

Regulatory Details Plan

Part 10 Bistcho Lake Subregional Plan

Application of part

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

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) “access control”
 - (i) for the purpose of sections 40 to 43, means deterring access to and travelling on a linear feature by off highway vehicles and may include, but is not limited to debris roll back, tree felling or bending across the line, and reforestation site preparation;
 - (ii) for the purpose of sections 44 to 50, means deterring access to and travelling on seismic access lines and source lines by off highway vehicles and may include, but is not limited to debris roll back, tree felling or bending across the line, and reforestation site preparation;
- (b) “anthropogenic footprint” means the visible alteration or conversion of native ecosystems to temporary or permanent recreational, agricultural, or industrial landscapes by human use;
- (c) “appended development” means development that occurs within 100 metres from the edge of the lands contained in the formal disposition for a primary road or a secondary road;
- (d) “appended development road” means a road up to 200 metres in length the sole purpose of which is to provide access from a primary road or a secondary road to an appended development;
- (e) “borrow” means sand, silt or non-manufacturing clay material for use in construction projects;
- (f) “caribou biophysical habitat” means habitat containing characteristics required by boreal caribou (*Rangifer tarandus*) to carry out life processes necessary for survival and recovery within caribou ranges in Alberta as identified through the methodology and classification system published by the Department, as amended or replaced from time to time;
- (g) “caribou range” means those lands identified as caribou range in Figure 1;
- (h) “category 1 land use” means a planning unit classified as level 1 on Figure 3;

- (i) “category 2 land use” means a planning unit classified as level 2 on Figure 3;
- (j) “decision-maker” means a decision-maker as defined under the *Alberta Land Stewardship Act*;
- (k) “Department” means the department administered by the Designated Minister referred to in section 4 or unless otherwise specified;
- (l) “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;
- (m) “disposition” means a disposition as defined under the *Public Lands Act*;
- (n) “ecosite” means an ecosite as defined by Beckingham, J.D., Archibald, J.H. (1996) in the “Field Guide to Ecosites of Northern Alberta”;
- (o) “ecosite phase” means an ecosite phase as defined by Beckingham, J.D., Archibald, J.H. (1996) in the “Field Guide to Ecosites of Northern Alberta”;
- (p) “end pit lake” means a body of water that is created by and remains after the reclamation of a pit;
- (q) “existing primary road” means a road identified as an existing primary road in Figure 7;
- (r) “existing secondary road” means a road as identified as a secondary road in Figure 7;
- (s) “exploration approval” means an exploration approval as defined under the *Mines and Minerals Act*;
- (t) “formal disposition” means a formal disposition as defined under the *Public Lands Administration Regulation*;
- (u) “future primary road” means a road, built or unbuilt, to access the subregional area, that
 - (i) may connect different planning units,
 - (ii) is identified as a future primary road on Figure 7,
 - (iii) requires a formal disposition, and
 - (iv) meets the requirements of sections 13 or 14, as applicable, and sections 16, 17 and 18;
- (v) “future secondary road” means a road, built or unbuilt, to access development within a planning unit that
 - (i) requires a formal disposition, and
 - (ii) meets the requirements of sections 13 or 14, as applicable, and sections 19, 20 and 21;

- (w) “geophysical exploration” means surveying that is aimed at the subsurface investigation of the earth and requires the application of geophysical sciences, but does not include drilling;
- (x) “level 1 restoration” means to meet the following
 - (i) within an upland ecosite
 - (A) re-establish a plant community indicative of the pre-disturbance ecosite phase,
 - (B) re-establish trees if trees were on the site pre-disturbance, and
 - (C) if the upland ecosite is within a caribou range and if the pre-disturbance ecosite phase was capable of producing caribou biophysical habitat, that area shall be restored back to an ecosite phase capable of producing caribou biophysical habitat,
 - (ii) within a wetland
 - (A) re-establish a plant community indicative of the pre-disturbance wetland class,
 - (B) re-establish trees if trees were on the site pre-disturbance, and
 - (C) if the wetland is within a caribou range and if the pre-disturbance wetland was capable of producing caribou biophysical habitat, that area shall be restored back to a wetland class in the natural sub-region capable of producing caribou biophysical habitat;
- (y) “level 2 restoration” means to meet the following
 - (i) within an upland ecosite
 - (A) re-establish a plant community indicative of the pre-disturbance ecosite,
 - (B) re-establish trees if trees were on the site pre-disturbance, and
 - (C) if the upland ecosite is within a caribou range and if the pre-disturbance ecosite was capable of producing caribou biophysical habitat, that area shall be restored back to an ecosite capable of producing caribou biophysical habitat,
 - (ii) within a wetland
 - (A) re-establish trees if trees were on the site pre-disturbance, and
 - (B) if the wetland is within a caribou range and if the pre-disturbance wetland was capable of producing caribou biophysical habitat, that area shall be restored back to

- I. a wetland found in the natural sub-region capable of producing caribou biophysical habitat, or
 - II. an upland ecosite capable of producing caribou biophysical habitat;
- (z) “level 3 restoration” means to meet the following
- (i) within an upland ecosite
 - (A) re-establish a plant community found in the natural sub-region,
 - (B) re-establish trees if trees were on the site pre-disturbance, and
 - (C) if the upland ecosite is within a caribou range and if the pre-disturbance ecosite was capable of producing caribou biophysical habitat, that area shall be restored back to an ecosite capable of producing caribou biophysical habitat,
 - (ii) within a wetland
 - (A) re-establish trees if trees were on the site pre-disturbance, and
 - (B) if the wetland is within a caribou range and if the pre-disturbance wetland was capable of producing caribou biophysical habitat, that area shall be restored back to
 - I. a wetland found in the natural sub-region capable of producing caribou biophysical habitat, or
 - II. an upland ecosite capable of producing caribou biophysical habitat;
- (aa) “linear feature” means a human-made corridor including but not limited to pipelines, transmission lines, roads and lines defined in this part associated with geophysical exploration;
- (bb) “natural disturbance” means disturbance to the landscape that is not human caused including fire, wind, insects, floods, and landslides;
- (cc) “planning unit” means a planning unit identified in Figure 3;
- (dd) “plant community” means a collection or association of plant species within a designated geographical unit, which forms a relatively uniform patch, distinguishable from neighboring patches of different vegetation types, and it is a subdivision of the ecosite phase and the lowest taxonomic level in the hierarchy;
- (ee) “pre-disturbance” means the state of the lands at a site prior to a human-caused disturbance and does not include natural disturbance;

- (ff) “primary road” means existing primary roads and those roads built under a formal disposition in accordance with sections 13 or 14, as applicable, and sections 16, 17 and 18;
- (gg) “proposed road” means a future primary road or a future secondary road being applied for and considered by the decision-maker after the coming into force of this Part;
- (hh) “receiver line” means a linear feature identified within the exploration approval, used exclusively for stringing geophones;
- (ii) “regulator” means the Regulator as defined in the *Responsible Energy Development Act*;
- (jj) “regulatory body” means the regulatory body that issued the statutory consent;
- (kk) “road classification” means a classification as published by the Designated Minister referred to in section 5 as amended or replaced from time to time with the highest road classification being class I and lowest road classification being class VI;
- (ll) “seismic access line” means an existing or new linear feature used for access into and within the lands identified in the exploration approval;
- (mm) “sensitive area” means an area identified on Figure 6;
- (nn) “secondary road” means existing secondary roads and those roads built under a formal disposition in accordance with sections 13 or 14, as applicable, and sections 19, 20 and 21;
- (oo) “source line” means a linear feature identified within the exploration approval, which energy source points are established for the purposes of generating seismic waves;
- (pp) “statutory consent” means statutory consent as defined in the *Alberta Land Stewardship Act*;
- (qq) “subregional plan area” means the geographical area identified in Figure 1;
- (rr) “surface material” means sand, gravel and borrow and does not include peat;
- (ss) “transmission line” means a line greater than 25 kilovolts;
- (tt) “temporary field authorization” or “TFA” means any authorization for the occupation and use of public land issued under the *Public Lands Act* and includes but is not limited to authorizations issued for a coal exploration program, oil sands exploration program, surface material exploration or metallic mineral exploration;
- (uu) “temporary field authorization road” means a road that is authorized under a temporary field authorization;
- (vv) “temporary road” means a road that is part of a harvest area or that connects harvest areas, and that is authorized under an annual operating plan under the *Timber Management Regulation*;

- (ww) “traditional values” means values associated with the traditional land uses of First Nations and Metis, including the exercise of rights to hunt, fish, and trap for food;
- (xx) “undisturbed habitat” means the sum of habitat calculated using the federal recovery strategy methods and accounts for all existing anthropogenic footprint and statutory consent for activities that will cause anthropogenic footprint and natural disturbance such as wildfire;
- (yy) “upland” means any land that is not a wetland;
- (zz) “vegetation control” means the selective removal, control or other management of vegetation growth;
- (aaa) “wetland” means a wetland as defined in the “Alberta Wetland Policy”, published by the Department, as amended or replaced from time to time; and
- (bbb) “wetland class” means a wetland class as described in the Alberta Wetland Classification System, published by the Department, as amended or replaced from time to time.

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 3(kk) of this Part in respect of public land for classification of roads, 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 sections 55 to 63 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*, as applicable.

Setbacks from Waterbodies and Watercourses

Definitions

7 For the purpose of sections 7 to 11,

- (a) “development reserve” means 0.5 percent of the total area of the watercourse and waterbody buffer, excluding the bed and shore, within a hydrologic unit in the subregional plan area identified in Table 1, reserved by the Department for potential development;
- (b) “historical values” means a historic object, historic resource, or historic site as defined in the *Historical Resources Act*;

- (c) “mitigation” means mitigation as defined in the “Alberta Wetlands Mitigation Directive”; and
- (d) “valley break” means the valley break spatially delineated and published by the Department, as amended or replaced from time to time.

Table 1. Hydrologic unit within Subregional Plan Area.

Hydrologic Unit
Chinchaga
Kakisa River
Lowe Hay
Peitot River
Upper Hay

Rules for water bodies - applicants

8(1) Subject to subsection (2), no person shall apply for a disposition, for any purpose, if the lands identified in the application for the disposition are within 250 metres of the bed and shore of any water body identified in Figure 2.

(2) Subsection (1) does not apply if the disposition applied for is for

- (a) a renewal to a disposition issued prior to the coming into force of this Part, as long as the renewal does not change either the nature or location of the infrastructure within 250 metres of the bed and shore of any water body identified in Figure 2,
- (b) a recreational purpose,
- (c) a water outfall structure,
- (d) a water intake structure,
- (e) subject to section 51, an activity where the person has
 - (i) identified the proposed location,
 - (ii) received confirmation from the Department that the development reserve may be available,
 - (iii) demonstrated to the Department that the proposed location of the disposition provides for the mitigation of impacts to ecological values, traditional values, historical values and compatible recreational values, and

- (iv) demonstrated to the Department that the proposed location of the disposition results in the least possible anthropogenic footprint,
- (f) a future primary road or future secondary road to provide access to a disposition applied for under (b) to (e), or
- (g) despite the requirements for the width of a receiver line, a seismic access line and a source line in sections 45 and 46, an exploration approval that meets the following criteria
 - (i) a receiver line, seismic access line, or a source line is no wider than 1.75 metres at any location on the line, and
 - (ii) the exploration approval does not compromise the integrity of the lands within 250 metres of the bed and shore of any water body identified in Figure 2.

Rules for water bodies – decision-makers

9(1) Subject to subsection (2), no decision-maker shall issue a disposition for an application made after the coming into force of this Part, for any purpose, if the lands identified in the application for the disposition are within 250 metres of the bed and shore of any water body identified in Figure 2.

(2) Subsection (1) does not apply if the disposition applied for is for

- (a) a renewal to a disposition issued prior to the coming into force of this Part, as long as the renewal does not change either the nature or location of the infrastructure within 250 metres of the bed and shore of any water body identified in Figure 2,
- (b) a recreational purpose,
- (c) a water outfall structure,
- (d) a water intake structure,
- (e) subject to section 52, an activity where the Department has determined that the issuance of the disposition
 - (i) would not result in the development reserve being exceeded,
 - (ii) provides for the mitigation of impacts to ecological values, traditional values, historical values and compatible recreational values, and
 - (iii) results in the least possible anthropogenic footprint,
- (f) a future primary road or future secondary road to provide access to a disposition applied for under (b) to (e), or
- (g) despite the requirements for the width of a receiver line, a seismic access line and a source line in sections 45 and 46, an exploration approval that meets the following criteria

- (i) a receiver line, seismic access line, or a source line is no wider than 1.75 metres at any location on the line, and
- (ii) the exploration approval does not compromise the integrity of the lands within 250 metres of the bed and shore of any water body identified in Figure 2.

Rules for watercourses - applicants

10(1) Subject to subsection (2), no person shall apply for a disposition, for any purpose, if the lands identified in the application for the disposition are within 250 metres of the valley break of any watercourse identified in Figure 2.

(2) Subsection (1) does not apply if the disposition applied for is for

- (a) a renewal to a disposition issued prior to the coming into force of this Part, as long as the renewal does not change either the nature or location of the infrastructure within 250 metres of the valley break,
- (b) a recreational purpose,
- (c) a watercourse crossing and the lands applied for to approach the crossing cause the lowest impact to biodiversity,
- (d) a pipeline crossing or a telecommunication line crossing and the lands applied for to approach the crossing cause the lowest impact to biodiversity,
- (e) an electrical distribution or transmission line crossing, and the lands applied for to approach the crossing cause the lowest impact to biodiversity,
- (f) sand and gravel operations along the Hay River,
- (g) a water outfall structure,
- (h) a water intake structure,
- (i) subject to section 51, an activity where the person has
 - (i) identified the proposed location,
 - (ii) received confirmation from the Department that the development reserve may be available,
 - (iii) demonstrated to the Department that the proposed location of the disposition provides for the mitigation of impacts to ecological values, traditional values, historical values and compatible recreational values, and
 - (iv) demonstrated to the Department that the proposed location of the disposition results in the least possible anthropogenic footprint,
- (j) a future primary road or future secondary road to provide access to a disposition applied for under (b) to (i), or

- (k) despite the requirements for the width of a receiver line, a seismic access line and a source line in sections 45 and 46, an exploration approval that meets the following criteria
 - (i) a receiver line, seismic access line, or a source line is no wider than 1.75 metres at any location on the line, and
 - (ii) the exploration approval does not compromise the integrity of the lands within 250 metres of the valley break of any watercourse identified in Figure 2.

Rules for watercourses – decision-makers

11(1) Subject to subsection (2), no decision-maker shall issue a disposition for an application made after the coming into force of this Part, for any purpose, if the lands identified in the application for the disposition are within 250 metres of the valley break of any watercourse identified in Figure 2.

(2) Subsection (1) does not apply if the disposition applied for is for

- (a) a renewal to a disposition issued prior to the coming into force of this Part, as long as the renewal does not change either the nature or location of the infrastructure within 250 metres of the valley break,
- (b) a recreational purpose,
- (c) a watercourse crossing and the lands applied for to approach the crossing cause the lowest impact to biodiversity,
- (d) a pipeline crossing or a telecommunication line crossing and the lands applied for to approach the crossing cause the lowest impact to biodiversity,
- (e) an electrical distribution or transmission line crossing, and the lands applied for to approach the crossing cause the lowest impact to biodiversity,
- (f) sand and gravel operations along the Hay River,
- (g) a water outfall structure,
- (h) a water intake structure,
- (i) subject to section 52, an activity where the Department has determined that the issuance of the disposition
 - (i) would not result in the development reserve being exceeded,
 - (ii) provides for the mitigation of impacts to ecological values, traditional values, historical values and compatible recreational values, and
 - (iii) results in the least possible anthropogenic footprint,
- (j) a future primary road or future secondary road to provide access to a disposition applied for under (b) to (i), or

- (k) despite the requirements for the width of a receiver line, a seismic access line and a source line in sections 45 and 46, an exploration approval that meets the following criteria
 - (i) a receiver line, seismic access line, or a source line is no wider than 1.75 metres at any location on the line, and
 - (ii) the exploration approval does not compromise the integrity of the lands within 250 metres of the valley break of any watercourse identified in Figure 2.

Access Management

Exception

12 Sections 12 to 21 do not apply to

- (a) a temporary road,
- (b) an appended development road, or
- (c) a temporary field authorization road.

Rules for category 1 land use

13(1) The number of planning units classified as category 1 land use shall not exceed 13 and shall not be less than 10 for a minimum of five years after the coming into force of this Part.

(2) In any category 1 land use planning unit

- (a) where the surface disturbance from primary roads and secondary roads exceeds 25% disturbed habitat in any portion of the planning unit that overlaps with caribou range, no future primary or secondary roads are permitted within caribou range,
- (b) the road density of all future primary roads shall not exceed 0.1 km/km²,
- (c) the road density for all primary roads and all secondary roads shall not collectively exceed 0.25 km/km², and
- (d) despite subsection (c), where the maximum road density for existing primary roads and existing secondary roads has been exceeded on the day of the coming into force of this Part, no future secondary roads are permitted unless the development requiring access is greater than four kilometres from an existing secondary road or an existing primary road.

Rules for category 2 land use

14(1) The number of planning units classified as category 2 land use shall not exceed 14 and shall not be less than 11 for a minimum of five years after the coming into force of this Part.

(2) In any category 2 land use planning unit

- (a) where the surface disturbance from primary roads and secondary roads exceeds 9% disturbed habitat in any portion of the planning unit that overlaps with caribou range, no future primary or secondary roads are permitted within caribou range,
- (b) the road density of all primary roads shall not exceed 0.1 km/km², and
- (c) no future secondary road shall be constructed except to access a mineral lease agreement issued prior to the coming into force of this Part.

Prohibition for roads in sensitive areas

15(1) A person shall not apply for a primary road or secondary road in a sensitive area.

(2) A decision-maker shall not approve a primary road or secondary road in a sensitive area.

Rules for future primary roads

16 A future primary road shall

- (a) be constructed to a road classification equal or lower than the road classification as shown on Figure 4,
- (b) start from a primary road, and
- (c) comply with sections 8 to 11 of this Part.

Future primary roads – applicants

17(1) A person who applies for a future primary road in any planning unit shall, in the application

- (a) identify the location of the proposed road, including the distances in metres in relation to the centre line of the closest future primary road shown on Figure 7 to the proposed road,
- (b) demonstrate the proposed road complies with the rules in sections 13 or 14, as applicable, and section 16,
- (c) demonstrate the proposed road, if constructed, will not exceed the road density limits for each planning unit where the proposed road would be built, and
- (d) submit the calculations for meeting subsection (c) for each planning unit where the proposed road would be built using the formula in Table 2, Table 3, or both, as applicable.

Table 2. Primary Road Density Formula (applies to Category 1 land use planning units and Category 2 land use planning units)

Density of Proposed Primary Road in the planning unit	Proposed road (km) + future primary roads (km)
	Planning unit area (km²)

Table 3 Combined Road Density Formula (applies only to Category 1 land use planning units)

Combined road density in the planning unit	Proposed road (km) + existing primary roads (km) + future primary roads (km) + secondary roads (km)
	Planning unit area (km²)

(2) If any portion of the future primary road applied for in subsection (1) is greater than 300 metres from the centre line of the closest future primary road shown on Figure 7 to the proposed road, the application shall

- (a) include all the requirements in subsection (1), and
- (b) demonstrate the proposed road, if constructed, will connect with an existing primary road or a future primary road.

(3) If any portion of the future primary road applied in subsection (1) is greater than 1000 metres from the centre line of the closest future primary road shown on Figure 7 to the proposed road, the application shall

- (a) include all the requirements in subsections (1) and (2), except the road shall be constructed to a road classification of Class IV to Class VI, and
- (b) demonstrate that the proposed road is a minimum of six kilometres from any primary road, not including the primary road from which the proposed road starts.

Future primary roads – decision-makers

18 A decision-maker shall not issue a formal disposition for the purpose of a future primary road unless

- (a) the application requirements in section 17 have been met, and
- (b) the road complies with the rules in sections 13 or 14, as applicable, and section 16.

Rules for future secondary roads

19 A future secondary road shall

- (a) be constructed to a road classification equal or lower than any of the roads connecting to the future secondary road,
- (b) within caribou range, be constructed to a road classification of Class IV or lower, and
- (c) comply with sections 8 to 11 of this Part.

Future secondary roads - applicants

20 A person who applies for a future secondary road in any planning unit shall, in the application

- (a) identify the location of the road,
- (b) demonstrate the proposed road complies with the rules in sections 13 or 14, as applicable, and section 19,
- (c) demonstrate the proposed road, if constructed, will not exceed the road density limits for each planning unit where the proposed road would be built, and
- (d) submit the calculations for meeting subsection (c) for each planning unit where the proposed road would be built using the formula in Table 3, if applicable.

Future secondary roads – decision-makers

21 A decision-maker shall not issue a formal disposition for the purpose of a future secondary road unless

- (a) the application requirements in section 20 have been met, and
- (b) the road complies with the rules in sections 13 or 14, as applicable, and section 19.

Watercourse Crossings

22 A watercourse crossing owner as defined in the *Code of Practice for Watercourse Crossings* shall

- (a) monitor,
- (b) maintain,
- (c) remediate, and
- (d) report

a watercourse crossing in accordance with the “Roadway Watercourse Crossing Inspection Manual” and any other directives published by the Department, as amended or replaced from time to time.

Appended Development

Prohibition – applicants

23 Subject to section 24, no person shall apply for a formal disposition for any purpose within a category 2 land use planning unit unless it is an appended development from a primary road.

Exception

24 Section 23 does not apply to an application for a formal disposition for

- (a) a transmission line,
- (b) a pipeline,
- (c) a road, or
- (d) a sand and gravel operation in Zone B as identified in Figure 8.

Prohibition – decision-makers

25 Subject to section 26, no decision-maker shall issue a formal disposition for any purpose within a category 2 land use planning unit unless it is an appended development from a primary road.

Exception

26 Section 25 does not apply if the formal disposition applied for is for

- (a) a transmission line,
- (b) a pipeline,
- (c) a road, or
- (d) a sand and gravel operations in Zone B as identified in Figure 8.

Prohibition for sand and gravel operations – applicants

27 Within a category 2 land use planning unit, no person shall apply for a disposition for the purposes of a sand and gravel operation in Zone B, as identified in Figure 8, unless the edge of the proposed lands contained in the disposition is no greater than 1000 metres from the edge of the lands contained in a disposition for a primary road.

Prohibition for sand and gravel operations – decision-makers

28 Within a category 2 land use planning unit, no decision-maker shall issue a disposition for the purposes of a sand and gravel operation in Zone B, as identified in Figure 8, unless the edge of the proposed lands contained in the disposition is no greater than 1000 metres from the edge of the lands contained in a disposition for a primary road.

Prohibition for appended development roads - applicants

29 Within a category 2 land use planning unit, no person shall apply for an appended development road for any purpose unless the road classification of the appended development road is equal to or lower than the class of road from which the appended development road originates.

Prohibitions for appended development roads – decision-makers

30 Within a category 2 land use planning unit, no decision-maker shall issue a disposition for an appended development road for any purpose unless the road classification of the appended development road is equal to or lower than the class of road from which the appended development road originates.

Rules for Restoration

Definitions

31 For the purposes of sections 31 to 37, the “holder” of a TFA, disposition or formal disposition means the current and any former holder of the TFA, disposition or formal disposition.

Restoration requirements in addition to reclamation

32 Any requirement to restore lands in this Part is in addition to the requirement to reclaim to any other standard prescribed by regulation.

Resolution of conflicting provisions

33 Where there is a conflict between the requirements in this Part to achieve

- (a) level 1 restoration and a requirement to reclaim to any other standard prescribed by regulation, then the obligation prescribed by level 1 restoration prevails to the extent of that conflict,
- (b) level 2 restoration and a requirement to reclaim to any other standard prescribed by regulation, then the obligation prescribed by level 2 restoration prevails to the extent of that conflict, and
- (c) level 3 restoration and a requirement to reclaim to any other standard prescribed by regulation, then the obligation prescribed by level 3 restoration prevails to the extent of that conflict.

Rules for end of life restoration for TFA holders

34 The holder of a TFA, for any purpose, in the subregional plan area shall

- (a) no later than three years from the expiry of the TFA, complete all activities to achieve level 1 restoration and report the details to the regulatory body that administers the TFA, and
- (b) no earlier than five years, but no later than eight years from the expiry of the TFA, demonstrate achievement of level 1 restoration, and report to the regulatory body that administers the TFA.

Rules for end of life restoration for TFAs – decision-makers

35 Upon the coming into force of this Part, a decision-maker shall include the restoration requirements in section 34 as terms and conditions of the TFA and those requirements shall survive the expiry of the TFA.

Rules for end of life restoration for formal dispositions

36 Except for a formal disposition for the purpose of peat operations or surface material operations

- (a) upon the coming into force of this Part, every formal disposition shall be amended by the regulatory body that administers each of these formal dispositions to require the disposition holder to restore all the lands within the formal disposition to level 2 restoration and this requirement shall survive the expiry of the disposition,
- (b) after the coming into force of this Part, a decision-maker shall not issue a formal disposition, for any purpose, unless there is a requirement in the formal disposition that the formal disposition holder shall restore all the lands within the formal

disposition to level 2 restoration and this requirement shall survive the expiry of the disposition,

- (c) after the coming into force of this Part, the holder of a formal disposition for lands that are also specified land under the *Conservation and Reclamation Regulation*, shall meet level 2 restoration in order to apply for a reclamation certificate, and
- (d) a decision-maker shall not issue a reclamation certificate for lands described in subsection (c) unless the lands meet level 2 restoration.

Rules for end of life restoration for surface material dispositions

37(1) For dispositions for the purpose of surface material operations

- (a) upon the coming into force of this Part, every disposition for the purpose of surface material operations shall be amended by the regulatory body that administers each of these dispositions to require the disposition holder to restore all the lands within the disposition to level 3 restoration and this requirement shall survive the expiry of the disposition,
- (b) after the coming into force of this Part, the holder of a disposition that contain lands that are also specified land under the *Conservation and Reclamation Regulation*, shall meet level 3 restoration in order to apply for a reclamation certificate, and
- (c) a decision-maker shall not issue a reclamation certificate for lands described in subsection (b) unless the lands meet level 3 restoration.

(2) A decision-maker shall not issue a disposition for the purpose of surface material operations unless there is a requirement in the disposition that the disposition holder shall restore all the lands within the disposition to level 3 restoration and this requirement shall survive the expiry of the disposition.

(3) The requirement to restore to level 3 restoration is not applicable to lands within the disposition that have been authorized as an end pit lake.

Transmission Lines

New transmission lines - applicants

38 When a person applies for a formal disposition for the purposes of constructing, installing or operating a transmission line, the person shall, as part of the application

- (a) identify the pre-disturbance plant community, and
- (b) subject to section 39(b), include a plan to achieve level 1 restoration no later than five years from the date on which the energization certificate is issued for the transmission line

for the lands proposed to be included in the disposition.

Rules for restoration for new transmission lines

39 A decision-maker shall not issue a formal disposition for the purposes of constructing, installing or operating a transmission line unless there is a requirement in the disposition that

- (a) subject to subsection (b), no later than five years from the date on which the energization certificate is issued for the transmission line, the disposition holder shall complete all activities to achieve level 1 restoration on these lands and this requirement shall survive the expiry of the disposition,
- (b) despite subsection (a), the disposition holder may conduct vegetation control on vegetation growth
 - (i) greater than two metres in height across these lands, and
 - (ii) less than two metres in height on up to four metres in width of these lands.

Pipelines

40 For the purpose of sections 40 to 43, “pipeline disposition” means a formal disposition for the purposes of constructing, installing, laying down or operating a pipeline described as a pipeline agreement in the *Public Lands Administration Regulation*.

New pipelines – applicants

41 When a person makes an application for a pipeline disposition within caribou range the person shall, as part of the application

- (a) identify the pre-disturbance plant community, and
- (b) subject to section 42(c), include a plan to achieve level 1 restoration no later than five years from the date on which the pipeline installation is complete

for the lands proposed to be included in the pipeline disposition.

Rules for restoration for new pipelines

42 A decision-maker shall not issue a pipeline disposition within caribou range, unless there is a requirement that

- (a) subject to subsection (c), the disposition holder shall restore all the lands to level 1 restoration no later than five years from the date the pipeline installation is complete,
- (b) subject to subsection (c), when conducting maintenance on the pipeline or responding to an emergency, the holder of the pipeline disposition shall
 - (i) no later than three years from the maintenance activity or emergency ending, commence restoration of any of the lands disturbed to level 1 restoration, and
 - (ii) no later than five years from the maintenance activity or emergency ending, complete restoration of any of the lands disturbed to level 1 restoration,

and this requirement shall survive the expiry of the disposition,

- (c) despite subsections (a) and (b), the disposition holder may conduct vegetation control on vegetation growth
 - (i) up to four metres in width of the lands contained in the pipeline disposition and the edge of the area of vegetation control must be at least six metres from any other areas that are vegetation-controlled under this Part,
 - (ii) up to four metres in width surrounding any above ground installation required for the operation of the pipeline, and
 - (iii) up to 1,000 square metres in area for helicopter pads, and
- (d) where there is an intersection between a pipeline and a primary road, access control shall be established for access to the lands contained in a pipeline disposition.

Rules for restoration for existing pipelines

43(1) Upon the coming into force of this Part, a pipeline disposition within caribou range shall be amended by the regulatory body that administers each of these pipeline dispositions to include a requirement applicable to any part of a pipeline that the disposition holder shall

- (a) submit a plan no later than five years of the coming into force of this Part, for the decision-maker's approval, describing how the disposition holder shall achieve level 1 restoration
 - (i) on at least fifty percent of these lands no later than fifteen years from the date on which this Part comes into force, and
 - (ii) on these lands no later than twenty years from the date on which this Part comes into force,
- (b) restore these lands in accordance with subsection (a) and this requirement shall survive the expiry of the disposition,
- (c) at the same time the lands are restored, where there is an intersection between a pipeline and a primary road, access control shall be established for access to the lands contained in the pipeline disposition,
- (d) when conducting maintenance on the pipeline or responding to an emergency on these lands, the holder of the pipeline disposition shall
 - (i) no later than three years from the maintenance activity or emergency ending, commence restoration of any of the lands disturbed to level 1 restoration, and
 - (ii) no later than five years from the maintenance activity or emergency ending, complete restoration of any of the lands disturbed to level 1 restoration,

and this requirement shall survive the expiry of the disposition, and

- (e) despite subsections (a) and (d), the disposition holder may conduct vegetation control on vegetation growth
 - (i) up to four metres in width of the lands contained in the pipeline disposition and the edge of the area of vegetation control must be at least six metres from any other areas that are vegetation-controlled under this Part,
 - (ii) up to four metres in width surrounding any above ground installation required for the operation of the pipeline, and
 - (iii) up to 1,000 square metres in area for helicopter pads.

(2) A disposition holder who holds more than one pipeline disposition may submit one plan and restore according to that plan to satisfy the requirements of subsection (1).

Seismic Exploration

Definitions

44 For the purpose of sections 44 to 50,

- (a) “access control plan” means a plan submitted as part of the geophysical program application that will be implemented following the completion of the program;
- (b) “dogleg” means a sharp bend in a linear disturbance to reduce the line of sight;
- (c) “heli-portable drop zone” means program drill sites with a cleared or open area for helicopter access; and
- (d) “holder” of an exploration approval means the current and any former holder of the exploration approval.

Rules for lines - applicants

45 No person shall apply for an exploration approval unless any proposed

- (a) receiver line is no wider than 1.75 metres at any location on the line,
- (b) source line is
 - (i) no wider than 2.75 metres at any location on the line, and
 - (ii) located to limit the line of sight to less than 100 metres,
- (c) seismic access line is no wider than three metres at any location on the line,
- (d) turn-around clearing is located only at the end of a source line,

- (e) source line or seismic access line that intersects with any other linear feature that is greater than 3.5 metres in width must be located to limit the line of sight using a dogleg,
- (f) heli-portable drop zone is 16 square metres in area or less, and
- (g) helicopter pad is 1,000 square metres in area or less.

Rules for lines – decision-makers

46 A decision-maker shall not issue an exploration approval unless any proposed

- (a) receiver line is no wider than 1.75 metres at any location on the line,
- (b) source line is
 - (i) no wider than 2.75 metres at any location on the line, and
 - (ii) located to-limit line of sight to less than 100 metres,
- (c) seismic access line is no wider than 3 metres at any location on the line.
- (d) turn-around clearing is located only at the end of a source line,
- (e) source line or seismic access line that intersects with any other linear feature that is greater than 3.5 metres in width must be located to limit the line of sight using a dogleg,
- (f) heli-portable drop zone is 16 square metres in area or less, and
- (g) helicopter pad is 1,000 square metres in area or less.

Rules for access control - applicants

47 A person who applies for an exploration approval shall submit as part of the application an access control plan for any proposed source line or seismic access line that shall include measures to deter access by off highway vehicles for at least 100 metres from any intersection of a source line or a seismic access line with a linear feature greater than 3.5 metres in width.

Rules for access control – decision-makers

48 A decision-maker shall not issue an exploration approval unless

- (a) the decision-maker approves an access control plan for any proposed source line or seismic access lines that shall include measures to deter access by off highway vehicles for at least 100 metres from any intersection of a source line or a seismic access line with a linear feature greater than 3.5 metres in width, and
- (b) there is a requirement in the exploration approval for the holder to implement the approved access control plan.

Rules for restoration – holder of an exploration approval

49 The holder of an exploration approval shall

- (a) no later than three years from the expiry of the exploration approval, complete all activities to achieve level 1 restoration for all lands in the exploration approval except for lands occupied by a receiver line or a source line, and report the details to the regulator, and
- (b) no earlier than five years, but no later than eight years from the expiry of the exploration approval, demonstrate level 1 restoration for all lands in the exploration approval except for lands occupied by a receiver line or a source line, and report the details to the regulator.

Rules for restoration – decision-makers

50 Upon the coming into force of this Part, a decision-maker shall include the restoration requirements in section 49 as terms and conditions of the exploration approval and those requirements shall survive the expiry of the exploration approval.

Limits on Other Human Caused Disturbances

Limits on applicants

51 Unless the applicant can demonstrate to the decision-maker that the area contained in the proposed disposition does not reduce the total undisturbed habitat in caribou range forecasted in the disturbance chart shown on Table 4, no person shall apply for a disposition for an activity that is not otherwise regulated under this Part.

Limits on decision-makers

52 A decision-maker shall not issue a disposition for an activity that is not otherwise regulated under this Part within caribou range unless the area contained in the proposed disposition does not reduce the total undisturbed habitat forecasted in the disturbance chart shown on Table 4.

Table 4 - Disturbance chart for total undisturbed habitat in the Bistcho Lake caribou range

Year Ending	% undisturbed habitat
2081	8
2091	8
2101	75
2111	73
2121	74

Peat

Prohibition - applicants

53 No person shall apply for a disposition for the purposes of peat operations for any lands or portion of lands outside of a peat application area identified in Figure 9.

Prohibition – decision-makers

54 No decision-maker shall issue a disposition for the purposes of peat operations for any lands or portion of lands outside of a peat application area identified in Figure 9.

Forestry

Definitions

55 For the purpose of sections 55 to 63,

- (a) “annual operating plan” means a plan prepared and submitted by the timber disposition holder each year to the Department, which when approved, provides the authorization to harvest;
- (b) “annual operating plan approval” means an authorization to harvest timber issued under the *Timber Management Regulation*;
- (c) “closed HTS” means a HTS during which timber harvesting is not permitted;
- (d) “Department” means the department administered by the Designated Minister referred to in section 6;
- (e) “forest management activity” means any activity on the lands contained in the applicable timber disposition regulated by the *Forests Act* or the *Timber Management Regulation*, or both, and excludes the harvesting of timber;
- (f) “harvest area” means an area created by the harvest of timber;
- (g) “harvest timing series” or “HTS” is the time period for the harvesting of timber within an area identified in Figure 10 and does not apply to a forest management activity;
- (h) “legacy seismic line” means a linear feature that was used for geophysical exploration and is greater than four metres wide;
- (i) “open HTS” means a HTS that is available for the harvesting of timber during the HTS identified in Figure 10;
- (j) “reforest” or “reforestation” means re-establishing timber on lands in accordance with the requirements of the “Reforestation Standard of Alberta” and the “Alberta Forest Genetic Resource Management and Conservation Standards” under the *Timber Management Regulation*, as amended or replaced from time to time;
- (k) “temporary footprint” means a temporary road, landing, storage site, camp location or any other temporary surface disturbance authorized by an annual operating plan;
- (l) “timber salvage” means the harvesting of timber damaged or destroyed by a natural disturbance authorized under an annual operating plan approval; and
- (m) “timber year” means year as defined in the *Timber Management Regulation* (the period from May 1 to April 30th).

Rules for harvest timing series

56 Section 57 applies only to the lands contained in a HTS as identified in Figure 10.

57 Subject to section 58, after two full timber years of the coming into force of this Part

- (a) a person shall not submit an annual operating plan that proposes the harvesting of timber in a closed HTS, and
- (b) a decision-maker shall not approve an annual operating plan authorizing the harvesting of timber in a closed HTS.

Rules for timber salvage

58 Section 57 does not apply if the annual operating plan proposes the harvesting of timber or the annual operating plan approval is issued for the harvesting of timber in a closed HTS for the purpose of timber salvage or harvest of trees required to address public safety or ecological concerns as determined by the Designated Minister.

Rules for end of life restoration for temporary footprint - applicants

59 A person shall not submit an annual operating plan to the Department unless there is a requirement in the annual operating plan submitted that the person shall

- (a) for a temporary footprint within the caribou range, in addition to existing annual reforestation reporting requirements under the *Timber Management Regulation*
 - (i) complete all activities to achieve level 1 restoration no later than three years from the date on which the HTS associated with the temporary footprint becomes a closed HTS,
 - (ii) submit by June 1 in the timber year following the closure of an HTS, in a form satisfactory to the decision-maker, a complete and accurate report for the HTS as a unit summarizing the restoration activities conducted in the HTS, and
 - (iii) submit no earlier than five years and no later than eight years from the date on which the HTS associated with the temporary footprint becomes a closed HTS, in a form satisfactory to the decision-maker, a complete and accurate report demonstrating level 1 restoration, and
- (b) for a temporary footprint outside of the caribou range, in addition to existing annual reforestation reporting requirements under the *Timber Management Regulation*
 - (i) complete all activities to achieve level 1 restoration no later than three years from the date on which the authorization for the temporary footprint expires,
 - (ii) submit by June 1 in the timber year following the year in which activities to achieve level 1 restoration are required to be completed, in a form satisfactory to the decision-maker, a complete and accurate report summarizing the restoration activities, and

- (iii) submit no earlier than five years and no later than eight years from the date on which the authorization for the temporary footprint expires in a form satisfactory to the decision-maker, a complete and accurate report demonstrating level 1 restoration.

Rules for end of life restoration for temporary footprint – decision-makers

60 A decision-maker shall not approve an annual operating plan that authorizes a temporary footprint in unless the annual operating plan includes a requirement that the person shall

- (a) for a temporary footprint within the caribou range, in addition to existing annual reforestation reporting requirements under the *Timber Management Regulation*
 - (i) complete all activities to achieve level 1 restoration no later than three years from the date on which the HTS associated with the temporary footprint becomes a closed HTS,
 - (ii) submit by June 1 in the timber year following the closure of an HTS, in a form satisfactory to the decision-maker, a complete and accurate report for the HTS as a unit summarizing the restoration activities conducted in the HTS, and
 - (iii) submit no earlier than five years and no later than eight years from the date on which the HTS associated with the temporary footprint becomes a closed HTS, in a form satisfactory to the decision-maker, a complete and accurate report demonstrating level 1 restoration, and
- (b) for a temporary footprint outside of the caribou range, in addition to existing annual reforestation reporting requirements under the *Timber Management Regulation*
 - (i) complete all level 1 restoration activities no later than three years from the date on which the authorization for the temporary footprint expires,
 - (ii) submit by June 1 in the timber year following the year in which activities to achieve level 1 restoration are required to be completed, in a form satisfactory to the decision-maker, a complete and accurate report summarizing the restoration activities, and
 - (iii) submit no earlier than five years and no later than eight years from the date on which the authorization for the temporary footprint expires in a form satisfactory to the decision-maker, a complete and accurate report demonstrating level 1 restoration.

Rules for reforestation for legacy seismic lines - applicants

61 A person who has an obligation under the *Timber Management Regulation* to reforest a harvest area shall not submit an annual operating plan to the Department unless there is a requirement in the submitted annual operating plan that the person shall reforest any legacy seismic lines within a harvest area unless an exception is granted by the decision-maker.

Rules for reforestation for legacy seismic lines – decision-makers

62 A decision-maker shall not approve an annual operating plan for a person who has an obligation under the *Timber Management Regulation* to reforest a harvest area unless the annual operating plan includes a requirement that the person shall reforest any legacy seismic lines within a harvest area unless an exception is granted by the decision-maker.

Exception

63 A decision-maker may grant an exception under section 62 if there is a requirement in the annual operating plan approval that the legacy seismic line will be no more than two metres wide after restoration, and

- (a) there has been a request to maintain access by
 - (i) a person who is, or may be, a member or representative of an aboriginal people of Canada within the meaning of Part II of the *Constitution Act, 1982* exercising activities in connection with that location,
 - (ii) the holder of a registered fur management licence to access their trap line,
 - (iii) a designated trails manager under the *Trails Act*, or
 - (iv) any other person who demonstrates a need to access the legacy seismic line to the satisfaction of the decision-maker,or
- (b) the legacy seismic line is part of the provincial recreation trail plan.

Kirkness Island

Definition

64 For the purpose of sections 64 to 66, “Kirkness Island” means those lands identified as Kirkness Island in Figure 11.

Prohibition

65 After the coming into force of this Part, no person

- (a) may apply for a hunting licence or permit under the *Wildlife Act* on Kirkness Island,
- (b) may apply for a disposition under the *Public Lands Act* for any purpose on Kirkness Island, or
- (c) shall travel on Kirkness Island except on foot.

Prohibition – decision-makers

66 After the coming into force of this Part, no decision-maker may issue

- (a) a hunting licence or permit under the *Wildlife Act* on Kirkness Island, or
- (b) a disposition under the *Public Lands Act* for any purpose on Kirkness Island.

Plan Review

Plan review

67(1) In addition to the requirements under the *Alberta Land Stewardship Act*, the Bistcho Lake Subregional Plan may be reviewed if

- (a) the annual total natural disturbance area within the caribou range exceeds one percent of all caribou range within the sub-region,
- (b) within eight years of this Part coming into force, the cumulative new natural disturbance area within the caribou range exceeds four percent of all caribou range within the sub-region, or
- (c) within ten years of this Part coming into force the cumulative new natural disturbance area exceeds four percent of the entire sub-region.

(2) The Department shall conduct the review of the Bistcho Lake Subregional Plan in relation to any outcomes identified in the Bistcho Lake Subregional Plan.

Figures

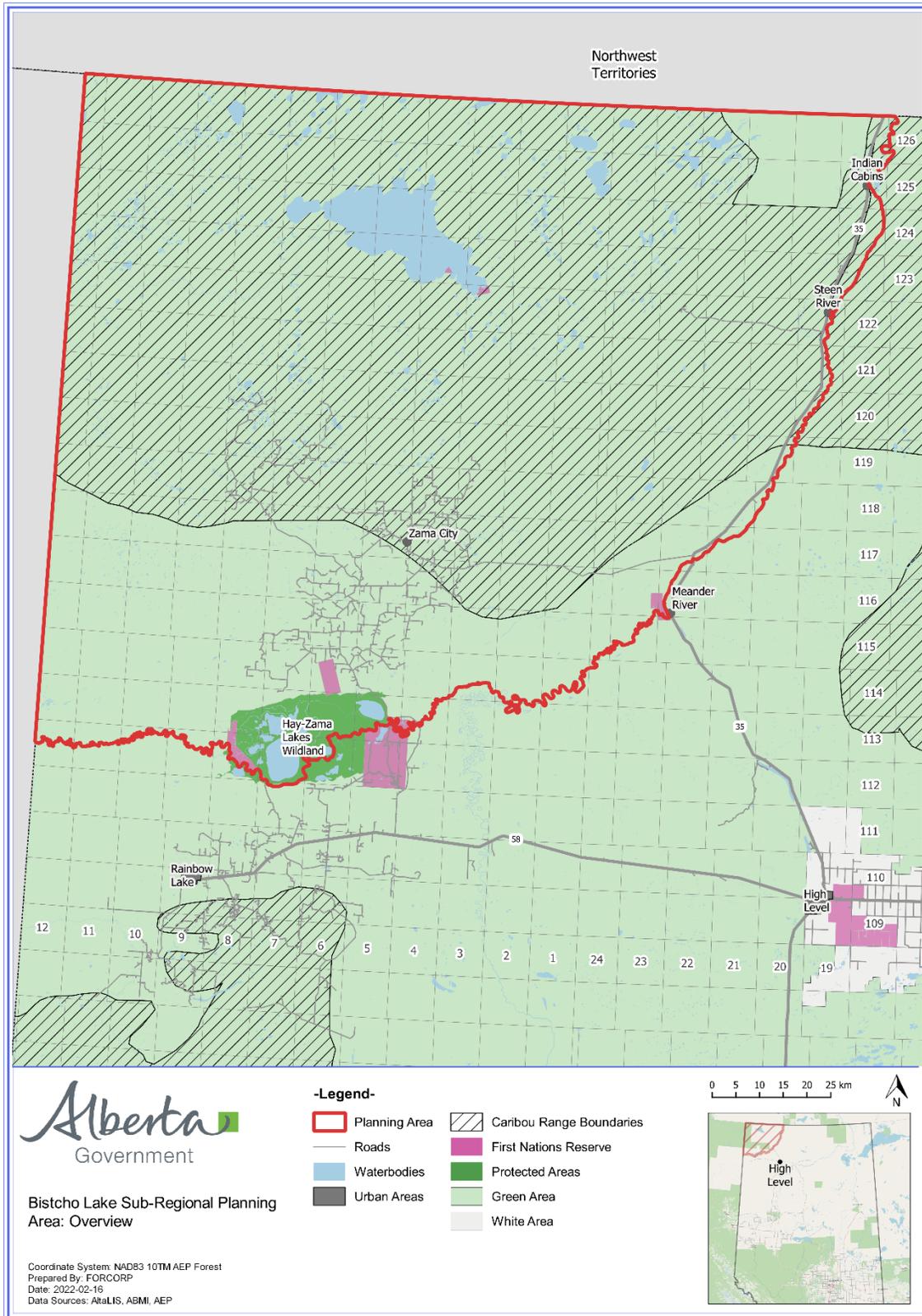


Figure 1. Bistcho Lake Sub-region

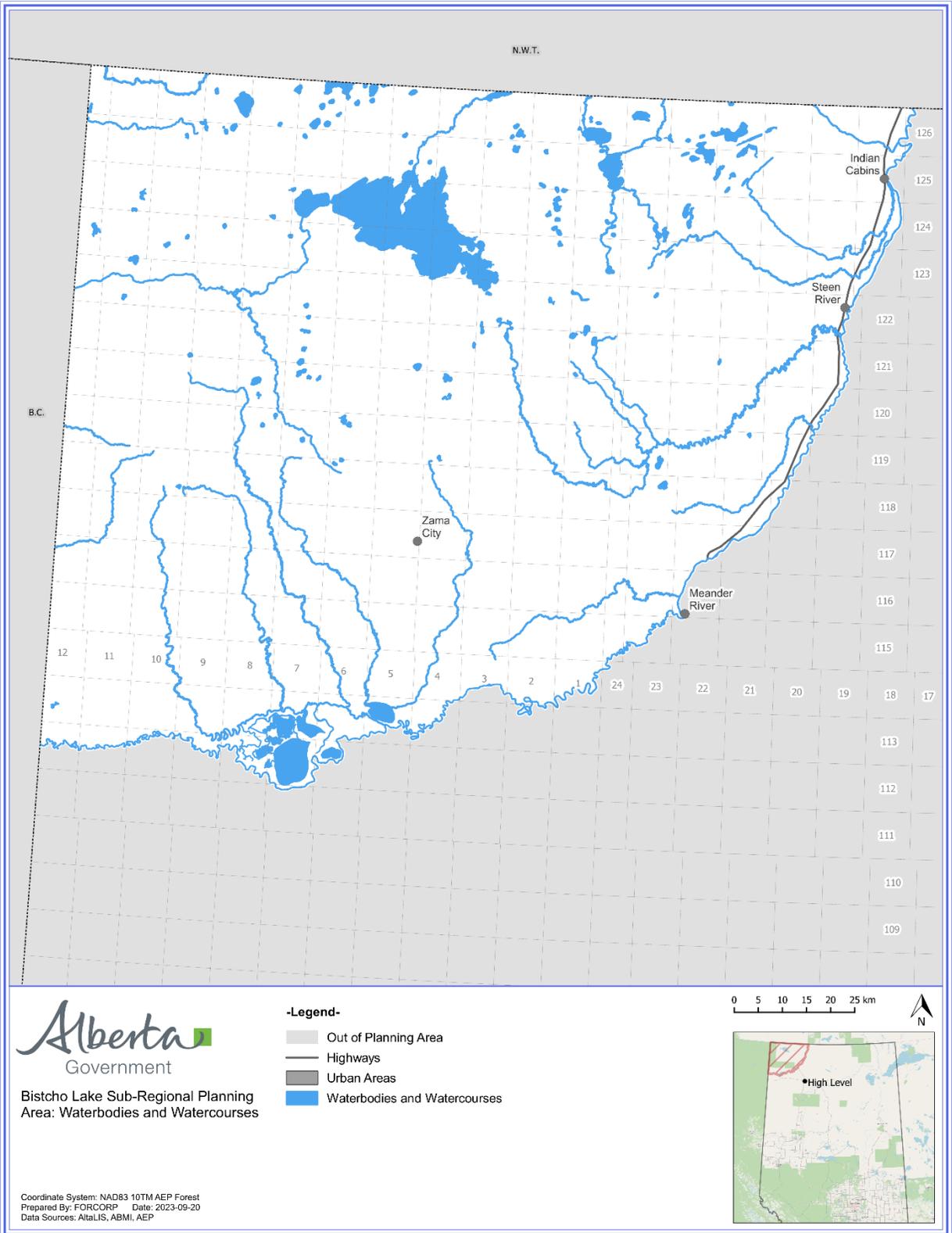


Figure 2. Watercourses and Waterbodies with 250 metre buffers (includes Hay River)

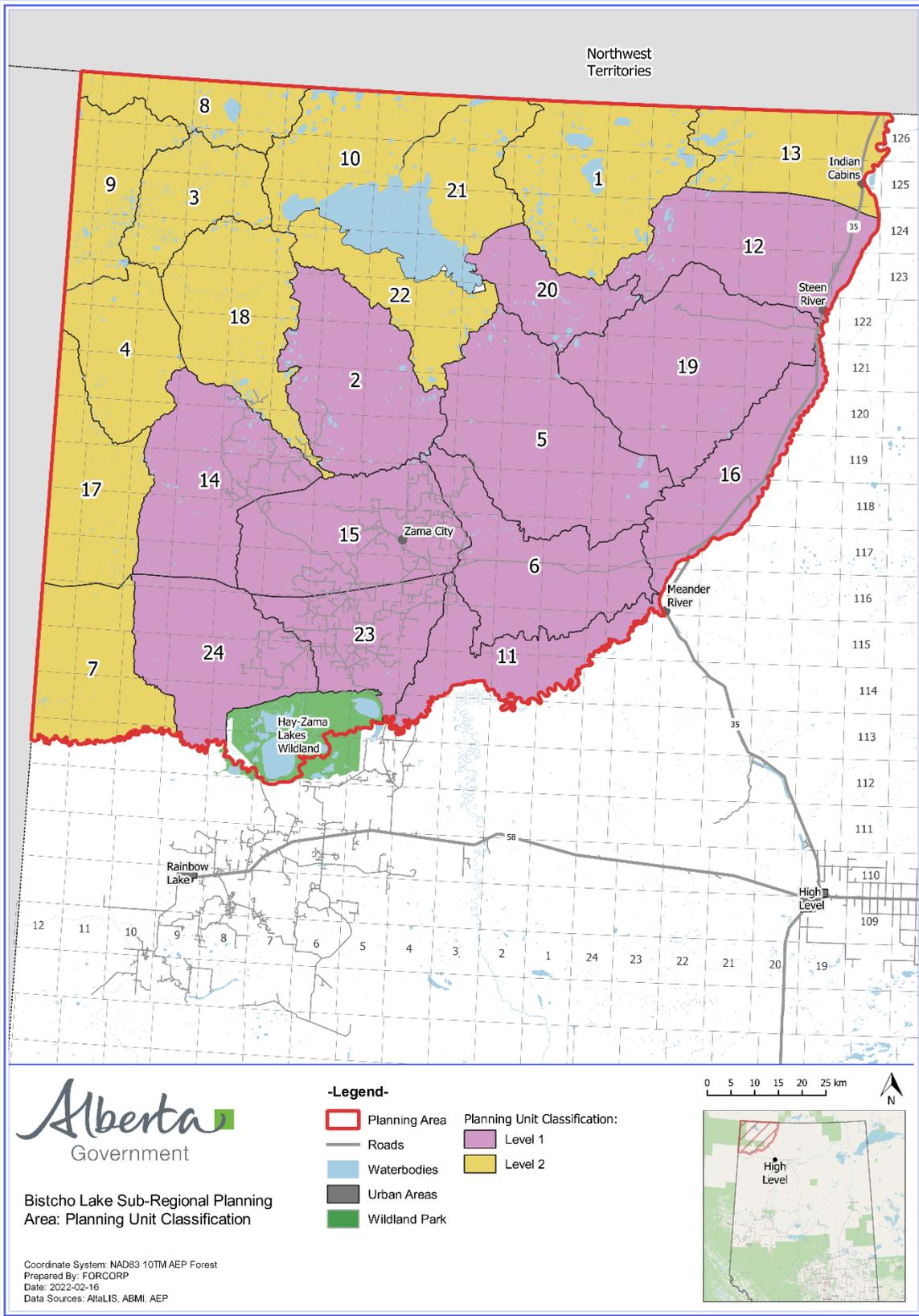


Figure 3. Planning units and designations for the Access Management Plan

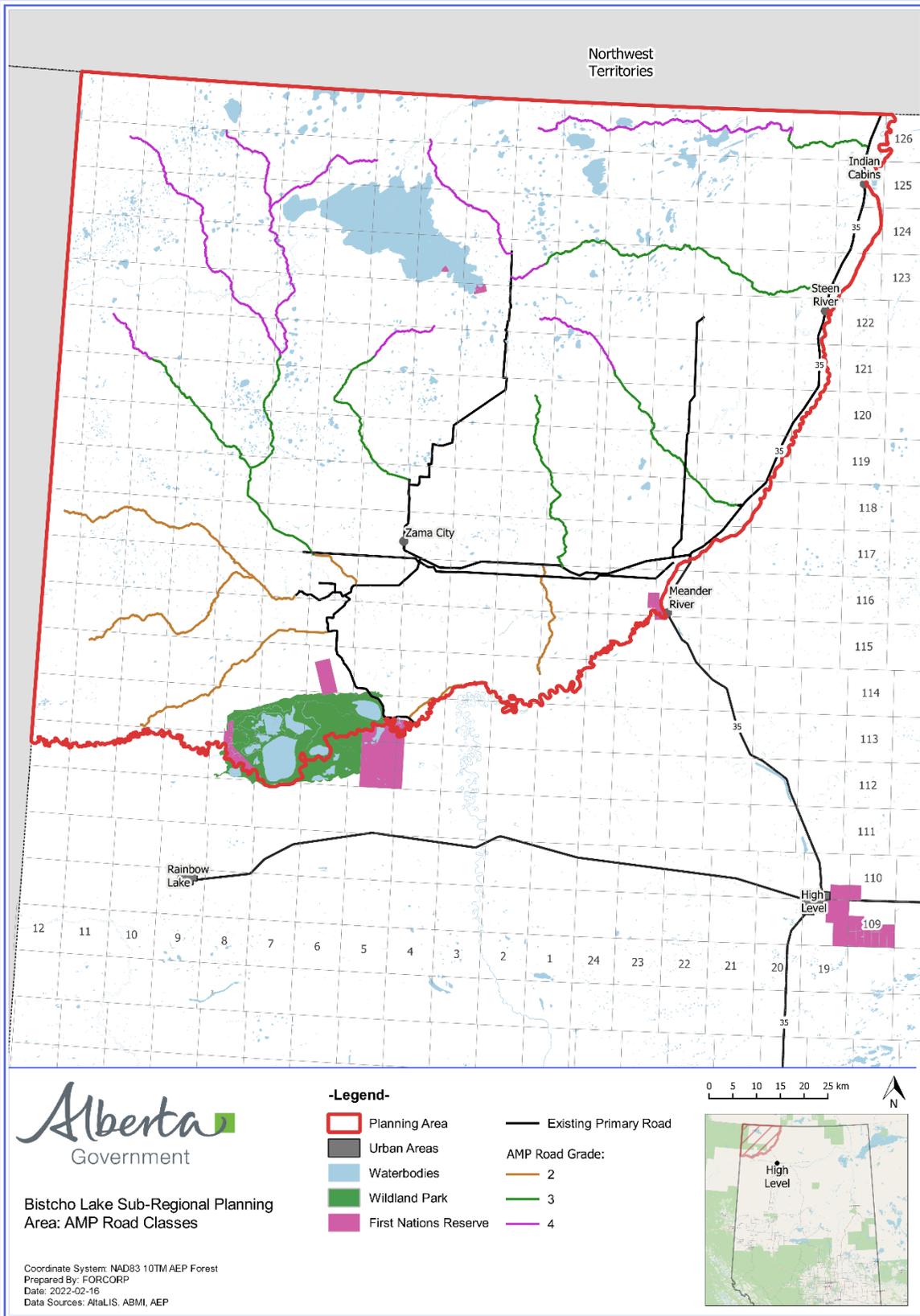


Figure 4. Maximum road class for primary roads in the Access Management Plan

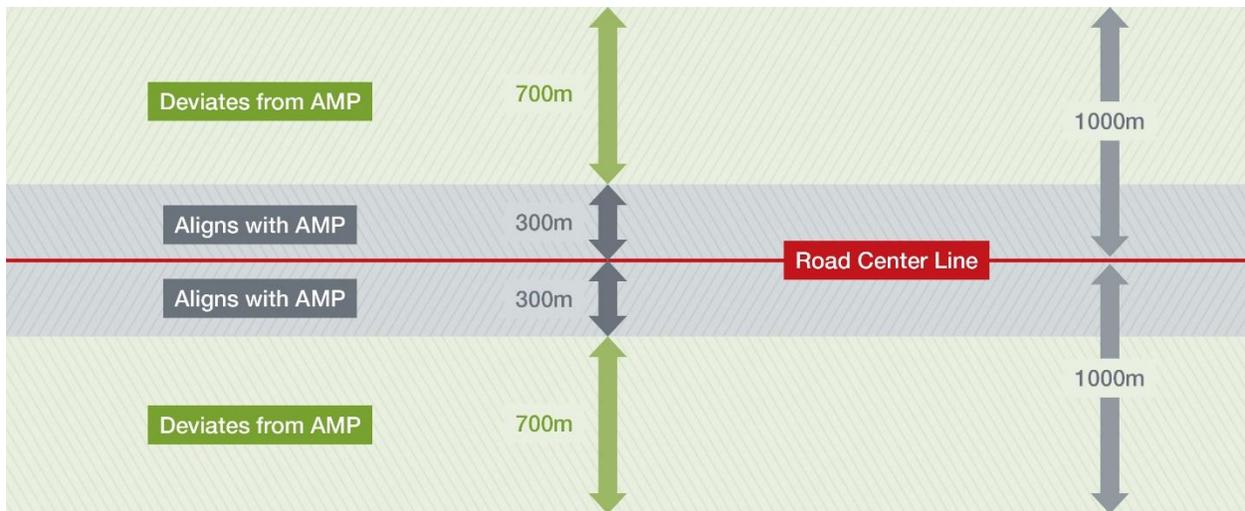


Figure 5. Road application evaluation categories

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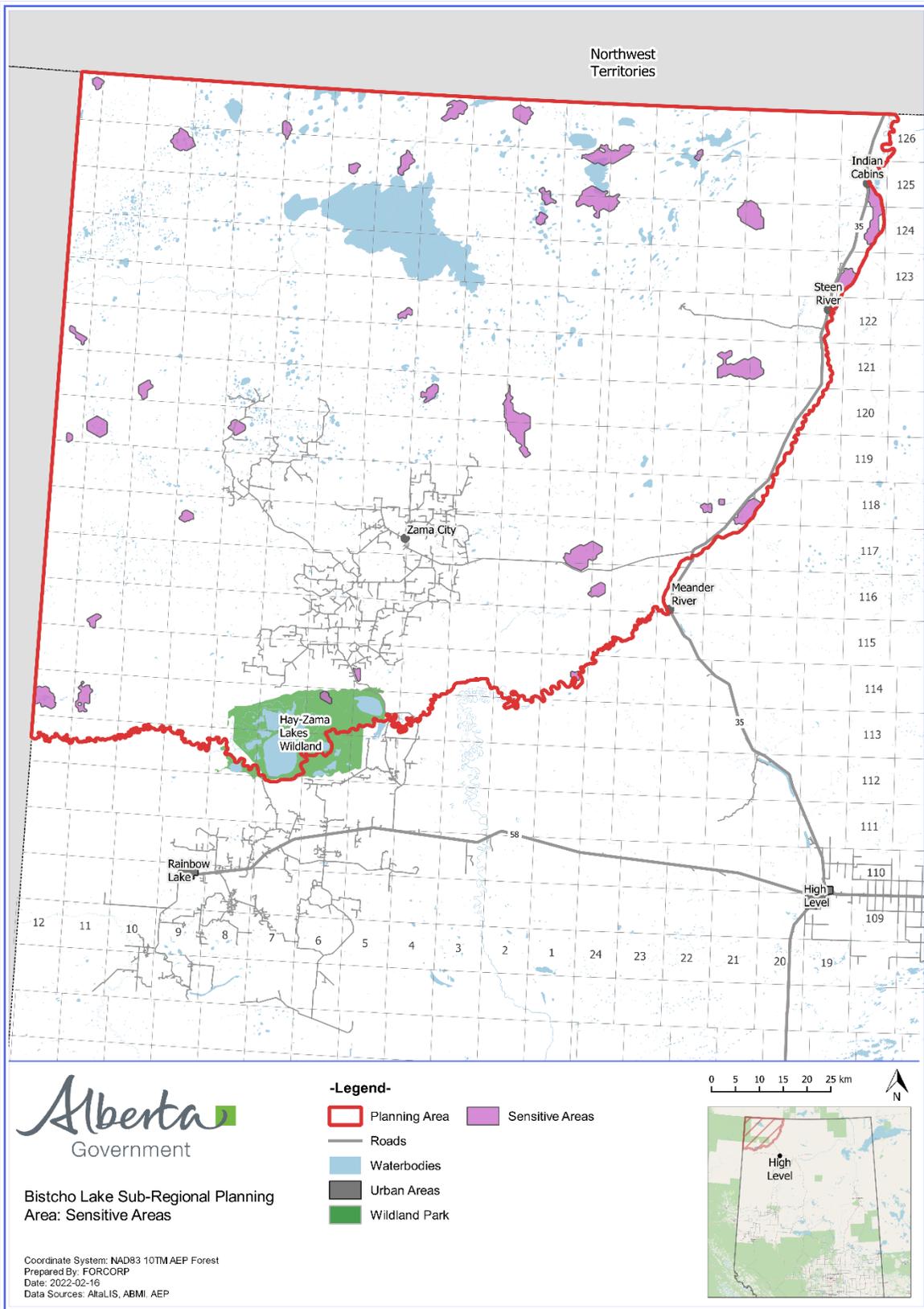


Figure 6. Sensitive areas in the Bistcho Lake Sub-region

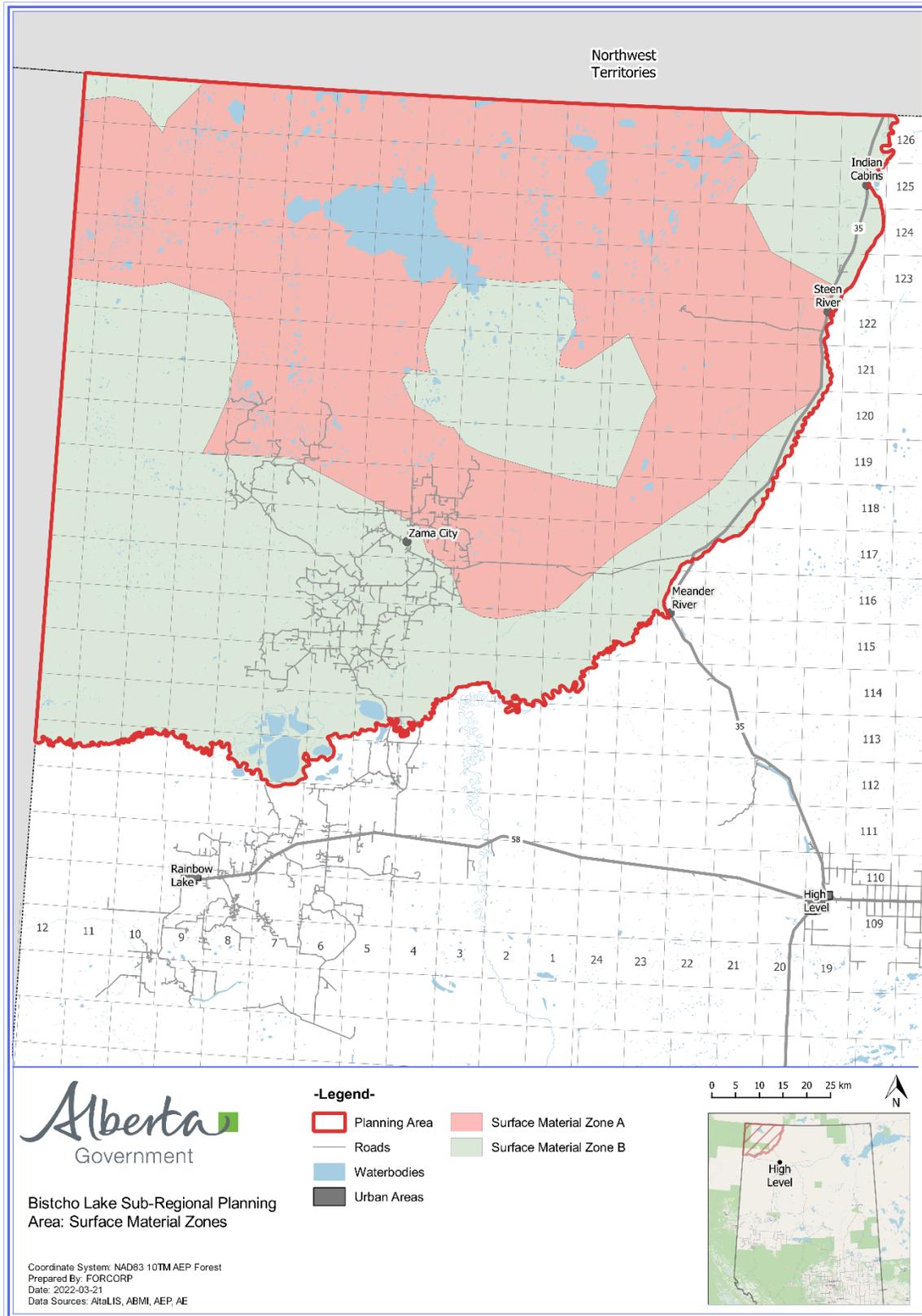


Figure 8. Surface material extraction zones in the sub-region

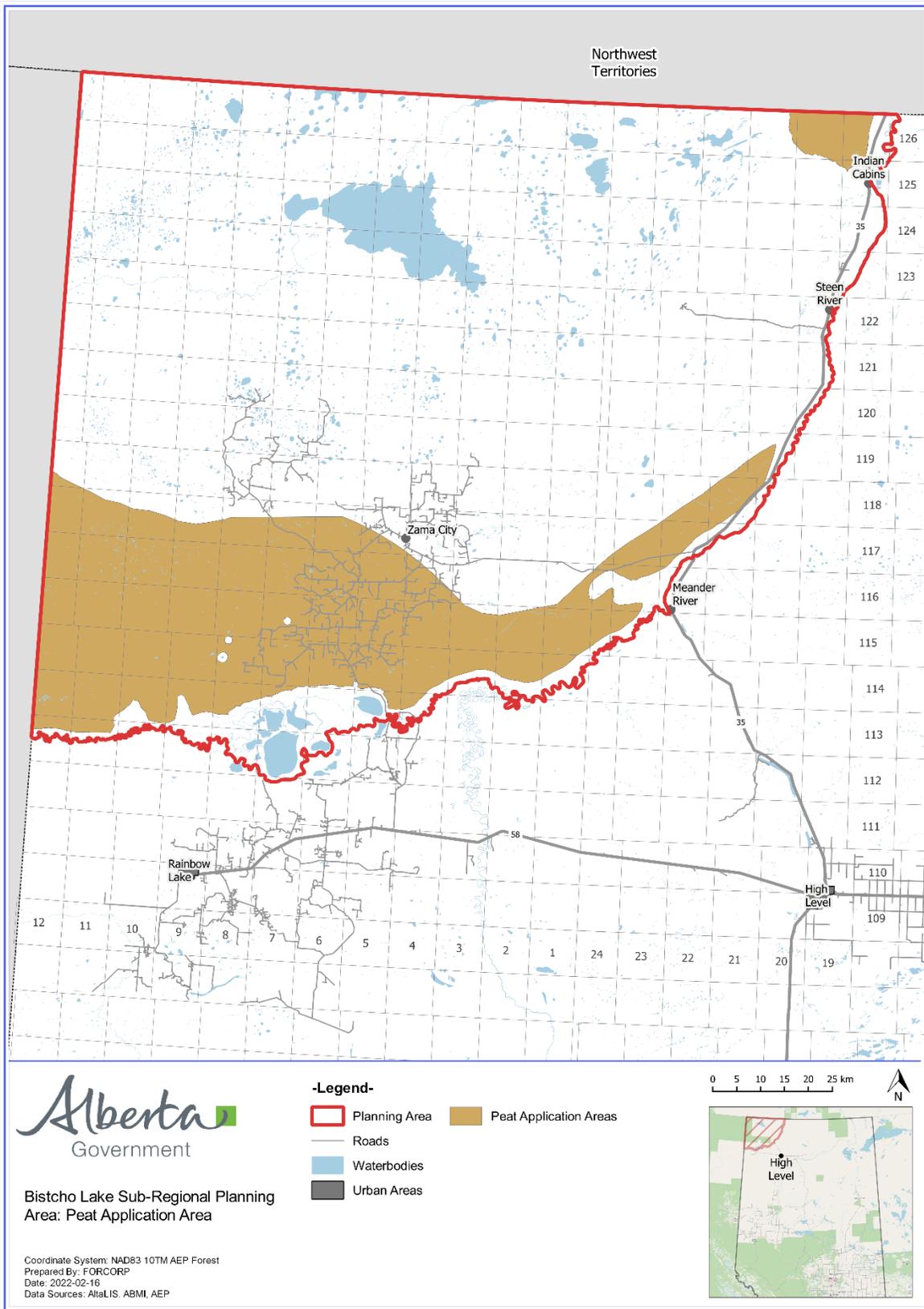


Figure 9. Peat application areas in the sub-region

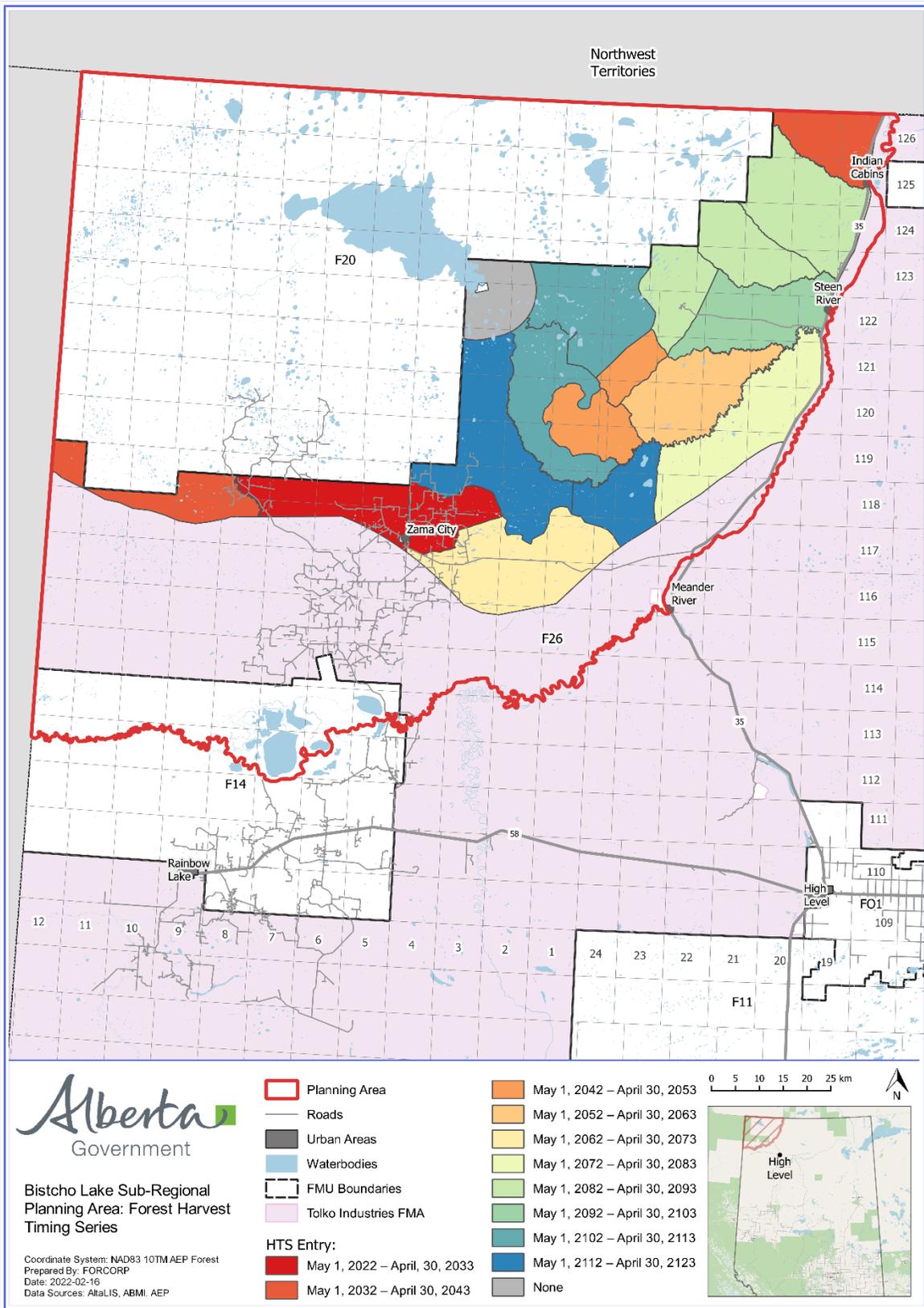


Figure 10. Forest Harvest Timing Series (HTS) in the sub-region

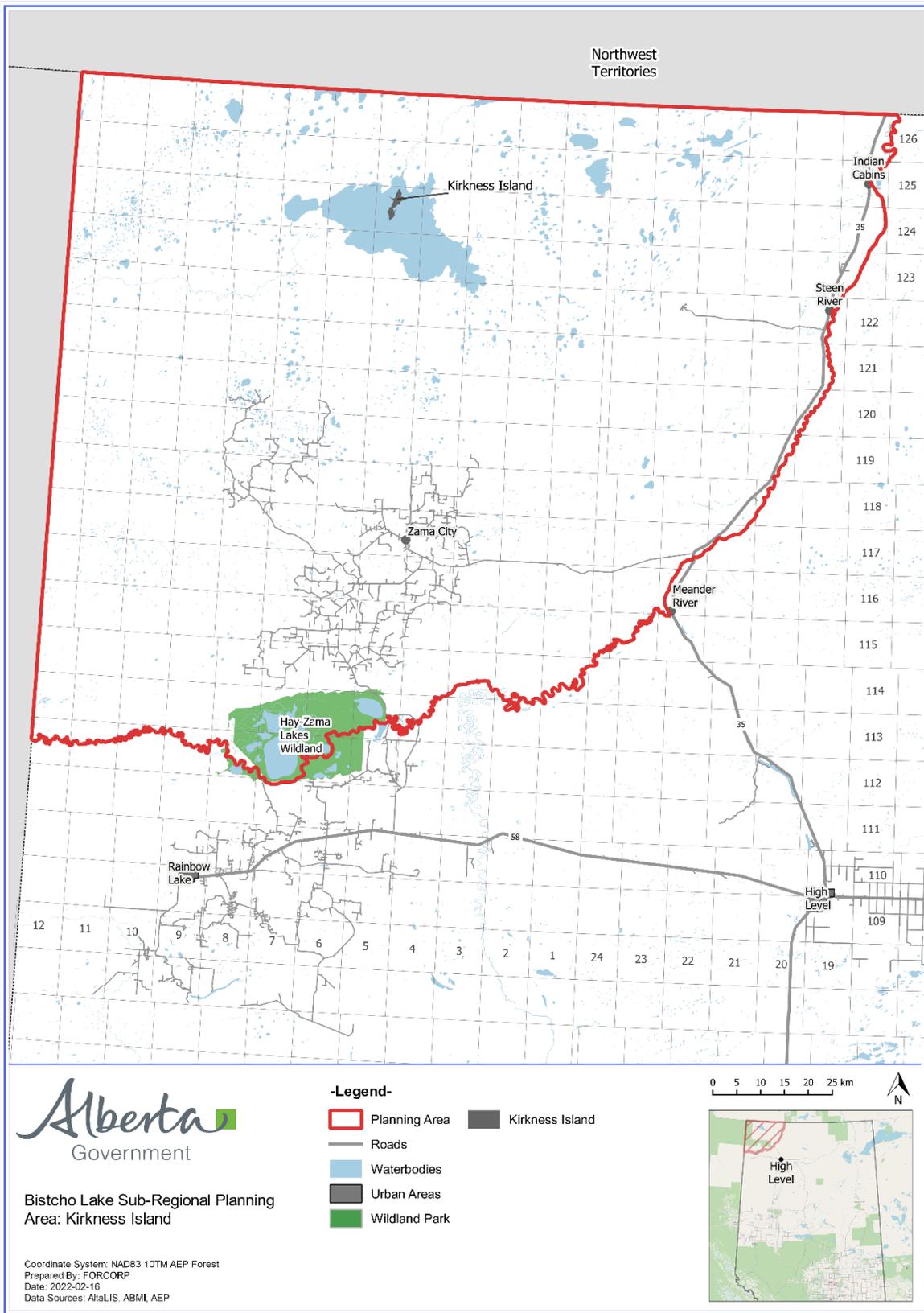


Figure 11. Kirkness Island