



Regulatory Details - Upper Smoky Sub-regional Plan

DRAFT

Application of part

1. This Part applies to the subregional plan area, as defined in section 3(mm).

Incorporation of Subregional plan

2. These regulatory details are a subregional plan as this term is used in section 10(2) of the *Alberta Land Stewardship Act*.

Definitions

3. In this Part,
 - (a) “active well” means a well that is producing oil or gas, injecting fluids, or disposing of waste;
 - (b) “annual operating plan” means a plan prepared and submitted by the timber disposition holder each year to the Department administered by the Designated Minister referred to in section 6, which when approved, provides the authorization to harvest;
 - (c) “coal exploration” means a temporary activity directly associated with access and exploration on public land for the purpose of evaluating a coal resource primarily through test pits and core holes;
 - (d) “coal mine development” means construction or work to clear a site, build an access road, excavating, build structures, install equipment and any other associated infrastructure;
 - (e) “conservation area” means the lands identified as a conservation area in Figure 3 that are intended to be designated under the *Provincial Parks Act*;
 - (f) “critical sour well” means a well designated by the regulator as a well for drilling purposes with an H₂S release rate greater than or equal to 2.0 m³/second or other wells with a lesser H₂S release rate in close proximity to an urban centre;
 - (g) “decision-maker” means a decision-maker as defined under the *Alberta Land Stewardship Act*;
 - (h) “Department” means the department administered by the Designated Minister referred to in section 4 or unless otherwise specified;
 - (i) “development” includes construction or work to clear a site, build an access road, carry out excavations, build structures or install equipment or any combination of these;
 - (j) “disposition” means a disposition as defined under the *Public Lands Act*;
 - (k) “exploration approval” means an exploration approval as defined under the *Mines and Minerals Act*;
 - (l) “formal disposition” means a formal disposition as defined under the *Public Lands Administration Regulation*;
 - (m) “inactive well site” means land that contains one or more inactive wells that have been inactive for five years or more and no active wells;
 - (n) “inactive well” means
 - (i) for critical sour wells (perforated or not) that have not reported any type of volumetric activity (production, injection, or disposal) for six consecutive months, and
 - (ii) for all other wells that have not reported any type of volumetric activity (production, injection, or disposal) for 12 consecutive months, but does not include observation wells, water source wells and any other wells authorized for another purpose by the regulator;
 - (o) “regulator” means the Regulator as defined in the *Responsible Energy Development Act*;
 - (p) “step in the progression” includes
 - 1) dismantling surface infrastructure,
 - 2) decontamination of the surface and subsurface,
 - 3) completing all remaining activities to meet level 2 restoration of the land, including landform construction and recontouring, clean material placement (as required), reclamation material placement, and revegetation,
 - 4) application for reclamation certificate, and
 - 5) issuance of reclamation certificate;

- (q) “subregional plan area” means the geographical area identified in Figure 1;
- (r) “surface mine” means surface mine as defined under the *Coal Conservation Rules*, Alta Reg 270/1981;
- (s) “well” means an orifice in the ground completed or being drilled for the production of oil or gas, for injection to an underground formation, or as an evaluation well or test hole;

Designated Minister for regional planning

- 4. For the purposes of this Part, the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Alberta Land Stewardship Act* is the Designated Minister unless otherwise specified.

Designated Minister for public lands

- 5. For the purposes of section 19 in respect of off-highway vehicles the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Public Lands Act* is the Designated Minister.

Designated Minister for forestry

- 6. For the purposes of section 3(b) of this Part in respect of forestry, the Minister designated under section 16 of the *Government Organization Act* responsible for the *Forests Act* and the *Forest and Prairie Protection Act*, is the Designated Minister, as applicable.

Designated Minister for conservation areas

- 7. For the purpose of section 20 and 21 of this Part in respect of conservation areas, the Minister designated under section 16 of the *Government Organization Act* responsible for the *Provincial Parks Act* is the Designated Minister.

Coal Mining

Prohibition on coal mining – applicants

- 8. No person shall apply for a disposition or an amendment to a disposition for the purpose of coal exploration or for the purpose of coal mine development outside of zone 1 and zone 2 as outlined in Figure 2.

Prohibition on coal mining – decision-makers

- 9. A decision-maker shall not issue a disposition or an amendment to a disposition for the purpose of coal exploration or coal mine development outside of zone 1 and zone 2 as outlined in Figure 2.

Prohibition on surface coal mining – applicants

- 10. No person shall apply for a disposition or an amendment to a disposition for the purpose of coal mine development associated with a surface mine in zone 2 as outlined in Figure 2.

Prohibition on surface coal mining – decision-makers

- 11. A decision-maker shall not issue a disposition or an amendment to a disposition for the purpose of coal mine development associated with a surface mine in zone 2 as outlined in Figure 2.

Petroleum and Natural Gas

12. For the purpose of sections 12 to 16

- (a) "licensee" means a licensee as defined under the *Oil and Gas Conservation Act*; and
- (b) "holder" of a formal disposition means the current and any former holder of the formal disposition.

Targets to reduce area of inactive well sites

13. No later than 6 months after the coming into force of this Part, the regulator shall publish targets for area occupied by inactive well sites in each planning unit and the baseline data that was used to create the targets.
- (a) All reporting by disposition holders shall use existing reporting mechanisms.
14. Upon the coming into force of this Part, the regulator shall amend all existing formal dispositions in a planning unit that contain a well to include a requirement that the holder of the disposition shall report to the regulator by March 31 of each year the following information
- (b) identification of whether there is an inactive well site on the land covered by the formal disposition, and
 - (c) if there is an inactive well site on the land covered by the formal disposition, each step in the progression to the level of restoration required to be completed in the previous calendar year.
15. The regulator shall not issue a formal disposition in a planning unit that contains a well unless there is a requirement that the holder of the disposition shall report to the regulator by March 31 of each year the following information
- (a) identification of whether there is an inactive well site on the land covered by the formal disposition, and
 - (b) if there is an inactive well site on the land covered by the formal disposition, each step in the progression to the level of restoration required to be completed in the previous calendar year.
16. The regulator shall publish the information by June 30 of each year for each planning unit
- (a) a list of all formal dispositions that have an inactive well site on the land covered by the formal disposition and the associated licensee(s),
 - (b) the area covered by each formal disposition that has an inactive well site on the land covered by the formal disposition,
 - (c) for each formal disposition that has an inactive well site on the land covered by the formal disposition, each step in the progression to the level of restoration required to be completed in the previous calendar year,
 - (d) the total area of formal dispositions that have an inactive well site on the land covered by the formal disposition, and
 - (e) the total area in each step in the progression to the level of restoration required to be completed in the previous calendar year across all formal dispositions.

Conservation Areas

Limits on surface disturbances

17. Subject to section 18, in the conservation area, a decision-maker shall not issue, approve, or renew
- (a) a disposition or an amendment to a disposition to permit any surface disturbance for any purpose,
 - (b) a disposition for the purpose of coal exploration or for the purpose of coal mine development,
 - (c) an annual operating plan authorizing the harvesting of timber,
 - (d) an exploration approval, or
 - (e) a lease or an amendment to a lease issued under the *Public Lands Act* for tourism and commercial recreation purposes as described in the *Public Lands Administration Regulation*.

Exceptions to prohibitions

18. Despite section 17, a decision-maker may

- (a) issue, renew or amend a disposition to permit any surface disturbance in relation to any petroleum and natural gas agreement granted under the *Mines and Minerals Act* before December 31, 2024,
- (b) approve an annual operating plan authorizing the harvesting of timber for the purpose of wildfire/ insect and disease management, or
- (c) renew a lease for tourism and commercial recreation purposes as described in the *Public Lands Administration Regulation*.

19. No person is permitted to use an off-highway vehicle as defined in the Traffic Safety Act in the conservation area unless

- (a) the area has been identified as permitting off-highway vehicle use on a map published by the Department administered by the Designated Minister referred to in section 5

Conservation objectives

20. The Designated Minister referred to in section 7 may take whatever steps that in the opinion of the Designated Minister referred to in section 7 are desirable for achieving the conservation objectives of this Part.

Programs to manage objectives

21. In respect of the land use in a conservation area, the Designated Minister referred to in section 7 shall establish and maintain programs evaluating the effectiveness of the conservation area in meeting the relevant conservation objectives in this Part.

Figures

Figure 1: Upper Smoky Sub-Regional Planning Area

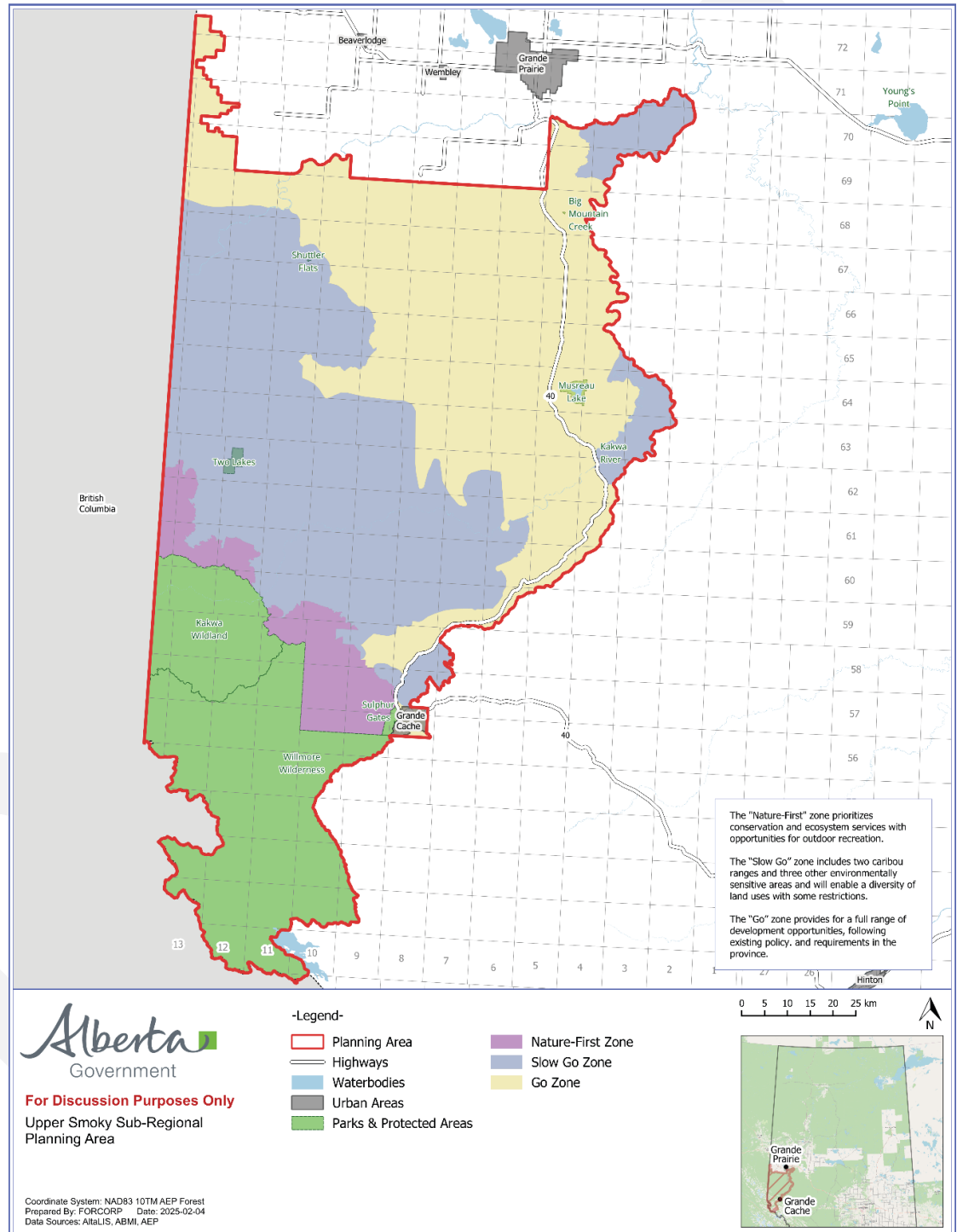


Figure 2: Upper Smoky Sub-Regional Planning Area: Coal

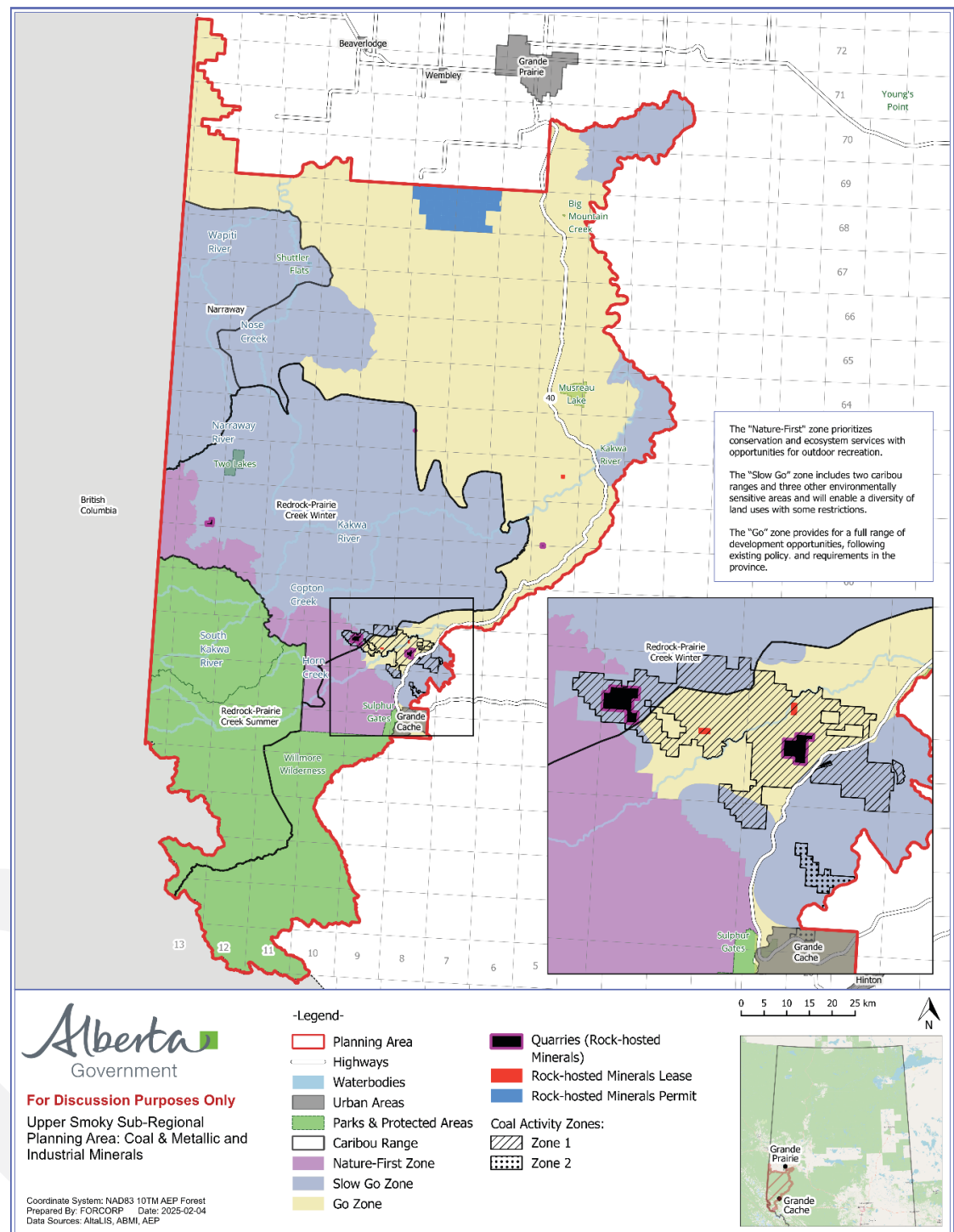
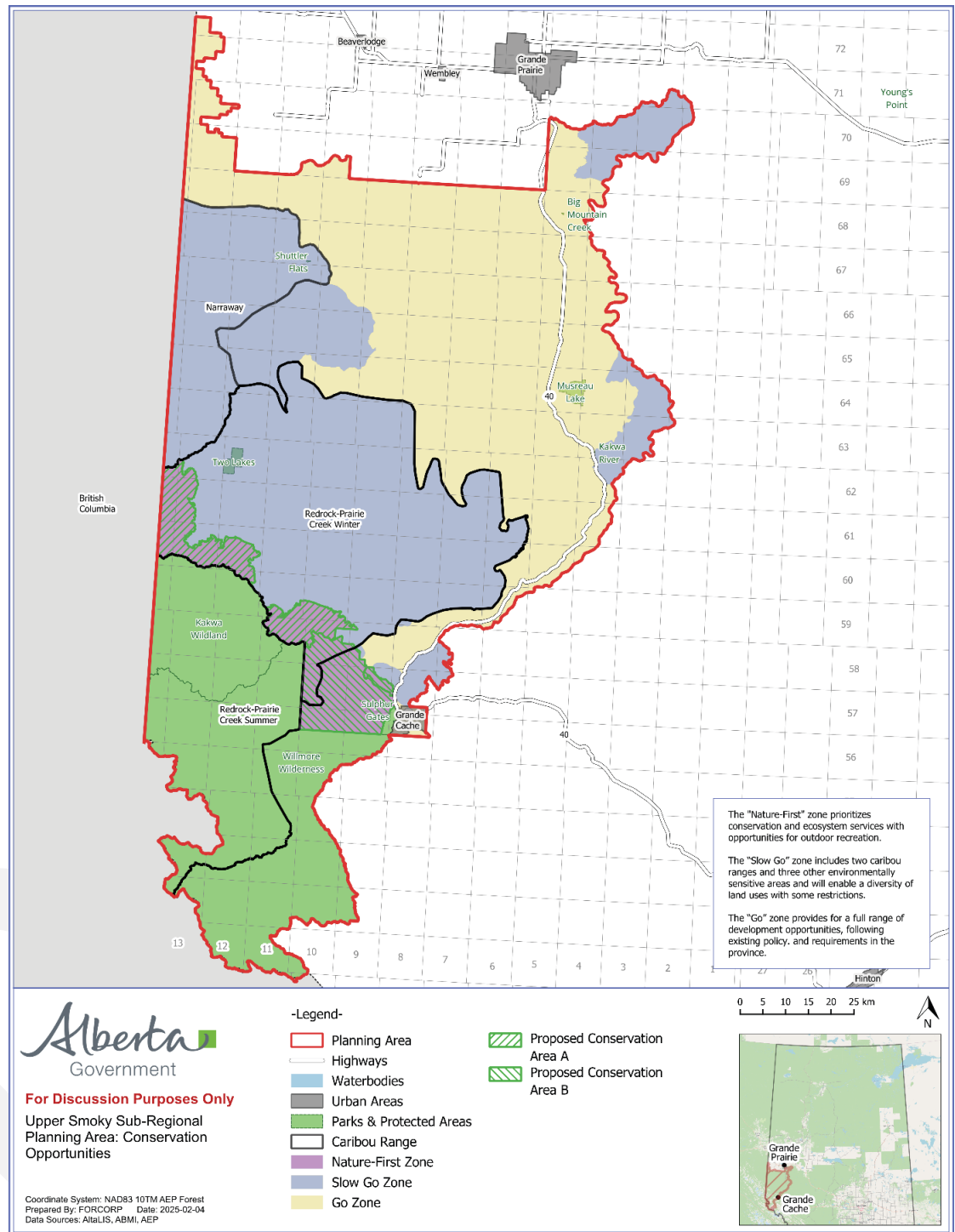


Figure 3: Upper Smoky Sub-Regional Planning Area: Conservation Opportunities



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