

Frequently Asked Questions

Interim Directive: Pilot for Reclaiming Peatlands – Decision Framework and Support Tools for Reclaiming Well Sites and Access Roads on Public Lands

Terminology

In this Frequently Asked Questions, the following short forms and acronyms are used:

AER	Alberta Energy Regulator
Calculator	Site End Land Use Recommendation Calculator
Decision Framework	<i>Certification of Mineral Soil Pads in the Boreal Region – Decision Framework and Support Tools: 2023 Update</i>
DST	Decision Support Tool
EPA	Alberta Environment and Protected Areas
Forested Land Criteria	<i>2010 Reclamation Criteria for Wellsites and Associated Facilities for Forested Lands (Updated July 2013)</i>
Pilot	<i>Interim Directive: Pilot for Reclaiming Peatlands – Decision Framework and Support Tools for Reclaiming Well Sites and Access Roads on Public Lands</i>
PTAC	Petroleum Technology Alliance Canada

General

Q: Where can I get more information on the Pilot?

A: Alberta Environment and Protected Areas' *Interim Directive: Pilot for Reclaiming Peatlands – Decision Framework and Support Tools for Reclaiming Well Sites and Access Roads on Public Lands* is available at <https://open.alberta.ca/publications/interim-directive-pilot-for-reclaiming-peatlands>.

The AER issued Bulletin 2024-04 *Pilot for Reclaiming Peatlands* (<https://www.aer.ca/regulating-development/rules-and-directives/bulletins/bulletin-2024-04>) explaining the submission process for the AER to approve requests for land use changes for oil and gas dispositions under the Pilot.

Questions regarding the policy and implementation of the Pilot may be directed to Land.Management@gov.ab.ca. Technical questions on the principles and content of the Decision Framework will be forwarded to the research team (Chibuike Chigbo, Dean MacKenzie and Chris Powter) for responses.

Q: Is the Training Webinar available?

A: Yes, you can view the Webinar at

<https://abinnovates.sharepoint.com/:v:/s/PTACStage3ResearchProgram/EYWmChHO2IVrSZZWYf3jHoBPxWXR2O1qdGd8oHqwYHkYA?e=uFaKvT>

Q: Which documents do I need to use for the Pilot?

A: Use the following updated documents from the new PTAC website:

Powter, C.B., B. Xu, K. Renkema, D. MacKenzie, B. Drozdowski and N. Shelby-James, 2023. *Certification of Mineral Soil Pads in the Boreal Region – Decision Framework and Support Tools: 2023 Update*. Prepared for the Petroleum Technology Alliance of Canada, Calgary, Alberta. Report 20-RRRC-05_4e. 38 pp. <https://www.ptac.org/wp-content/uploads/2024/01/20-RRRC-05e-Certification-of-Mineral-Soil-Pads-in-the-Boreal-Region-Decision-Framework-and-Support-Tools-2023-Update.pdf>

Site End Land Use Recommendation Calculator – https://ptac.org/wp-content/uploads/2024/05/Site-End-Land-Use-Recommendation-Calculator_FINAL.xlsx

Note that an **updated version of the Calculator** was recently uploaded to the PTAC site so discard any older versions you may have previously downloaded.

Q: Were Indigenous traditional land use practices taken into consideration when developing the support tools? If so, how do we incorporate this into our assessment?

A: Traditional use is not directly incorporated into the Decision Framework; Table 8 asks whether there is use of the access/pad by third parties (which includes Indigenous people) that is affecting or not affecting site ecological function and section 8.2 recommends providing information on third-party use. The Decision Framework relies on the consultation requirements in the Forested Land Criteria. However, if a practitioner has information from Indigenous communities related to their traditional use of the site, they could use that information to support their application for a change in land use. Note, however, that professional obligations also require practitioners to report information that does not support a change in land use.

Professional Requirements and Judgement

Q: Are there restrictions on the qualifications for practitioners submitting the applications?

A: Yes. The Interim Directive states that a **qualified professional** is required to prepare and sign off a report to support the request for a change in land use. The professional qualifications are listed in:

Alberta Institute of Agrologists et al., 2012. *Professional Responsibilities in Completion and Assurance of Reclamation and Remediation Work in Alberta - Joint Practice*

Standard. VI.1.

<https://www.albertaagrologists.ca/document/7575/Joint%20Practice%20Standard%20July%202012%20Final.pdf>

Alberta Environment and Parks, 2017. *Professional Practice Standard: Professional Responsibilities in Completion and Assurance of Wetland Science, Design and Engineering in Alberta.* <https://open.alberta.ca/publications/status-update-professional-responsibilities-in-completion-and-assurance-of-wetland-science-design>

Q: How much site-specific data will be required when using the Decision Framework?

A: As this is a Pilot program, you are strongly encouraged to provide data to support your rationale for leaving a pad in place. **Submissions without a strong rationale will be rejected.** Section 8 of the Decision Framework provides guidance on the types of information that should be provided with the application.

Q: The Decision Framework provides definitions and the factors to consider when answering Yes or No for decision nodes in the DSTs, but it appears that **professional judgement** will still be required to determine if a site is a Candidate for Peatland Reclamation or a Candidate for Upland Reclamation. Will professional judgement be accepted?

A: Professional judgement will be required but as noted above, should be backed up by data wherever possible and the rationale for making the judgement must be provided. In any case, professional judgements should be made by a qualified professional with appropriate expertise.

Eligibility

Q: Does the Pilot apply to wetland types other than peatlands (e.g., a marsh)?

A: No. Further development of the Decision Framework may allow for assessment of sites in other wetland types in future, but there is no commitment to expand this approach currently. However, the information required for the Decision Framework may be useful in supporting a request for a change in land use for those other site types.

Q: Does the Pilot apply to padded wellsites outside the Boreal Forest region?

A: No. The Decision Framework was developed using data from Boreal Forest sites and is best suited for those site types. However, the information required for the Decision Framework may be useful in supporting a request for a change in land use for sites in other regions.

Q: Can the Decision Framework be used at the abandonment stage to request a change in land use?

A: No. The research program that supported development of the Decision Framework focused on sites that were **deemed to be on a trajectory** towards developing a sustainable forest plant community from an ecological perspective. Change in land use applications should only be submitted after careful review of reclamation options. Alberta Environment and Protected Areas' preferred hierarchy of reclamation strategies for peatland sites is: (1) reclaim to peatland, (2) reclaim part of pad/access to peatland, and only then (3) reclaim to upland.

Q: Could this be applied to plants with a larger footprint (e.g., in-situ wells or plant sites)?

A: No. The Decision Framework is designed to be used for wellsites and associated access roads. Larger sites such as in-situ pads and plant sites have EPEA approvals that govern reclamation. Having said that, the information required for the Decision Framework may be useful in supporting a request for a change in land use for those other site types.

Q: Are sites that require remediation eligible for the Pilot?

A: Sites that have been remediated to meet Tier 1 or Tier 2 guidelines are eligible. Sites that require minimal disturbance to remediate existing contaminant issues may also be eligible. Remediation work cannot be so extensive that it alters the site's trajectory towards developing a sustainable forest plant community from an ecological perspective.

Adjacent and Regional Impacts Decision Support Tool

Q: The Adjacent and Regional Impacts DST mentions the Alberta Wetland Policy and the Alberta Wetland Rapid Evaluation Tool – Actual (ABWRET-A). Is the expectation that all sites will be assessed using the ABWRET-A tool?

A: No. The Wetland Policy applies to sites in the Green Area constructed from 2016 onwards. Having said that, to answer Node 4 in the DST (*Are there adjacent/regional considerations that would justify a change in land use?*) for sites constructed prior to 2016, the practitioner should provide a rationale for assigning a wetland value to the site in response to the question in Table 3.

Q: How should practitioners interpret **minor site work** in Node 2 of the Adjacent and Regional Impacts DST? For example, what mitigations would be acceptable to solve a water flow issue identified in Node 1.

A: For access roads a common practice is to trench across the road to allow water flow, however this requires hydrology expertise to appropriately locate and design the trench. If the pad is blocking water flow the options are more limited. In either case, the extent of work must not

have a long-term negative effect on peatland hydrology or vegetation or on the forested community on the pad/access. NOTE: This also applies to Nodes 11, 12, 22 and 23.

Site-specific Considerations DST

Q: Are sites that were seeded with grasses prior to June 1, 2007, that meet the minimum 80% compatible vegetation cover based on seed mix, eligible for the Pilot?

A: No. As noted above, the research program that supported development of the Decision Framework focused on sites that were deemed to be on a trajectory towards developing a sustainable **forest** plant community from an ecological perspective. Node 7 in the Site-specific Considerations DST (*Does the pad/access meet Forested Land vegetation criteria?*) requires the practitioner to answer No if the site is dominated by grasses. This does not automatically mean the site will be deemed a Candidate for Peatland Reclamation after application of the four DSTs but will certainly have an impact on the overall site recommendation.

Q: But the same grassed site would be eligible for a reclamation certificate under the Forested Land Criteria, so how does that make sense?

A: An **upland grassed site** may be eligible for a reclamation certificate if it meets the criteria. However, pads in peatlands that are proposed to be upland sites will only be allowed to remain if they are **already on a trajectory** to a forest community.

Access Decision Support Tool

Q: Can you better define **access limited by vegetation** in Node 15 of the Access DST? Are there criteria to be considered limiting or is it more about the actual physical barrier of certain vegetation?

A: If there are large trees and/or shrubs (i.e., a physical barrier) on the access this is a clear reason to answer Yes. There are no criteria specified in the Access DST other than asking if the vegetation is appropriate, inappropriate, or inadequate. The practitioner must use their professional judgement to decide if the site is on an appropriate trajectory and provide their rationale for their decision. Note that sites on the access road that have **appropriate peatland vegetation** will result in a No answer that leads directly to Candidate for Peatland Reclamation.

Borrow Decision Support Tool

Q: In a situation where the borrow pit can be left as peatland and is a functioning wetland, but the wellsite pad would need to be removed, could that be an argument to leave the wellsite as forested as the pad material has nowhere else to go?

A: In the example you provided the Borrow DST would lead to a Candidate for Upland Reclamation (borrow identified (Node 17) -> no alternative site (18) -> dugout borrow (19) ->

functional mineral wetland (21) -> Candidate for Upland Reclamation). However, if the final recommendation from the four DSTs is Candidate for Peatland Reclamation you would be expected to remove the pad/access and reclaim to a peatland. The Decision Framework cannot encompass all possible situations, so if there is compelling rationale for retaining the pad/access you might consider contacting EPA and/or the AER to see if there is an acceptable alternative approach.

Process

Q: Do I need to use the Site End Land Use Recommendation Calculator?

A: It isn't required but the same information collected and summarised in the Calculator must be provided in your application for a change in land use. The Calculator provides a simple way of entering the necessary information and produces easy-to-export data for your submission.

Q: Can I submit my application for a change in land use at the same time I submit my reclamation certificate application to the AER?

A: The preferred approach is to get pre-approval for the change in land use, then do any further site work, prepare the Detailed Site Assessment, and submit your application. The reason is that use of the Decision Framework does not guarantee approval for the change in land use. Rejection of the application means you will need to remove the pad and/or access road and reclaim the site to peatland, so the reclamation certificate application would be premature.

Q: Since this is a pilot, if work was done based on the outcome of the Decision Framework, what guarantee is there that the work wouldn't need to be re-done should the standards change following completion of the Pilot?

A: Standard practice for EPA and AER is to stand by decisions made based on requirements in place at the time of the decision unless the information supplied was incorrect or other site problems were identified.

Q: When an application is submitted, can you outline the review process and if there will be opportunities to provide additional information before a final decision is reached. What happens if an application is rejected? Is there an opportunity to revise the reclamation plan and resubmit? Looking for a collaborative approach on the best outcome where there might be some grey area.

A: Susan said she'd check but likely yes.

Q: Can the tool be incorporated into OneStop submissions that are being reviewed by the regulator before it gets to the reclamation stage.

A: The AER's website provides guidance on submitting the change in land use application under the Pilot to OneStop – <https://static.aer.ca/prd/documents/onestop/qrg-submitting-reclamation-certificate-variances.pdf>.

Other

Q: Do you want to know about sites where the Decision Framework led to a recommendation as a Candidate for Peatland Reclamation (i.e., no application for a change in land use will be made)?

A: While not a requirement for the Pilot, this information would be invaluable for further refinement of the Decision Framework. Therefore, we encourage submission of the results for selected sites such as those where you felt a change in land use would be the best option, but the Decision Framework concluded otherwise. Such information may be provided to Alberta Environment and Protected Areas through their e-mail at Land.Management@gov.ab.ca.