

January 2026

A Guide to the Alberta Energy Regulator's Coal Mine Approval Process



Introduction

For a coal mine to be developed in Alberta, it must go through an approval process that provides some opportunities for public input. The problem is that, for someone who is concerned about coal mine development in Alberta, it is sometimes difficult to understand what these opportunities are, when they come about, and how to take advantage of them. We hope that this resource serves to address some of the challenges and demystify the process to the extent possible.

The first step in the process for a proponent (the coal company) is to obtain a coal lease agreement from Alberta Energy. This lease is essentially a rental agreement that gives the proponent exclusive property rights to recover provincially owned coal for a 15-year term. It does not, however, permit mining or exploration activities. These must be applied for separately. The proponent must first apply for a coal exploration program (and associated permits). This allows them to conduct exploratory work, usually through drilling, to determine the size and quality of the coal deposit and how they intend to mine it, among other things. They use this information along with input from a variety of other sources to then create a mine development application. It is in these application processes that the public can get involved.

Opportunities for public engagement and involvement

AER Public Notice of Application website

There are a few junctures within the coal mine approval process that allow for some degree of public input. Finding out about these opportunities requires diligence and a bit of luck. The best way to keep on top of any official applications is to visit the AER's 'Public Notice of Application' site. Notices are automatically generated here for most applications that the AER receives and once registered, allow members of the public the opportunity to submit a Statement of Concern (SOC) detailing the potential impacts that the project will have. By the time the application is registered on this site, however, a lot more has happened (both publicly and behind closed doors) that can serve to give an application momentum before it is even registered.

Early engagement – participant involvement program

While conversations that happen behind closed doors can only really be inferred, the company is required to conduct early engagement with the public before filing any energy development application (including a coal exploration program). How this engagement takes place is mandated through AER Directive 056, and largely requires the proponent to consult stakeholders within a specified radius of the proposed development.

The length of this radius differs according to the project type but generally only includes stakeholders living or working in close proximity to the site. The company must also include people it is aware of who have concerns about the project, regardless of whether they are in the radius or not, but it appears up to the company to decide who these people may be. According to the directive, it is also up to the proponent to assess its need to reach the broader public and only if it does so will public information sessions or open-house meetings be organized. While AER Directive 056 does mandate the development of a participant involvement program, the extent to which any interested or affected member of the public can participate in this program is largely at the discretion of the proponent.

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Public petition for federal review

As described in the flowchart notes, if a concerned organization, group or member of the public can obtain a project summary before a mine development application is registered, they can petition the Minister of Environment and Climate Change to designate the project for federal review. The petition needs to explain why the project should be reviewed federally and therefore needs to detail potential federal impacts (including impacts to fish and fish habitat, migratory bird habitat, etc.) If granted, it will ensure that the project is subject to added scrutiny at the federal level and that the findings of this review are considered in the project approval decision.

Comments on project amendments

If a coal mine has been approved, there are further opportunities for public comment that arise when the company applies for certain amendments to their development. Not all amendments, however, provide this opportunity. Essentially, amendments that may directly and adversely affect a person's rights, or significantly change the operations or scale of a project may trigger the need for public input. As with other mine development applications, these types of amendment applications will appear on the AER Public Notice of Application website and will provide the public with the opportunity to submit an Statement of Concern (SOC).

What are the steps?

The flowchart is not entirely comprehensive but it should, along with the accompanying explainers, give a good idea of the process involved in getting a coal mine approved in Alberta (at least on paper) and highlight the opportunities for members of the public to have their say in the potential development of the mine.

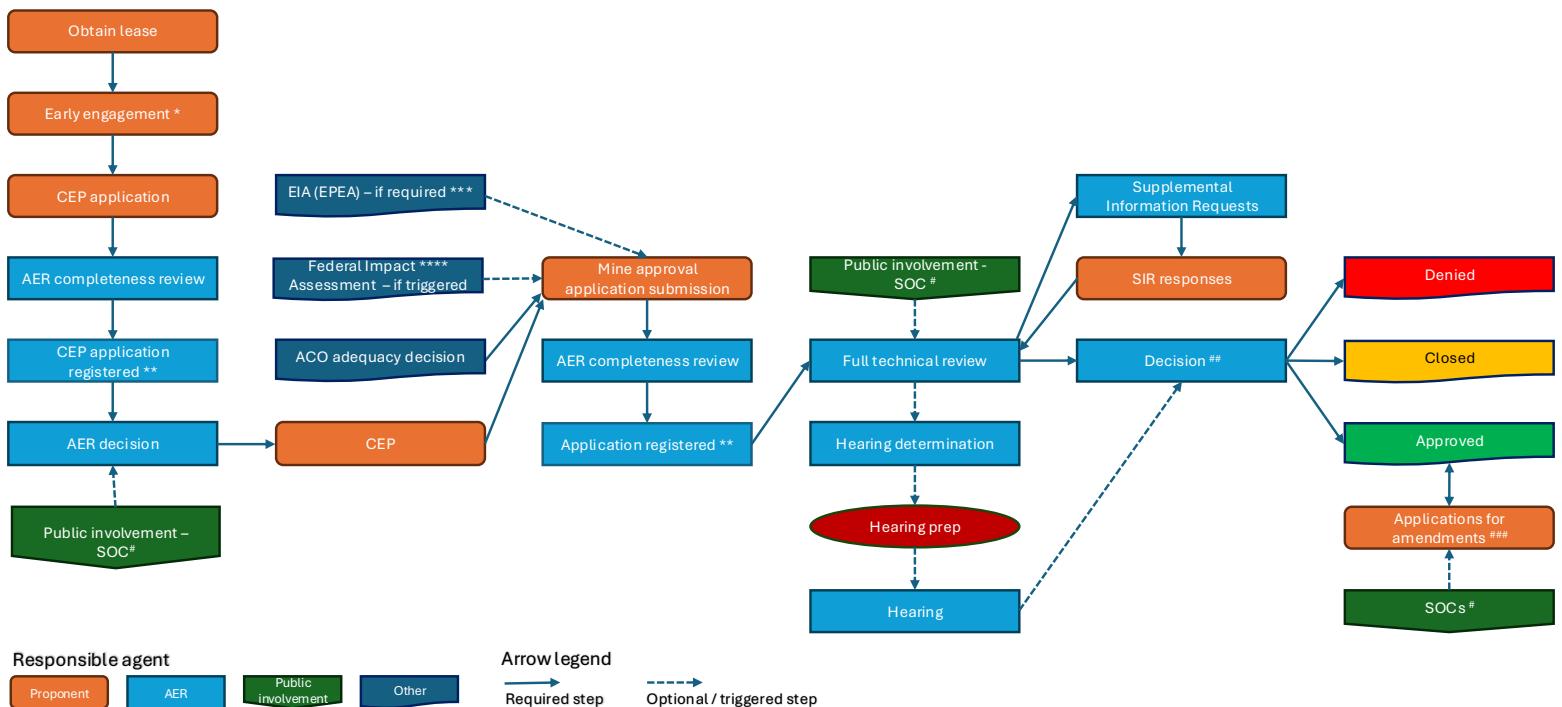
Get Involved

[View all registered applications](#)

Submit an SOC

- [Information](#)
- [Form \(online\)](#)
- [Form \(PDF\)](#)

Coal mine approval



* This step is driven by the company and includes:

- Conducting pre-application meetings with the AER to identify applicable acts, codes and required authorizations
- Undertaking stakeholder engagement as per AER Directive 056
- Conducting Indigenous consultation via Alberta's Aboriginal Consultation Office (ACO). The AER cannot register an application without an ACO adequacy decision
- Submitting a project summary to determine if an Environmental Impact Assessment (EIA) is required under the Environmental Protection and Enhancement Act (EPEA). An EIA is mandatory if the project's size or potential environmental effects are significant

** All registered applications are shared on the 'Public Notice of Application' page: [Public Notice of Application - PNoAWebApp](#). Here, anyone can view the applications and associated materials, or request additional materials, and find information about whether they are eligible to submit a Statement of Concern and how to do this.

*** Before applying to the AER, the proponent must submit a project summary to the Environmental Assessment Branch of Alberta Environment and Protected Areas. This summary is reviewed against provincial EIA regulations, and a determination is made on whether an EIA is required or not. In general, the scale and complexity of a proposed project are the primary factors that determine whether an EIA is needed. Other factors may, however, result in smaller, less complex projects needing an EIA. If required, the EIA must include assessments of air, water, wildlife, vegetation, and socio-economic impacts, and will inform the AER's final decision.

**** Under the Impact Assessment Act, and coordinated by the Impact Assessment Agency of Canada (IAAC) and the AER, projects may require federal review under the following conditions:

- Automatic "designated projects": under the Impact Assessment Act, major coal projects on the Project List require a federal assessment. Projects make this list based primarily on their size and the amount of coal that the project is likely to produce.
- Discretionary designation: The Minister of Environment and Climate Change has the discretion to designate any project that may cause adverse effects within federal jurisdiction, or if public concern warrants it.
- Public petitions: Any member of the public, Indigenous group, NGO or other party can request that the Minister designate a coal project for federal review. The petition must describe the potential adverse federal effects that the project may have. This includes potential impacts on fish and fish habitat, migratory bird species and habitat, federal species at risk, Indigenous rights, or transboundary waters.
- Federal jurisdiction triggers: Some coal mine projects may also trigger a federal assessment if they are on federal lands or managed by federal authorities, though this is seldom the case as most federal land in Alberta is in National Parks and coal mining is not allowed in National Parks.

Applications need to be made in accordance with the Coal Conservation Act (Mine Permit and Mine License); EPEA (Project Approval or Code of Practice Compliance); Public Lands Act (Land Disposition); Water Act (Water License or Approval); Mines and Minerals Act (Lease Confirmation).

Statements of Concern can be filed by anyone who believes they may be directly and adversely affected by an application. Note that since 2020 the interpretation of 'directly and adversely affected' has changed from referring almost exclusively to adjacent landholders or users, to a broader understanding of people who may be affected by a development, which takes into account anyone who can demonstrate that they are affected by broader environmental, social and economic impacts.

A project can either be approved, closed or denied.

- Denial: AER may formally reject the application for a number of reasons including non-compliance, unacceptable environmental effects that cannot be mitigated, not in the public interest, lack of adequate consultation, etc.
- Closed: A closed application is neither accepted nor rejected and is simply administratively closed. This may occur in several situations including an incomplete application, a withdrawal by the applicant, or regulatory changes, but it does allow the applicant to reapply at a later date with an updated or revised application.
- Approved: The AER grants authorizations under the relevant Acts and Regulations, including the issuance of a Mine Permit and License. Approvals often include operational and reclamation conditions that can be based off of findings contained in the EIA, SOCs and other supporting documents. Upon approval, the proponent must post full reclamation security under the Mine Financial Security Program and operations may commence once all conditions are met.

Amendments fall under the following categories:

- Routine amendments: minor changes; typically approved through notice or simple amendment.
- Operational amendments: significant technical changes; require formal review.
- Non-routine amendments: major expansions or new area; full application and possible EIA required.
- Transfers: ownership or lease transfers require AER approval.