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Alberta Environment and Protected Areas
9915-108 Street, Petroleum Plaza, South Tower
Edmonton AB, T5K 2G8, Canada
Telephone: 780-427-1335
Email: epa.epeareview@gov.ab.ca

RE: Feedback on the Proposed Amendments to the Environmental Protection and Enhancement Act

Dear EPEA review team,

Alberta Wilderness Association (AWA) and Exposed Wildlife Conservancy (EWC) appreciate the opportunity to provide feedback on the proposed amendments to the *Environmental Protection and Enhancement Act* (EPEA).

We would like to reiterate our request to **extend and expand engagement** on the proposed amendments to EPEA. Meaningful engagement is strengthened by the inclusion of a breadth and diversity of perspectives from the whole of society. Extending the engagement would allow for the proposed changes to be better understood and would enable the inclusion of First Nations and Indigenous consultation, groups that are likely to be directly and adversely impacted by these proposed changes.

Our **recommendations to improve EPEA** and our feedback on Environment and Protected Areas' (EPA) proposed amendments within the *Modernizing Alberta's Environmental Protections Act* (Discussion Document) are discussed in detail below:

1.1 Modernizing Administrative Requirements

"Remove unnecessary requirements to publish notices in prescribed physical locations" and *"remove redundant requirements for proponents to publish or provide copies of environmental Impact Assessment materials where those materials are already made publicly available through Alberta.ca."*

- Both assume that the entire public has access to or prefers the use of electronic methods. This could be a barrier for members of the public who have previously

obtained information from local news and other physical means. Information and notification of projects should be published as widely and made as accessible as possible, through both electronic and physical means, and made available upon request to ensure the public is informed and has meaningful opportunities to participate.

1.2 Risk-based and Proportionate Regulation

"Expand the use of registrations for lower-risk activities where standardized requirements are sufficient to management environmental risks (e.g. wastewater lagoons, power plants under 10MW)."

- Expanding the use of registrations raises concerns around public engagement, cumulative effects, and the rights of those who may be directly and adversely affected due to registrations not typically allowing for statements of concern and lacking a public commenting period.
- Increased registrations could run the risk of reducing site-specific environmental safeguards. EPEA should be amended to identify regional cumulative effects and triggers for monitoring. In regions where triggers are met and/or thresholds are met, activities should return to the approval stream for assessment of additional monitoring, mitigation, and consideration of the viability of the activity in relation to the existing human footprint and impacts in the region.

"Enable statutory decision-makers to use Letters of Authorization for minor deviations or variances where an approval amendment would be disproportionate to the environmental risks."

- Letters of authorization should not be allowed if the deviation or variance results in an increased impact on the environment via environmental loading or an increase in greenhouse gas emissions.
- Access to information on the proposed variance should be ensured, and public participation should be enabled when establishing the impacts of variances or deviations proposed under letters of authorization.

"Identify other opportunities to improve regulatory efficiency without compromising environmental protection."

- To clarify expectations and simplify the process, the Act must require all projects and proponents to provide a security deposit up front to cover any liabilities. Currently, some industries are required to do this while others are not, which creates an unequal and confusing process to navigate and leaves both the public and the environment open to undue risk should projects lacking security deposits fail.
    - This could be remedied by removing "if required by the regulations" in 84 (1) Security, and any other related sections, so it states.

Numerous sections in the EPEA are written in the following format,

"Where the Director [or Minister, Inspector, Investigator] is **of the opinion that**… the Director [or Minister, Inspector, Investigator] **may**…" (Sections 18, 41, 43, 47, 64, 113, 114, 115, 116, 125, 143, 151, 152, 156, 158, 160, 210, 237). The words in bold are entirely discretionary, and in conjunction, redundant. Directors' opinions will inherently vary, along with their willingness to act upon those opinions. This leaves room for inconsistent and incoherent decision-making, a lack of clarity around what is and is not permissible under the Act, and increased potential for legal challenges, all of which reduce regulatory efficiency.

- Amending this language to clarify the chain of events would simplify the actions Directors take in administering this legislation. Instead of allowing opinions to dictate whether an action is required under the legislation, clear, binding rubrics or decision trees should be established. Using Section 125, *Designation of contaminated sites* as an example, employing a rubric or decision trees to determine when a "significant adverse effect is present in an area of the environment" and if a "substance may cause, is causing, or has caused" said effect would lead to more consistent, defensible decisions by the Director(s). Similar guiding rubrics are already found and employed elsewhere in the Act, such as within the Administrative Penalty Regulation. Additionally, changing the word "may" to "must" in these instances ensures that action occurs should a rubric or decision tree determine it is required.

1.3 Approval Renewals

- Term limits for approvals should be maintained. Often by the time renewals are required to be submitted, environmental conditions and data have changed markedly from when the project was originally approved. It is important to reevaluate the impacts of a development in order to strengthen environmental commitments based on more current data and knowledge and foster innovation.
- EPEA should identify that renewals need to adhere to pollution prevention and Polluter Pays Principles. EPEA must prohibit exempting approval conditions that are no longer stringent enough or are inconsistent with what would be required of a new application.

"Extend approval terms for approvals with well-understood impacts."

- Extended approvals should only be included if the impacts are already well controlled, mitigated, and addressed. However, the wording "well-understood" is quite discretionary and leaves action up to individual interpretation.

1.4 Remediation and Reclamation

"Provide flexibility to regulators where reclamation requirements have been met, including regulator-initiated issuance of reclamation certificates where appropriate."

"Create a new risk-informed pathway for lands with residual contamination suitable for defined uses while maintaining environmental protection and long-term accountability."

- The Polluter Pays Principle must be upheld, and all projects should meet the reclamation standards of their approvals required. The issuing of reclamation certificates should not be discretionary; clear standards must be met before certificates are issued.
- If someone pollutes the environment or otherwise contravenes the Act, they must be held accountable for their actions, consistent with the Polluter Pays Principle mentioned in Section 2(i), the Purpose of Act.
- Operators must remain liable for sites for a specific time after the issuance of a reclamation certificate.
- EPEA must require, by the regulations, that all projects and proponents provide a security deposit up front to cover any liabilities, including reclamation.

2.1 Innovation and Experimental Approaches

"Create a specialized regulatory pathway for pilot projects and demonstration technologies."

- Further information and regulatory oversight on what constitutes a "pilot project" and "demonstration technologies" is required.
- Activities of this nature would require increased monitoring until impacts are well understood and addressed, and must include public participation and engagement.

2.2 Designated Zones

- We do not support the inclusion of Designated Zones within EPEA, as they could allow projects to be approved without consideration of site-specific environmental issues or needs, and without acknowledgement of how specific projects may alter the local environment in different ways.
- EPEA Designated Zones could also deter and reduce public consultation; this should not be diminished from the current standard.
- EPEA should be amended to identify regional cumulative effects and triggers for monitoring via a regional or strategic assessment. Regions where triggers and/or thresholds are met would warrant activities returning to the approval stream for assessment of additional monitoring, mitigation, and public engagement on activity viability considering the region's cumulative effects.
- Designated Zones should not impact habitat of species listed under the Alberta *Wildlife Act* or the federal *Species at Risk Act* (SARA), and they should not impede the recovery of any such species, whether directly or indirectly.

2.3 Environmental Impact Assessments and Regional Assessment Approaches

"Better align environmental assessment requirements with project risk, activity scale, cumulative effects information, and potential environmental effects."

- Since the inception of EPEA, risks have only increased and therefore any changes to risk assessments should undergo engagement and be assessed externally.
- Environmental Assessments (EA) should be based on the full buildout of a project and include all phases and expansions. This would fit under *"better alignment with EA"* and facilitate a better understanding of a project's cumulative effects.

"Enable creation of regional assessments and clarify how they should influence project-specific EIA determinations and requirements."

- Regional assessments should not replace the requirement for a project or activity-based assessment. This would lead to oversight of acute and local impacts of projects and an increase in cumulative effects not captured within the regional assessment, resulting in undue impacts to the ecosystems.

- Regional assessments need to include environmentally significant areas, key biodiversity areas, critical habitats of both provincially listed (*Wildlife Act*) and federally listed (SARA) species. Avoidance of these important areas should be prioritized as a first measure in development.
- Regional assessments should identify triggers and thresholds on biodiversity, wildlife, air, water, and the whole ecosystem They should also identify ecosystem components and valued ecosystems to enable and guide conservation, restoration, and maintenance of these valued and sensitive ecosystems.

"Consider updating mandatory activity thresholds and whether activities should be added, removed, or redefined."

- Include hyperscale AI data centres and their power plants in the mandatory list and the *Schedule of Activities* within EPEA.
- Changes to mandatory activities should not be allowed if the change has adverse effects on ecosystems, human health, or the well-being of society.
- Removals of activities should be based on clearly reasoned and justifiable changes to environmental impacts, not on project approval efficiency and/or expediency.

"Clarify the role and need for EIAs related to expansions or modifications of existing authorized facilities, including how materially greater impacts should be defined."

- Environmental Impact Assessments (EIAs) should be based on the full buildout of a project and include all phases and expansions. This would fit under *"better alignment with EIAs"* and facilitate a better and understanding a project's cumulative effects.
- Phasing of projects to avoid EIAs should not be allowed or feasible.
- Include All-season resort developments in Schedule 1 of the Environmental Assessment (Mandatory and Exempted Activities) Regulation, Alta Reg 111/1993.
- Ensure further engagement and consultation on the definition of expansions and modifications.

3.1 Definitions, Activities, and Regulatory Triggers

" Update activity definitions to ensure regulation is proportionate to actual environmental risk."

- There must be a clear, consistent, robust, and transparent framework in place to evaluate environmental risk. Risk assessments must be based on current and local environmental monitoring data, consider risk in relation to the cumulative impacts

already present (i.e., activities should not be evaluated as if they exist in isolation), and allow meaningful opportunities for public participation. Activities must not be assigned blanket categories of risk (i.e., changes should not be made to say the following activities are all considered low-risk and therefore exempt).

"Add or clarify definitions that are routinely disputed or inconsistently interpreted" and " Reduce ambiguity in statutory language."

- To provide the requested feedback, EPA must provide a list of definitions that are routinely disputed, inconsistently interpreted, or ambiguous.

3.2 Emerging Industries and Technologies

"Review and update activity definitions, regulatory triggers, and thresholds to ensure emerging industries and technologies are directed into appropriate regulatory pathways based on their activities and environmental risk."

- Any changes to the definitions of activities should be publicly consulted on, transparent, and clearly justified by rationale. Emerging industries and technologies should not have separate, expedited, or less stringent regulatory pathways than other activities. Their novel nature necessitates that evaluations and assessments of their impacts be robust and thorough, as unlike routine activities, their impacts are less likely to be understood.

3.3 Public Participation and Transparency

"Clarify participation and standing requirements so it is clear how a person can participate in the regulatory process."

- All current rights of public participation must at minimum be maintained but ideally should be improved. Participation and standing rights are too narrowly defined. EPEA should be strengthened to recognize genuine public interest standing, which would align the Act with best practices in environmental law (Aarhus Convention, Article 2, s.5 and related rights) and give more credence to government claims of having the strongest environmental protections in the world.
- Foundational aspects of environmental law must be maintained, and components of public participation and formal legal rights for activities should also be maintained, such as:
    - rights to submit a statement of concern and to appeal decisions to the Alberta Environmental Appeals Board;

    - hearing rights and discretion around granting hearing costs;
    - rights to intervene in hearing for public interest groups and others who may not be considered "directly and adversely affected"; and
    - adequate notice for public participants to conduct third party inquiries into the facts and evidence of proposed activities and decision-making processes.

"Improve transparency and accountability throughout the regulatory process."

- Section 35, on the Disclosure of Information, provides a list of documents and information in EPA's possession that must be disclosed to the public.
    - We recommend the following be added to the most appropriate subsection: "Data, documents, and information created or informed through public consultation or engagement must be disclosed to the public in a timely manner."
- Ensuring the results of public consultation and engagement are made publicly available increases transparency and accountability, particularly if legislative, regulatory, or policy changes are made based on these results. Additionally, these results must be made publicly available before such changes occur to demonstrate how/if public feedback informed decision-making.
- This amendment would also reduce burden on EPA in fulfilling Access to Information (ATI) requests. Recent public engagement results have not been disseminated publicly in a timely manner, resulting in organizations, media, and members of the public turning to the ATI Act (of former Freedom of Information legislation) to bring the results into the public domain (Plan for Parks[1], Water Availability Engagement[2], Alberta Next[3]). Proactively releasing the results of public engagement would save time, labour, and resources within the Department, increasing overall efficiency and freeing up civil servants to complete other tasks.

"Improve predictability of regulatory timelines."

- Regulatory timelines must be sufficient to ensure due time for robust public participation, as well as time to gather environmental data and evidence to inform strong decision-making. Notice of public engagement or feedback opportunities

[1] Albertans seek more accessible, affordable provincial parks: government survey. Edmonton Journal, October 2, 2024.
[2] Freedom of Information request results from Alberta Government Public Engagement: Water Availability. Alberta Wilderness Association, October 22, 2025.
[3] Province broke its own access to information laws in withholding Alberta Next survey results. Edmonton Journal, February 10, 2026.

must be provided in advance and widely distributed. Timelines should not be shortened just to expedite regulatory approvals, as this reduces scrutiny and oversight and risks impacts proceeding through the process unaddressed.

We support improving legislation and regulatory processes when doing so strengthens environmental outcomes, but efficiency must not be the only measure of modernization. Ecosystems have only seen increased pressures since the initial implementation of EPEA, and retaining robust and environmental assessments, public participation and transparency, and effective enforcement and accountability are key to ensuring efficiency does not outpace environmental protection.

Sincerely,

Cameron Hunter
Conservation Specialist

Alberta Wilderness Association

Maggie Spizzirri

Executive Director
Exposed Wildlife Conservancy