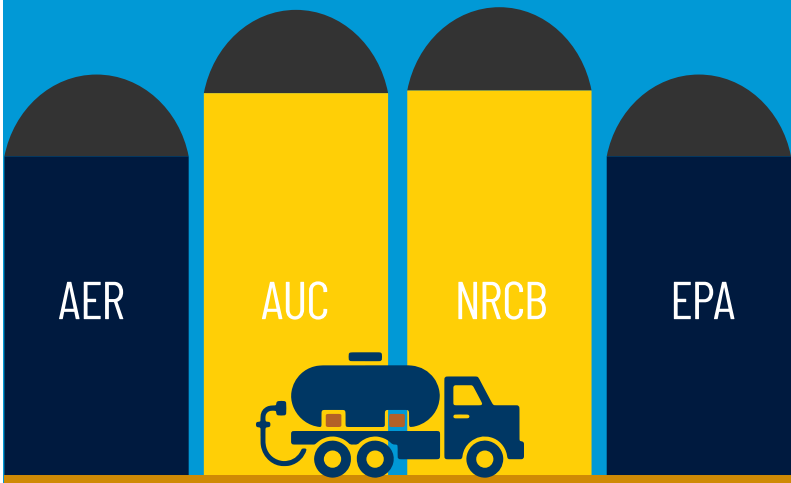
# 05

That agencies review and redevelop current notification systems to better engage with municipalities at the onset of projects





## PROGRESS ASSESSMENT




- Some Progress or Alignment
- Insufficient Progress or Alignment

# AER

Under Directive 056, applicants must notify municipalities ('local authorities') of a development but are not required to consult with municipalities for most facility applications. Municipalities can request personal consultation, and the applicant must be available to answer questions verbally. These requirements have remained unchanged since 2023.

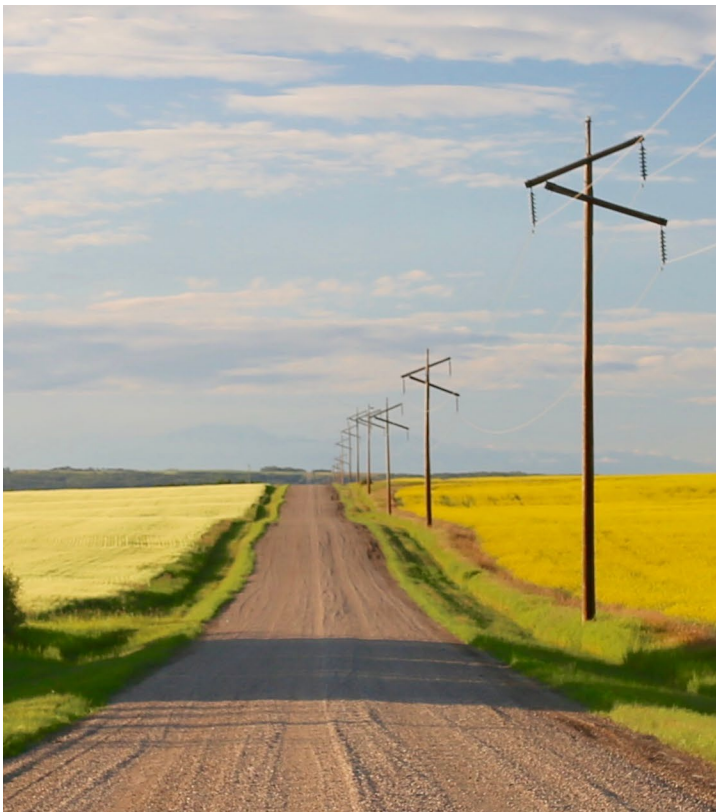
Given the importance of municipalities in supporting developments during construction and operation, the AER must ensure that applicants engage early with municipalities to align local land use planning, address risks and concerns, and to ensure sufficient infrastructure capacity and services are available. For example, consultation with municipalities at the onset of a project provides lead time to put in place road use agreements before additional truck movements begin.

There has been no recent change in AER notification systems or tools. The onus remains on the municipality to search for and track relevant notifications and decisions. This is particularly challenging for smaller rural municipalities with limited staff capacity. For example, the AER has multiple notification, application and decision portals, including:

- Publication of Decision tool
- Hearing Decisions webpage
- Integrated Application Registry Query tool
- OneStop Application Query tool
- Notices webpage
- Public Notice of Application tool
- Participatory and Procedural Decisions webpage

The search function for most of these portals is limited and cannot be searched or filtered by municipality, which RMA members have raised as a potentially straightforward measure to improve notification and communication. AER staff have indicated to RMA that limited search functionality is a known barrier, and improvements are subject to internal staff capacity and operational prioritization. Staff also indicated that the organization is moving toward incorporating AI tools which may improve search capabilities in the future.



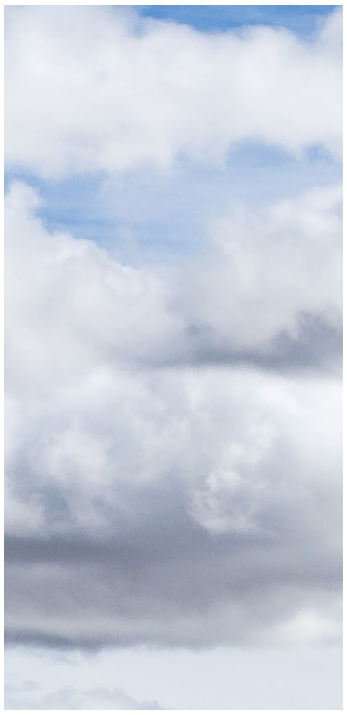


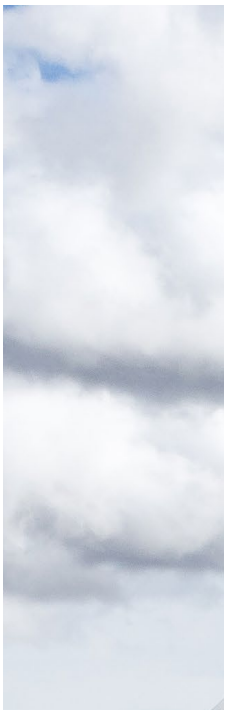


# AUC

Under changes to Rule 007, municipalities now receive the highest level of engagement (personal consultation) for large-scale (> 10 MW) renewable energy projects and notification for other renewable and non-renewable energy projects within a certain distance from the proposed project boundary.

RMA has previously submitted to the AUC that proponents should be required to engage with municipalities for all AUC regulated projects and that the municipality should have the opportunity to proceed with or decline consultation after reviewing project information.[50] This suggestion has not been actioned.





# NRCB

In June 2025, Bill 44: Agricultural Operation Practices Amendment Act, 2025 introduced revised notification periods, allowing affected parties, organizations and the public 20 business days after an application is determined complete to respond to notices for new or expanded CFOs. The overall notification process remains the same – NRCB notifies the affected municipality upon receipt of a Part 1 application and again when Part 2 is completed. Municipalities are notified again once the approval officer issues the decision and can submit a request for Board review of the decision.

The NRCB Policy Advisory Group sub-committee on QJAC recommendations found that existing AOPA requirements and NRCB policies addressed this recommendation and determined that no further action was required.

Based on responses to the member survey distributed by RMA, NRCB notification practices are sufficient procedurally but not in terms of transparency or fairness in decision-making.











[50] RMA. 2025. RMA Member Guide – AUC Rule 007 Draft Blackline, page 6





# EPA

Currently, when EPA receives an application that includes a *Water Act* approval, EPA typically refers the application to the applicable municipal development authoritywith a request for input within 20 business days. It is important to note that while municipalities can express concerns or requirements at this stage, the 20-day timeline is not legislated, and EPA is not required todelay their decision-making process to allow for the 20-day response window, or to consider municipal input inany formal or meaningful manner.

The Director (as defined in the EPEA) is also required to provide, or require the applicant to provide, notice of an application for registration or amendment.[51] The Director may waive notice requirements (for an application or amendment) if they are satisfied that the activity is a routine matter or adequate notice has already been given.[52] It's not clear how these provisions interact with the COPP registration process where municipal and public input is not enabled. There is a risk that municipalities and communities are not notified at all if aggregate extraction activities are considered low risk, low complexity or subject to an 'automatic yes' type of approval framework (now enabled through Bill 28).

The EPA's Digital Regulatory Assurance System (DRAS) is used to manage the entire lifecycle of a project from application to authorization, monitoring and compliance reporting, remediation and closure. It supports authorization types under the Water Act and the Environmental Protection and Enhancement Act (EPEA),[53] and authorization types under the Public Lands Act.[54] According to the EPA, aggregate pit applications will transition into the DRAS later this year.

To track proposed aggregate pit developments, municipalities would need to find and subscribe to receive public notices in an area. As a provincial aggregate pit registration will have primacy over municipal land use plans, EPA must notify municipalities directly of proposed aggregate pit developments within their boundaries. As the level of government closest to residents, municipalities are likely to receive negative feedback and resident concerns over a development that they no longer have the authority to refuse.

[51] Environmental Protection and Enhancement Act (E-12 RSA 2000), section 72(1).
[52] Ibid, section 72(3).
[53] Excludes authorizations managed by the AER.
[54] Digital Regulatory Assurance System (DRAS) | Alberta.ca









## AREAS FOR IMPROVEMENT OR ATTENTION

There have been some modifications to quasi-judicial agency and government notification systems, but the onus remains on municipalities to find, track and request consultation on proposed developments within their boundaries. More proactive and consistent notification to municipalities and the community prior to approvals, registrations and authorizations promotes public interest decision-making and provides the public with opportunities for meaningful involvement. Based on member survey responses, proactive notification is a key factor in the perception of whether engagement and decisions have been conducted with adequate municipal consideration or involvement.









# RECOMMENDATION

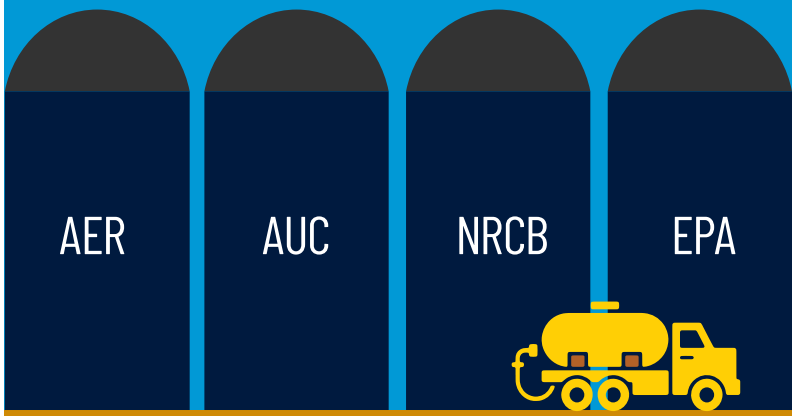
# 06

That the AER, AUC and NRCB collaborate to harmonize their respective engagement and approval processes as much as possible





## PROGRESS ASSESSMENT




■ Insufficient Progress or Alignment

## AER

The AER has entered into a Memorandum of Understanding (MOU) with the AUC[55] as of April 2026, however the MOU pertains to operational and administrative matters related to gas utility pipelines rather than guidelines or commitments regarding coordination of public engagement and approval processes between both agencies. Through RMA's correspondence with the AER, there is no indication that a formalized inter-agency coordination and communication framework is in development and such considerations would occur at the senior and executive level.

## NRCB

The NRCB Policy Advisory Group sub-committee on QJAC recommendations found that existing AOPA requirements and NRCB policies addressed this recommendation and determined no further action was required. However, gaps remain regarding how municipal concerns or questions are addressed during the approval process. RMA has received member feedback that municipal input to the NRCB is not always captured in decision reports or is passed on to other agencies who ultimately do not respond, especially in cases involving the Water Act.

## AUC

Through RMA's correspondences with the AUC, the agency has highlighted their participation in various inter-agency working groups yet the outcomes of this work offer no indication that the agencies are working to develop common terms or standardized approaches where appropriate.

Furthermore, as mentioned above, the AUC-AER MOU pertains to operational and administrative matters related to gas utility pipelines rather than guidelines or commitments regarding public engagement and approval processes between both agencies.

## EPA

EPA does not require applicants to deliver a PIP or similar engagement process, and it is not a condition of approval or registration in relation to aggregate pit developments.

A registration under a code of practice carries different requirements compared to an approval issued by quasi-judicial agencies such as the AER, AUC and NRCB. As such, harmonization may not be feasible but the adoption of certain practices such as the AUC's municipal engagement form may be beneficial.





[55] Memorandum of Understanding between the AUC and the AER regarding gas utility pipelines, April 2026





## AREAS FOR IMPROVEMENT OR ATTENTION

RMA has called for the GOA to implement a formalized inter-agency communication protocol.[56] Inter-ministry and inter-agency communication can help ensure regulatory compliance, transparency and timely decision-making that incorporates the public interest.

Respective engagement and approval processes can be highly project-specific, influenced by the relevant policy context. For many types of development projects, more than one agency may be involved in the approval and authorization process. Because of this, greater inter-agency communication and harmonization would support municipalities in navigating different processes including in seeking responses to concerns or questions.

RMA engagement with agencies indicates that while inter-agency staff communication takes place through file-level coordination, memoranda of understanding and shared accountability arrangements, it is not centred around harmonization of different processes and procedures. More official inter-agency communication and collaboration often take place at the executive level. There remain opportunities to harmonize respective engagement and approval processes as much as possible to reduce barriers to municipal and public participation.

[56] RMA. Resolution 2-25F: Quasi-Judicial Decisions and Inter-agency Communication; 2026 RMA QJAC revisited member survey

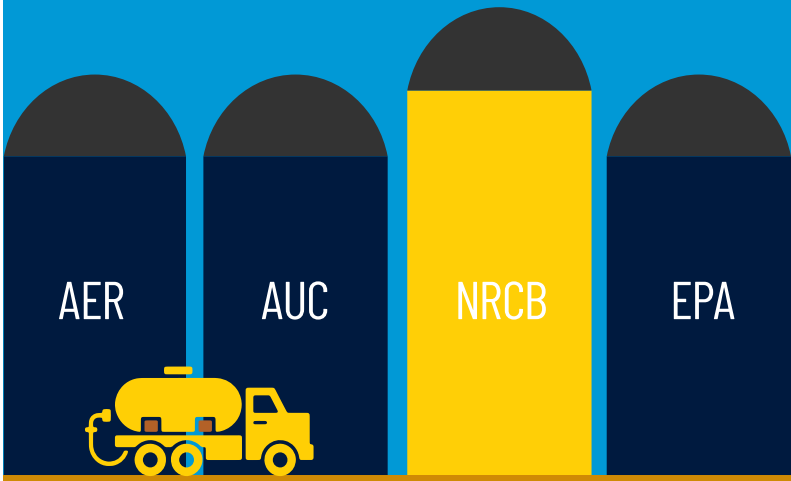
# RECOMMENDATION 07

That the AER and AUC adopt NRCB requirements related to aligning projects with municipal development plans, and that the requirements be expanded to include land use bylaws and intermunicipal development plans.





## PROGRESS ASSESSMENT




- Some Progress or Alignment
- Insufficient Progress or Alignment



# AER

The GOA has not amended AER's governing legislation to adopt NRCB requirements related to aligning projects with MDPs, IDPs or land use bylaws. Project approval does not require municipal non-objection to be in writing, and the AER is not obligated to consider or review municipal plans if the documents are not submitted as evidence into hearings. AER has broad latitude to decide whether a hearing is required and, under recent changes to the AER Rules of Practice, can now define or restrict what issues a hearing participant can address. A concern (e.g., non-compliance with municipal statutory plans) may also be dismissed if the AER believes that it has been adequately dealt with or addressed through a hearing or other proceeding under any other enactment or by a decisionon another application.

The approval process remains difficult for municipalities and community members to access, with verification that proposed developments align with municipal planning documents left to the discretion of proponents.



# AUC

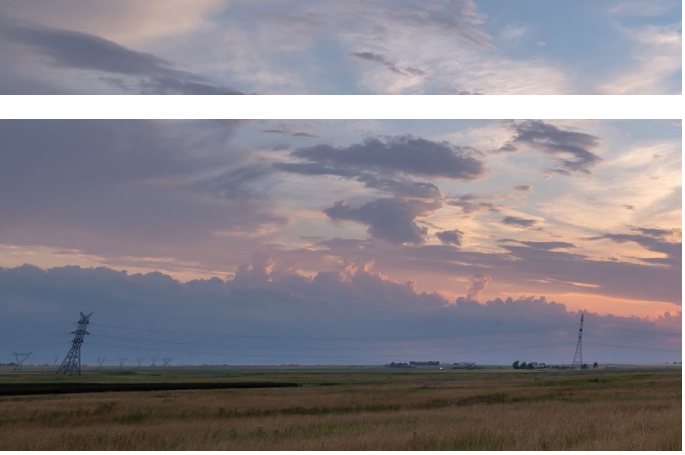
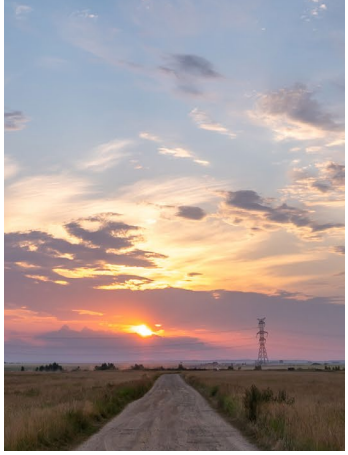
The GOA has not amended AUC's governing legislation to adopt NRCB requirements related to aligning projects with MDPs, IDPs or land use bylaws. In their decision reports, the AUC often states that they "endeavour to achieve consistency with municipal planning instruments" but that "land use planning policies are also assessed against existing provincial laws, project impacts (social, economic and environmental effects), and compliance with Rule 007 and Rule 012."

In the AUC's view, MGA sections 619 and 620 are intended to resolve conflicts between AUC decisions and municipal planning instruments. Municipalities are expected to exercise their planning and development decision-making authority in a way that is consistent with AUC decisions, rather than the other way around.[57]

While recent changes to Rule 007 are somewhat aligned with RMA's previous advocacy related to the municipal role in the AUC approval process, project alignment with municipal statutory plans, and changes to the PIP in terms of level of engagement, many of the changes do not fully address RMA's concerns. Municipal involvementin the approval process remains at the discretion ofproject proponent. There is limited guidance for proponents on what personal consultation with municipalities should entail. The municipal engagement form is a step in the right direction, but the burden remains on municipalities to articulate how a project does not align with planning documents. Neither the engagement form nor Rule 007 place an onus on the proponent to explicitly demonstrate compliance (or attempted compliance) – only to explain why it is not in compliance. In cases wherethe municipality indicatethe project is not in compliance with statutory plans, the AUC should consider the municipal perspective to have priority as they are the owner of the planning policies.

In early 2026, the AUC proposed standardised range of setbacks for renewable energy operations.[58] AUC stated that it intends to accept and apply local municipal setback distances as long as they fall within the proposed standardized ranges. Not all existing municipal setback distances fall within the proposed standardized ranges. There is a risk that the intent is not met, which could affect municipal land use plans. As of writing, the AUC has not issued a final decision on the proposed setback ranges.

[56] AUC. Decision 29258-D01-2026 (January 23, 2026), para 38.
[57] AUC. 2026. Proposed Standardized Setbacks for Renewable Infrastructure


# NRCB

Amendments introduced through Bill 44 in 2025 further aligned AOPA with the MGA planning hierarchy by referencing IDPs in addition to MDPs.[59] This alignment was intended to strengthen consideration of municipal statutory plans where those documents provide applicable landuse direction for the proposed location of a CFO.

However, the requirement for the NRCB to align with land use provisions in municipal planning documents lies with the approval officer. Should this decision be appealed, the Board remains able to exercise its discretion to either uphold a denial or approve an application despite an inconsistency with municipal statutory planning documents. The rationale provided in Board decisions where a denial has been overturned is insufficient.

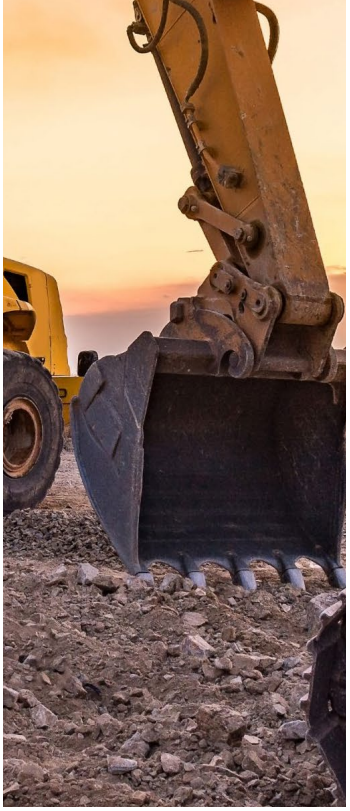
# EPA

The introduction of section 619.1 in the Municipal Government Act allows provincial registration of aggregate pits to take paramountcy over municipal approvals. Municipalities now must amend land use bylaws, planning documents, and permits to align with provincial pit registrations. When EPA receives an application that includes a Water Act approval, EPA typically refers the application to the applicable municipal development authority with a request for input within 20 business days. Municipalities can raise any concerns, requirements or flag non-compliance with planning documents. However, the 20-day timeline is not legislated, and EPA is not required to delay their decision-making process to allow for the 20-day response window, or to consider municipal input in any formal or meaningful manner.

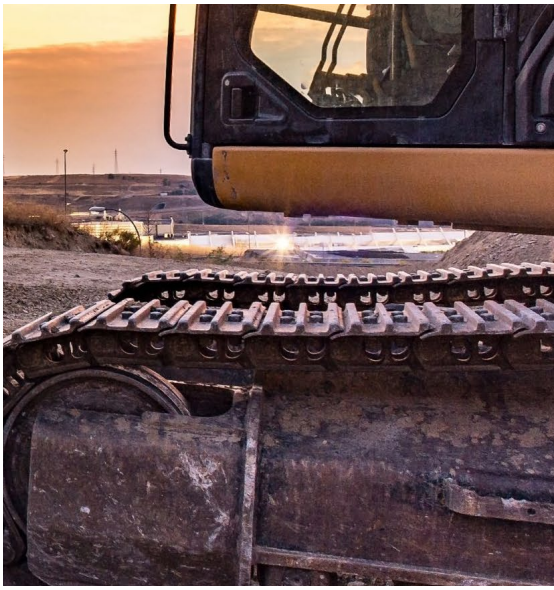
There is no requirement under the EPEA for the Director to give due consideration to municipal planning documents and to seek community input, increasing the risk of unintended longer-term consequences in relation to land use, infrastructure capacity and environmental management.

[58] AUC. 2026. Proposed Standardized Setbacks for Renewable Infrastructure
[59] Bill 44: Agricultural Operation Practices Amendment Act, 2025









## Areas for Improvement or Attention

Due to the provisions outlined in section 619(1) of the Municipal Government Act, approval decisions made by the AER, AUC and the NRCB prevail over any municipal development plan.[60] Further, section 619(2) compels municipalities to amend MDPs and LUBs to ensure alignment with proposed developments rather than the other way around. This legislative framework functions as a direct and explicit barrier towards promoting municipal autonomy and ensuring development projects align with local contexts and needs.

Municipal land use plans across the province regularly include requirements related to specific development types (oil and gas, renewable energy, feedlots, gravel pits, etc.), setback distances, land use and resource considerations, and expected notification procedures, among other topics. Jurisdiction for local land use planning must remain firmly with municipalities, as they are best positioned to understand community needs and make decisions that balance development with long term sustainability.

Agencies and applicants should be required to confirm alignment with municipal plans, ideally through confirmation from the municipality itself, and a lack of alignment should trigger a hearing or other dispute resolution mechanism. If an applicant finds that a municipality's planning documents and land use planning framework are difficult to find, interpret or apply, it is the responsibility of the applicant to directly communicate with the municipality's planning department.

[60] Municipal Government Act, section 619

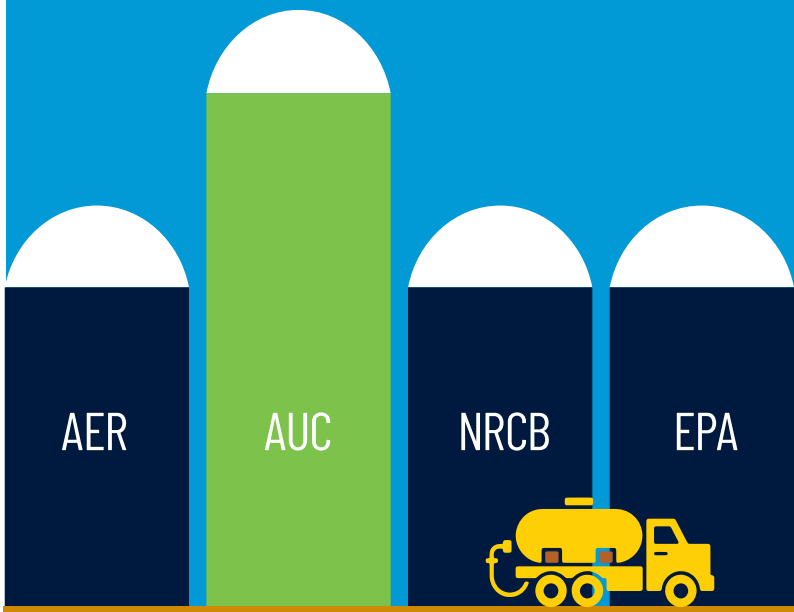
# RECOMMENDATION 08

That municipalities have automatic status as directly affected parties and automatic standing at all hearings, and that all municipal costs to participate in the engagement and hearing process be covered





## PROGRESS ASSESSMENT




- Moderate Progress or Alignment
- Insufficient Progress or Alignment

# AER

Provisions under Directive 056 and Directive 031 in relation to a PIP or cost claims for municipalities have not changed to better enable meaningful participation by municipalities. While municipalities are entitled to participate in a hearing under certain conditions, municipalities are not automatically granted status as directly affected parties or granted automatic standing in hearings.[61]

In May 2026, the AER Rules of Practice was amended, affecting who can participate in proceedings, when hearings will occur, and who may recover hearing costs. Of particular relevance for rural municipalities:

**Statements of Concern can be filed advocating for approval of a project (statement of support)**

- Under section 6, a person can file a statement outlining the benefits associated with approval as well as negative impacts if the project is not approved.
- The AER will also consider whether the benefits raised address or mitigate the objections in other statements of concern.
- This change represents a shift in what the AER assesses as part of its broader public interest evaluation when reviewing an application. It also adds another layer to an opaque decision-making process.
- This may lead to instances where municipalities submit opposing positions on a proposed development, where one municipality may value the economic benefits of a proposed development and the other may value preservation of certain environmental aspects.

**Increased discretion over when hearings will occur, who can participate, participation scope**

- Under subsection 9.1(1) and section 32.11, the AER will define or restrict what issues a hearing participant can address.
- Under subsection 7(f.1), the AER may now consider requests from the Crown to expedite a decision to mitigate adverse impacts on the proponent if a hearing is held. Rather than seeking to mitigate adverse impacts on Albertans, this change appears to benefit the proponent.
- Despite receiving statements of concern from the municipality or landowners, the AER has discretion to not hold a hearing. This is likely to support acceleration of major project approvals under the expedited 120-day approvals process for which policy and regulatory design have not yet been finalized.

**Revised definition of "participant" for cost claims.**

- Under section 58 and AER Directive 031, certain groups like non-profit organizations must now demonstrate that they are directly and adversely affected to qualify for cost claims.
- This may result in the exclusion of municipal collaboratives who are working together to minimize costs and maximize resources.

The effect of these changes depends on each municipalities' goals and positions on different types of development. Regardless, the AER's framework should be modified so municipalities are routinely granted not only intervenor standing, but also intervenor costs. The proponent, not the municipality's other taxpayers, should bear the cost of processing an application, including the cost of the municipality's intervention (legal and expert costs). These changes to the AER's regulatory regime are warranted given the magnitude of breaches respecting payment of municipal taxes and reclamation responsibilities.



# AUC

Changes to Rule 007 in late 2025 automatically granted municipalities the right to participate in AUC hearings and enabled municipalities to request cost recovery for participation and review. This change represents a meaningful improvement in the AUC's processes that supports municipalities in participating as valued stakeholders during project engagements and approvals.

The AUC also amended Rule 009: Rules on Intervenor Costs (effective July 1, 2025) which permits self-represented municipalities to claim between $300 to $2,500 honoraria as an eligible intervenor. Cost recovery should allow for municipalities to submit costs for both external lawyers or consultants and internal municipal staff to attend the hearing. Based on RMA member experience, the cap on costs for in-house preparation of a submission is insufficient.

# NRCB

Under AOPA, municipalities are automatically notified upon receipt of Part 1 and 2 applications for new or expanded confined feeding operations, and again once a decision is made. Under the NRCBA, municipalities are not automatically considered directly affected parties but can apply for standing and can participate in the Board review process regardless of standing. Additionally, adjacent municipalities are not automatically considered directly affected parties unless there is a relevant provision in their IDP. An adjacent municipality may be interested in participating because, for example, of a shared water body that may be affected by a CFO. Municipalities are not eligible for intervenor funding for participation in Board reviews under either AOPA or NRCBA. This has not changed since late 2023.

# EPA

When EPA receives an aggregate pit application that includesa Water Act approval, EPA typically refers the application to the applicable municipal development authority with a request for input within 20 business days. It is important to note that while municipalities can express concerns or requirements at this stage, the 20-day timeline is not legislated, and EPA is not required to delay their decision-making process to allow for the 20-day response window, or to consider municipal input in any formal or meaningful manner.

There is no requirement (or ability) for the Director or EPA to hold a public hearing for an aggregate pit application or amendment to an existing pit registration. A requirement for the government to seek municipal input must be codified as a requirement with the broader regulatory framework for aggregate development.

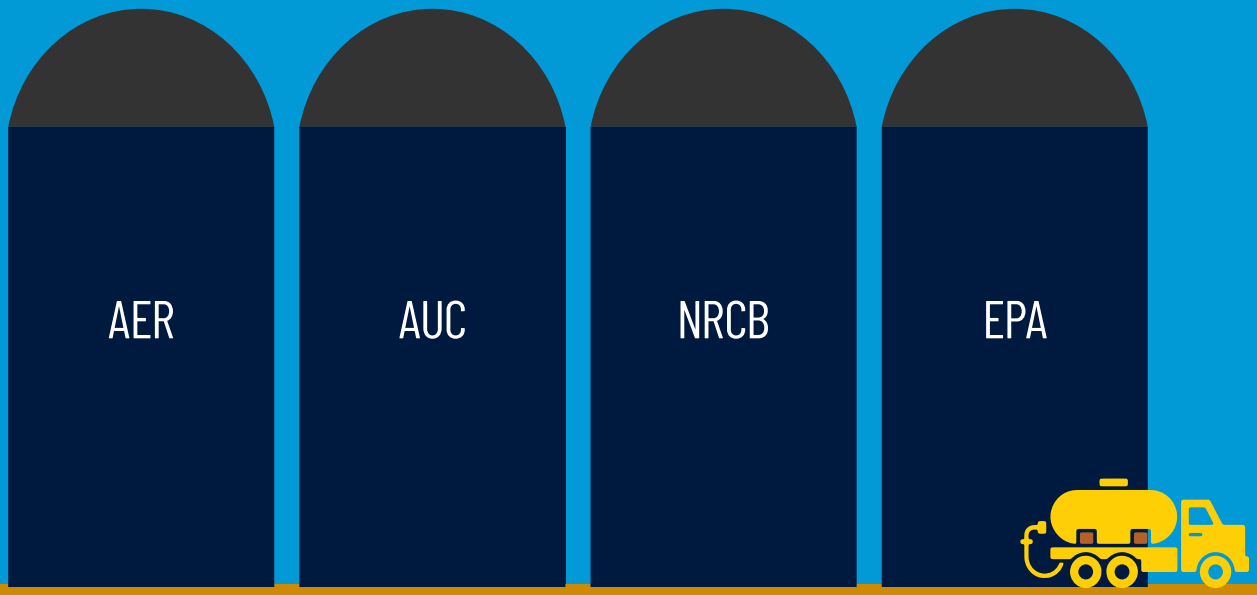


## Accelerating Action on Implementation

The 2023 QJAC report outlined the significance of the issue, key challenges faced by municipalities, and established a 'state of play' on quasi-judicial agency approval processes for certain provincially regulated developments. The report set out recommendations that, if implemented, would better integrate municipal input into government planning processes but was not prescriptive in how and when those recommendations should be operationalized.

There is significant variability in how each agency has responded to the QJAC report. While there has been some progress, overall, progress toward implementation of the recommendations has been insufficient. The following section outlines RMA expectations where tangible action can be taken to either initiate or build upon recent progress.

# FINAL PROGRESS ASSESSMENT




■ Insufficient Progress or Alignment

# RMA Priority Action Areas

RMA has identified some priority areas where the government and quasi-judicial agencies can take action in the near-term to accelerate progress. These action areas do not replace the 2023 QJAC report recommendations but represent smaller-scale, incremental changes that can advance progress toward meeting the intended outcomes of the recommendations.

## Notification and Consultation

- AER and AUC could update their notification tools and policies to automatically and directly notify municipalities when an application is lodged within their boundaries for new and expanded developments, transfer applications, and license updates.
- For the AER, this may require backend modifications to how web portals are populated with application data plus improved search and filter functionalities.
- For the AUC, who are in the process of a website redevelopment project, this may involve updates to the eFiling system.
- AER could amend Directive 056 to require proponents to engage early with municipalities and landowners, rather than recommend or suggest that they do so.
- EPA approval coordinators must automatically notify municipalities when an application is received for an aggregate pit registration in their boundaries.

## Communication and Information Sharing

- Provide an agency or government point of contact to municipalities for each type of development. This could be a government relations person, regional office manager, approvals manager, SOC analyst, or similar. This should be provided as part of the PIP info package or in the notification of application.
- AER and AUC PIP requirements must require proponents to provide information to municipalities and others that extend beyond "general nature of potential impacts".
- Agencies and proponents could engage early with municipalities through discovery meetings and open, two-way dialogue.
- Engagement sessions should be local in-person meetings rather than virtual town halls or meetings in large urban centres.

## Alignment with Municipal Planning Documents and Land Use provisions

- Pre-application engagement with municipalities: quasi-judicial agencies and EPA should verify that proponents consulted local land use bylaws and worked with municipalities and landowners on selecting suitable sites. Proponents must confirm with municipalities that infrastructure capacity is sufficient as part of initial project engagement.
- AUC municipal engagement form: amend form to explicitly ask for the proponent's plans to mitigate non-compliance with planning documents, rather than providing justification for any non-compliance.

## Transparency in Decision Making

- Decision reports or memos should include more detailed information on how project approval was in the public interest under each agency's respective statutory legislation. This should be consistent across reports for similar project types.
- EPA decision memos must set out how the approval coordinator and Director made their decisions and what mitigation measures were put in place to address any areas of non-compliance.
- Agencies must follow-up with municipalities or provide greater clarity around how submitted concerns or questions have been addressed, if they have been.









# CONCLUSION

Rural municipalities are proud of their tremendous efforts in attracting and retaining industrial and resource development of all kinds, and in fact much of the services and infrastructure provided by rural municipalities is solely for industrial use. Rural municipalities balance the direct and measurable impacts of various developments on land use, environment, infrastructure, and other factors with what is best for landowners, neighbours, and the wider community, now and in the future. If municipalities are enabled to have earlier and more comprehensive involvement in approval processes, municipalities could more efficiently plan for future expenditures such as maintenance of the local infrastructure and services that proponents rely on. Early engagement and more meaningful participation can also build trust, increase administrative efficiency, and improve social acceptance of various developments across the rural landscape.

The AER, AUC and NRCB have the technical knowledge and expertise to understand the projects. However, for these agencies to effectively fulfill their mandates or stated goals of making decisions in the public interest, municipalities must not be “notified parties,” “intervenors,” or simply a “person with standing.” They must be partners, and agencies must treat municipal land use planning decisions and local data and insights as a core component of their decision making processes.

Better integration of rural municipal perspectives ensures Alberta’s economy continues to grow, industry, landowners and municipalities don’t face unnecessary risks and costs, and environmental and off-site impacts are well managed to ensure prosperity for generations to come. Accelerating action now to progress implementation of the 2023 QJAC report recommendations can set up rural Alberta and the province to take advantage of emerging growth opportunities in a way that benefits more Albertans.



