Whole Project Assessment and Anti-Fragmentation Policy

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DEMOCRATIC GOVERNANCE | ENERGY POLICY | ENVIRONMENTAL POLICY | TECHNOLOGY GOVERNANCE

Civic Sketches is a series of draft policy proposals by Lawrence Nault — an independent researcher and policy writer based in Alberta's Badlands. These proposals are working drafts, not party platforms or final answers. They are intended to invite discussion, challenge, and refinement across all levels of government and the broader public.

Executive Summary

Major industrial and infrastructure developments are increasingly divided into separate applications, companies, facilities, permits, and approval processes even where the individual components are functionally dependent on one another.

A hyperscale data centre, for example, may be presented as one project while its dedicated power generation, transmission infrastructure, substations, natural-gas supply, water diversions, pipelines, cooling systems, roads, and land interests are reviewed as unrelated developments.

This fragmentation prevents governments, regulators, Indigenous communities, municipalities, and the public from seeing the true scale and effects of the undertaking.

It can also allow a development to:

- remain below environmental-assessment thresholds;
- avoid cumulative-effects analysis;
- evade land-ownership restrictions;
- divide responsibility among regulators;
- conceal public infrastructure and subsidy requirements;
- limit public and Indigenous consultation;
- secure preliminary approvals that create pressure to approve the remaining components; and
- obtain regulatory advantages that would not be available if the complete development were reviewed as one project.

This policy establishes a simple governing principle:

A project is defined by what is functionally and commercially required to make it operate, not by how its proponents divide, name, own, finance, schedule, or submit its components.

Where the legal form of a development conflicts with its functional and commercial reality, the functional and commercial reality governs.

Part I — General Policy

1. Policy Purpose

Major industrial and infrastructure developments must be assessed according to the complete system required for their construction, operation, expansion, and closure.

Where a proposed facility depends on related infrastructure, land interests, resource allocations, public services, agreements, or government commitments, those components must be treated as one integrated project for the purposes of:

- environmental and impact assessment;
- mandatory assessment thresholds;
- cumulative-effects analysis;
- public notice and consultation;
- Indigenous consultation and assessment of impacts on Indigenous rights;
- land-use and foreign-ownership restrictions;
- beneficial-ownership disclosure;
- water, energy, transportation, and utility planning;
- public financing and subsidy decisions;
- municipal and regional planning;
- monitoring and enforcement;
- decommissioning, remediation, and restoration; and
- any other public-interest review or approval.

A development must be assessed according to its practical reality rather than the individual applications, corporate entities, permits, facilities, or jurisdictions into which it has been divided.

2. Governing Interpretation Rule

This policy must be interpreted according to the following rule:

Where the legal form, corporate structure, ownership arrangement, project description, application history, or division of a development conflicts with its functional and commercial reality, the functional and commercial reality governs.

In applying this policy:

- substance prevails over form;
- effective control prevails over registered title alone;
- functional dependence prevails over separate ownership;
- common commercial purpose prevails over separate applications;
- total planned and reasonably foreseeable capacity prevails over first-phase capacity;
- the complete land assembly prevails over individual parcels;
- the complete resource demand prevails over individual allocations;
- the complete public commitment prevails over commitments made by separate public bodies; and
- the complete environmental effect prevails over effects assigned to individual permits.

No ambiguity may be interpreted in a manner that rewards, facilitates, or preserves an advantage obtained through project fragmentation.

3. Core Principle

Infrastructure forms part of an integrated project where it is necessary to, materially enables, or is reasonably expected to support the proposed development's:

- construction;
- commissioning;
- operation;
- capacity;
- location;
- timing;
- expansion;
- commercial viability;
- resource use;
- maintenance; or
- continued operation.

A component does not need to be technically indispensable to be included.

It is sufficient that the component materially enables the development to proceed in its proposed form, scale, location, or timeframe.

Infrastructure forming part of an integrated project must be assessed as a component of that project. It is not sufficient to classify it as an external development and consider only its cumulative effects.

4. Scope

This policy applies regardless of whether related project components are proposed:

- by the same company or separate companies;

- by a parent company, subsidiary, affiliate, partner, contractor, utility, municipality, public authority, or special-purpose entity;
- simultaneously or through staged and sequential applications;
- on contiguous or geographically separated lands;
- through different ministries, regulators, municipalities, or approval systems;
- before or after the principal facility receives approval;
- as privately owned, publicly owned, or jointly owned infrastructure; or
- as permanent, temporary, shared, reserve, emergency, or supporting infrastructure.

It applies to any development whose construction, operation, scale, location, expansion, or commercial viability depends on related infrastructure or public commitments.

This includes, but is not limited to:

- data centres and artificial-intelligence computing facilities;
- electricity-generation and energy-storage developments;
- hydrogen production;
- carbon capture, transportation, and storage systems;
- mining and resource-processing developments;
- industrial agriculture;
- manufacturing campuses;
- logistics and distribution hubs;
- petrochemical and refining complexes;
- large-scale water diversion and treatment systems;
- transportation corridors;
- telecommunications systems; and
- technologies or industrial systems not yet in widespread use.

The emergence of a new technology, ownership structure, financing arrangement, or project description must not allow a development to avoid scrutiny because existing laws assess its physical components separately.

5. Definitions

5.1 Integrated Project

An **integrated project** is the complete undertaking created by combining a principal facility with all infrastructure, activities, land interests, resource allocations, agreements, services, phases, public commitments, and supporting systems that are functionally or commercially related to its construction, operation, expansion, or closure.

5.2 Principal Facility

The **principal facility** is the development representing the primary commercial, industrial, technological, or public purpose of the integrated project.

5.3 Related Component

A **related component** includes any infrastructure, activity, agreement, land interest, resource allocation, utility service, or public commitment that:

- is required by the principal facility;
- materially enables the principal facility;
- is substantially dedicated to the principal facility;
- has been expanded, accelerated, relocated, reserved, or redesigned because of the principal facility;
- would not likely proceed in the same form, scale, location, or timeframe without the principal facility; or
- forms part of a common development plan or commercial objective.

5.4 Project Fragmentation

Project fragmentation, also referred to as project splitting or segmentation, occurs when an integrated project is divided among separate applications, entities, sites, phases, jurisdictions, permits, or approval processes in a way that prevents the complete undertaking from being reviewed and understood as a whole.

5.5 Public Authority

A **public authority** includes any government ministry, regulator, board, agency, commission, municipality, public utility, Crown or publicly owned corporation, regional authority, or other public body with the power to approve, finance, enable, service, classify, exempt, or regulate a project component.

6. Integrated Project Tests

A development must be treated as an integrated project where one or more of the following tests are met.

6.1 Functional Interdependence Test

Components are functionally interdependent where one could not reasonably be constructed, commissioned, operated, expanded, maintained, or closed at its proposed scale without another.

6.2 Enabling Infrastructure Test

A component forms part of an integrated project where it enables or materially supports the principal facility's proposed:

- capacity;
- location;
- operating schedule;

- water use;
- energy use;
- transportation requirements;
- commercial viability;
- expansion; or
- long-term operation.

6.3 Common Purpose Test

Components form part of one integrated project where they collectively serve a common commercial, industrial, technological, or public purpose.

6.4 Induced Development Test

A component forms part of an integrated project where the principal facility caused or materially influenced it to be:

- proposed;
- constructed;
- expanded;
- accelerated;
- relocated;
- redesigned;
- financed;
- reserved; or
- approved.

6.5 But-For Test

A component must be included where it would not likely proceed in the same form, scale, location, capacity, or timeframe but for the principal facility.

6.6 Shared Commitments Test

Components must be considered together where they share or depend upon:

- ownership or control;
- beneficial owners;
- financing;
- land agreements;
- utility commitments;
- capacity reservations;
- construction schedules;
- supply or service contracts;
- off-take agreements;
- public incentives;
- public infrastructure; or

- a common demand forecast.

6.7 Approval Momentum Test

Components must be considered together where approval or construction of one would create practical, financial, contractual, regulatory, or political pressure to approve another.

No single test is required.

Public authorities must consider the substance of the development rather than its formal legal or corporate structure.

7. Rebuttable Presumption of Integration

Two or more components are presumed to form one integrated project where they share one or more of the following:

- ownership, control, or beneficial ownership;
- a site, land assembly, or development area;
- a common commercial purpose;
- financing or investment commitments;
- a development or construction schedule;
- utility capacity reservations;
- water or energy allocations;
- a primary customer;
- infrastructure sized around the same demand forecast;
- public branding or announcements presenting them as related; or
- a coordinated application or development history.

The burden of proving genuine independence rests with the person seeking to exclude a component.

The presumption may only be rebutted through clear and verifiable evidence showing that the component:

- has an independent purpose;
- is commercially and operationally viable without the other component;
- would proceed in substantially the same form and timeframe without it; and
- has not been separated in a manner that limits regulatory scrutiny.

Where reasonable uncertainty remains, the component must be provisionally included until sufficient evidence establishes that it is genuinely independent.

8. Prohibition on Project Fragmentation

No person or public authority may divide, facilitate the division of, or separately approve an integrated project where the division has the purpose or effect of:

- avoiding or reducing the scope of an environmental or impact assessment;
- remaining below a regulatory threshold;
- preventing cumulative impacts from being identified;
- avoiding land-use or foreign-ownership restrictions;
- concealing beneficial ownership or effective control;
- limiting public notice or consultation;
- dividing responsibility among regulators;
- avoiding or narrowing Indigenous consultation;
- preventing consideration of reasonable alternatives;
- concealing total land, water, energy, emissions, waste, or infrastructure requirements;
- separating public costs from private benefits;
- approving a principal facility before its enabling infrastructure is reviewed; or
- creating approval momentum before the complete project is assessed.

This prohibition applies regardless of whether the fragmentation was deliberate or was undertaken for legitimate commercial, financing, ownership, administrative, or jurisdictional reasons.

The effect of the division, rather than the stated intention behind it, is determinative.

9. Mandatory Integration Question

Before accepting an application, request, or proposal connected to a major industrial or infrastructure development, every public authority must require the proponent to answer:

What other facility, infrastructure, resource allocation, land interest, agreement, public service, government approval, or government commitment is required or reasonably expected to enable this proposal to be constructed, operated, expanded, or maintained at its stated or intended capacity?

The answer must identify, where applicable:

- dedicated or expanded power generation;
- transmission lines, substations, and grid changes;
- fuel infrastructure;
- water withdrawals, diversions, storage, pipelines, and discharge;
- roads, railways, and transportation infrastructure;
- telecommunications infrastructure;
- wastewater, waste, and cooling systems;
- land purchases, leases, options, easements, licences, and rights-of-way;
- public land requirements;
- utility capacity reservations;
- municipal servicing;
- public financing, tax concessions, guarantees, or subsidies;
- related corporate entities and beneficial owners;

- project partners and infrastructure providers;
- anticipated phases and expansions; and
- applications submitted or expected to be submitted to another public authority.

The answer must be certified by an authorized senior officer and updated whenever new information becomes available.

An application is incomplete until this question has been answered.

The absence of a finalized contract does not permit the omission of infrastructure, land, services, or resource allocations that are reasonably contemplated, commercially necessary, reserved, under negotiation, or included in project-planning assumptions.

10. Aggregation for Environmental-Assessment Thresholds

Where facilities, activities, infrastructure components, resource allocations, or phases form part of an integrated project, they are deemed to constitute one project and one activity for the purpose of determining whether a mandatory environmental or impact assessment threshold has been reached.

All relevant measures must be calculated using the complete integrated project, including reasonably foreseeable phases and expansions.

Measures to be aggregated include, where applicable:

- total generating capacity;
- total electricity demand;
- total processing or production capacity;
- total water withdrawal, diversion, consumption, storage, and discharge;
- total land area and land disturbance;
- total emissions;
- total fuel consumption;
- total waste and wastewater generation;
- total transportation requirements;
- total storage capacity;
- total pipeline, transmission, or corridor length;
- total construction footprint; and
- any other quantity or physical characteristic used to determine whether an assessment threshold applies.

A public authority must not determine whether an assessment is mandatory by considering only:

- an individual component;
- the first phase;
- the capacity identified in one application;
- the portion located within one municipality;
- the infrastructure owned by one applicant;
- the portion regulated under one enactment; or

- the portion falling within one regulator's jurisdiction.

Where the aggregated project reaches a mandatory assessment threshold, the complete integrated project must undergo that assessment.

This applies even where no individual component reaches the threshold independently.

An exemption applying to one component does not exempt the integrated project as a whole.

11. Phases, Staging, and Expansion

All phases, modules, expansions, and supporting infrastructure forming part of a common development plan must be assessed together.

A proponent may not define the scope of review by presenting only:

- the first phase;
- the minimum operating configuration;
- the initially financed portion;
- the first parcel of land;
- the first power or water requirement;
- the first group of buildings; or
- the portion necessary to remain below a regulatory threshold.

The review must include:

- planned phases;
- reasonably foreseeable expansions;
- modular additions;
- land reserved for later development;
- utility capacity reserved for future use;
- infrastructure constructed with excess capacity intended for expansion; and
- later applications connected to an ongoing common development plan.

A fixed period must not override evidence of a continuing common plan.

12. Duty to Disclose

Every proponent has a continuous duty to disclose all information reasonably necessary to determine the full scope of the integrated project.

This includes:

- legal and beneficial ownership;
- affiliated entities and project partners;
- financing and investment arrangements;

- land purchases, leases, options, easements, and rights-of-way;
- utility agreements and capacity reservations;
- water allocations and diversion requirements;
- energy sources and fuel infrastructure;
- transportation and telecommunications requirements;
- subsidies, tax concessions, guarantees, and public infrastructure commitments;
- anticipated phases and expansions;
- contracts linking project components;
- construction and operating schedules;
- emergency and backup systems;
- waste and wastewater systems; and
- decommissioning plans.

Commercial confidentiality must not be used to conceal information necessary to determine:

- project ownership or control;
- the relationship between components;
- total resource requirements;
- environmental or community impacts;
- public infrastructure requirements;
- government financial commitments; or
- the identity of persons exercising effective control.

13. Land and Beneficial-Ownership Aggregation

For the purposes of land-use, foreign-ownership, beneficial-ownership, and land-concentration requirements, all land and interests in land required for an integrated project must be considered collectively.

This includes interests held through:

- direct ownership;
- beneficial ownership;
- subsidiaries and affiliates;
- partnerships;
- nominees and trustees;
- leases;
- options to purchase;
- rights of first refusal;
- easements;
- licences;
- rights-of-way;
- access agreements;
- utility agreements;
- contractual control;
- municipalities;
- public utilities;

- publicly owned corporations; and
- special-purpose entities.

All interests must be attributed to the ultimate beneficial owners and persons exercising direct or indirect effective control.

Public or utility ownership of a project component does not remove the affected land or infrastructure from the integrated project where it primarily enables or serves that development.

Geographic separation does not prevent aggregation.

14. Exemptions, Exclusions, and Special Classifications

No exemption, exclusion, ministerial direction, Cabinet decision, regulatory classification, or statutory discretion applicable to an individual component may be used to avoid consideration of:

- the complete integrated project;
- total land interests;
- effective ownership and control;
- total resource demands;
- mandatory assessment thresholds;
- cumulative environmental effects; or
- the complete public cost of the development.

An authority retaining the legal power to grant an exemption or exclusion may continue to exercise that power, but only after considering the complete integrated project.

Before granting or relying upon an exemption, the responsible authority must publicly disclose:

- the project component formally covered by the exemption;
- the complete integrated-project boundary;
- the total land and resource interests associated with the development;
- the practical effect of the exemption on the complete project;
- the ownership and effective-control information considered;
- the public-interest reasons for granting the exemption;
- any conditions imposed; and
- the measures preventing expansion beyond the approved purpose.

An exemption applicable to one component does not:

- remove that component from the integrated-project calculation;
- eliminate disclosure obligations;
- exempt other components;
- authorize undisclosed phases or expansions;
- prevent environmental or cumulative-effects assessment; or
- create a presumption in favour of later exemptions.

15. Lead Authority

Each jurisdiction adopting this policy must designate a legally empowered lead authority to make binding integrated-project determinations.

The lead authority must determine:

- whether a proposal forms part of a larger project;
- which facilities, infrastructure, lands, agreements, phases, and proponents are included;
- the complete project boundary;
- the capacity and resource demands to be aggregated;
- which applications and approvals are related; and
- whether material changes require the project boundary to be reconsidered.

The determination must bind every public authority responsible for approving, financing, enabling, exempting, servicing, or regulating a component.

The lead authority determines project scope but does not replace the substantive jurisdiction of specialized regulators.

Each regulator may continue to apply the laws within its mandate, but it must apply them using the same binding project boundary.

16. First-Contact Referral Duty

Every public authority receiving information about a potentially integrated project must refer the matter to the designated lead authority.

The duty arises when the public authority receives:

- a formal application;
- a request for preliminary guidance;
- a rezoning, subdivision, or development-permit application;
- a request for grid, water, transportation, or utility capacity;
- an application for public land;
- a request for public financing or tax treatment;
- a request for an exemption or regulatory classification; or
- credible information indicating that a proposal may form part of a larger development.

Referral must occur before the application is accepted as complete or any substantive approval, commitment, negotiation, or site preparation takes place.

The referring body does not decide whether the project is integrated. It identifies the possibility and refers the matter to the lead authority.

17. No Premature Approvals or Commitments

No public authority may issue a preliminary, conditional, or final approval connected to a potentially integrated project until the integrated-project determination has been completed.

Before that determination, no public authority may:

- transfer, sell, lease, or reserve public land;
- authorize site clearing or preparation;
- reserve electricity, water, or utility capacity;
- approve a grid connection;
- issue a water allocation or diversion approval;
- provide a grant, subsidy, tax concession, loan, or guarantee;
- enter into a municipal servicing agreement;
- finance enabling infrastructure;
- approve a transmission line, substation, pipeline, road, or supporting facility;
- enter into a procurement or power-purchase agreement; or
- make another commitment that creates approval momentum.

No preliminary or component approval creates a presumption in favour of the complete project.

18. Whole-Project Assessment

Before approval, the responsible authorities must identify and assess:

- the complete project footprint;
- all related and enabling infrastructure;
- all proponents, partners, affiliates, and beneficial owners;
- total land requirements;
- total electricity demand and generation requirements;
- total water withdrawals, diversions, consumption, and discharge;
- fuel requirements;
- transmission and grid changes;
- transportation and telecommunications requirements;
- emissions, noise, heat, waste, and wastewater;
- emergency and backup systems;
- public infrastructure and servicing requirements;
- public subsidies, guarantees, and financial exposure;
- impacts on housing, labour, municipal services, and emergency response;
- cumulative regional impacts;
- planned and reasonably foreseeable expansions;
- alternatives to the project;
- alternative sites, scales, technologies, and configurations;
- decommissioning and remediation requirements; and
- financial security for long-term liabilities.

The assessment must consider whether a smaller, distributed, less resource-intensive, or differently located development could achieve the stated purpose with fewer impacts.

19. Indigenous Rights and Consultation

Consultation with Indigenous Peoples must address the complete integrated project.

Consultation concerning one component does not discharge any duty relating to the complete undertaking.

No component approval may be used to:

- narrow the scope of consultation;
- reduce available accommodations;
- predetermine the project location;
- eliminate reasonable alternatives;
- create irreversible commitments; or
- establish approval momentum before consultation is complete.

The assessment must consider the project's combined effects on Indigenous rights, lands, waters, harvesting, cultural practices, community health, and cumulative regional conditions.

20. Regional and Cumulative Effects

Defining an integrated project does not replace the obligation to assess its cumulative effects alongside other existing, approved, proposed, and reasonably foreseeable developments.

The assessment must examine cumulative demands on:

- watersheds and aquifers;
- airsheds;
- electricity generation and transmission;
- fuel systems;
- transportation networks;
- agricultural land;
- wildlife habitat;
- municipal services;
- emergency-response systems;
- housing and labour markets; and
- public finances.

For major computing projects, the cumulative assessment must include:

- total electricity demand;
- grid reliability;
- generation and transmission expansion;
- fuel consumption;
- direct and indirect emissions;
- water use during normal and drought conditions;

- wastewater and thermal discharge;
- backup generator use;
- noise and low-frequency sound;
- land conversion;
- habitat fragmentation;
- municipal servicing costs; and
- competition for limited resources.

21. Public Registry

A single public registry must be maintained for every integrated project.

It must include:

- the complete project description;
- all component applications;
- all proponents, affiliates, and beneficial owners;
- a map of the complete land and infrastructure footprint;
- all public authorities involved;
- power, water, fuel, transportation, and waste requirements;
- utility and capacity commitments;
- public subsidies, guarantees, and infrastructure expenditures;
- anticipated phases and expansions;
- assessment documents;
- public and Indigenous submissions;
- reasons for including or excluding each component;
- approval conditions;
- monitoring information;
- amendments;
- compliance findings; and
- enforcement actions.

Redactions must be narrow, individually justified, and subject to review.

22. Lifecycle Responsibility

The integrated project includes:

- site preparation;
- construction;
- temporary works;
- commissioning;
- operation;
- maintenance;
- equipment replacement;
- expansion;

- emergency and backup operation;
- waste management;
- decommissioning;
- remediation;
- restoration; and
- long-term monitoring.

The proponent must provide sufficient financial security to cover closure, remediation, restoration, removal of infrastructure, and long-term environmental liabilities.

Liability may not be avoided through sale, restructuring, insolvency, or dissolution of a project entity.

Controlling proponents and beneficial owners may be held jointly and severally liable.

23. Reassessment

An integrated project must be reassessed where there is a material change to:

- ownership or control;
- project purpose;
- operating capacity;
- land footprint;
- energy source;
- water use;
- emissions;
- infrastructure requirements;
- technology;
- construction schedule;
- anticipated expansion; or
- public financial exposure.

A series of individually minor changes must be considered collectively where their combined effect is material.

24. Enforcement and Remedies

Where a project has been improperly fragmented, the responsible authority must be empowered to:

- suspend related applications and approvals;
- consolidate the components into one review;
- prohibit further construction or site preparation;
- reopen earlier decisions;
- revoke or amend approvals obtained through incomplete disclosure;
- suspend subsidies and public financial assistance;
- recover public costs;

- require additional consultation;
- require restoration of disturbed land; and
- remove any regulatory, financial, land-use, procedural, or timing advantage obtained through fragmentation.

Knowingly withholding, concealing, or misrepresenting information concerning a related component constitutes an offence.

Available penalties may include:

- administrative monetary penalties;
- prosecution;
- loss of permits;
- ineligibility for public subsidies or contracts;
- recovery of public funds;
- personal liability for knowing misconduct; and
- joint and several liability among controlling proponents.

25. Review and Appeal

A decision that components do or do not form an integrated project must:

- be made in writing;
- provide reasons;
- identify the evidence considered;
- explain the tests applied; and
- be published in the public registry.

Indigenous governments, affected municipalities, directly affected persons, and public-interest organizations must have access to an independent review or appeal process.

26. Application to Data Centres

For clarity, a major data centre must not be assessed solely as a building or computing facility where its operation depends on additional infrastructure.

The integrated project may include:

- computing buildings and equipment;
- dedicated or expanded electricity generation;
- natural-gas infrastructure;
- transmission lines;
- substations;
- grid upgrades;
- battery storage;
- backup generators;

- water withdrawals and diversions;
- pipelines;
- cooling systems;
- wastewater and thermal-discharge systems;
- telecommunications infrastructure;
- access roads;
- land assemblies;
- worker facilities;
- emergency-response infrastructure;
- public utility commitments; and
- anticipated future phases.

Where these components are required to construct, operate, or expand the data centre, they constitute one industrial development and must be assessed, disclosed, consulted upon, and approved as one integrated project.

A data centre that cannot operate at its proposed capacity without associated power, water, land, transmission, and supporting infrastructure is not a collection of separate projects.

It is one project.

Part II — Jurisdictional Implementation

27. General Implementation Principle

Each jurisdiction adopting this policy must establish:

- a legally empowered lead authority;
- a binding integrated-project determination process;
- a first-contact referral duty;
- mandatory threshold aggregation;
- coordinated regulatory review;
- whole-project ownership and land disclosure;
- a single public registry;
- enforcement powers; and
- an independent review or appeal process.

The identity and powers of the lead authority, the statutes requiring amendment, and the treatment of jurisdiction-specific exemptions should be set out in separate implementation addenda.

Addendum A — Implementation in Alberta

A1. Purpose

This addendum sets out how the Whole Project Assessment and Anti-Fragmentation Policy could be implemented within Alberta's existing system of provincial regulators, municipalities, ministries, utilities, public bodies, and Cabinet decision-making.

It does not replace the general policy.

It establishes the Alberta-specific machinery required to make the policy binding across multiple approval systems.

A2. Alberta Integrated Project Director

Alberta should establish an independent statutory officer known as the **Alberta Integrated Project Director**.

The Director would determine:

- whether a proposal forms part of a larger integrated project;
- which facilities, infrastructure, lands, agreements, phases, and proponents are included;
- the complete project boundary;
- the capacity and resource demands that must be aggregated;
- which applications, approvals, exemptions, and public commitments are related; and
- whether a material change requires reconsideration of the project boundary.

The Director's determination would bind every provincial and municipal body responsible for approving, financing, enabling, servicing, exempting, or regulating a component.

The Director would determine project scope but would not replace the substantive jurisdiction of Alberta's specialized regulators.

A3. Bodies Bound by the Determination

The integrated-project determination should govern project scope for reviews and decisions conducted by:

- Alberta Environment and Protected Areas;
- the Alberta Utilities Commission;
- the Alberta Energy Regulator;
- Alberta municipalities and municipal development authorities;
- ministries responsible for public land, water, agriculture, transportation, infrastructure, finance, taxation, economic development, and municipal affairs;
- public and regulated utilities;
- irrigation districts;
- regional planning bodies;
- Crown corporations and publicly controlled entities;

- the Land and Property Rights Tribunal; and
- Cabinet or a minister exercising an approval, exemption, or classification power.

Each body would retain responsibility for applying the legislation within its mandate, but it would have to use the same binding project boundary, ownership information, capacity figures, and development assumptions.

No approving body could adopt a narrower project description or exclude a component identified by the Director.

A4. Municipal First-Contact Duty

Municipalities are often the first public bodies to encounter a large development through:

- rezoning requests;
- subdivision applications;
- development-permit applications;
- servicing discussions;
- road or access requests;
- land-use amendments; or
- preliminary meetings with proponents.

A municipality receiving such a proposal would be required to refer it to the Alberta Integrated Project Director before accepting the application as complete or making a substantive commitment.

The municipality would not make the final integration decision.

Its role would be to identify that the proposal may form part of a larger development and trigger provincial review.

The same duty would apply to any provincial regulator, ministry, utility, agency, or public body that encounters the proposal first.

A5. Mandatory Alberta Application Question

Before accepting any application connected to a major industrial or infrastructure proposal, every Alberta approving body would require the proponent to answer:

What other facility, infrastructure, resource allocation, land interest, agreement, public service, government approval, or government commitment is required or reasonably expected to enable this proposal to be constructed, operated, expanded, or maintained at its stated or intended capacity?

The answer would have to identify:

- electricity generation;

- grid connections;
- transmission lines and substations;
- fuel infrastructure;
- water diversions and allocations;
- pipelines;
- roads and transportation infrastructure;
- telecommunications systems;
- cooling and wastewater systems;
- land purchases, leases, options, easements, and rights-of-way;
- municipal servicing;
- utility capacity reservations;
- public land;
- subsidies, tax concessions, loans, or guarantees;
- affiliated companies and beneficial owners;
- anticipated phases and expansions; and
- related applications submitted or expected to be submitted elsewhere.

An application would remain incomplete until this information was provided.

A6. Mandatory Environmental-Assessment Thresholds

The integrated-project determination would aggregate the complete project for the purpose of deciding whether a mandatory environmental impact assessment threshold had been reached.

Alberta authorities would be prohibited from calculating a threshold using only:

- the data-centre building;
- the power-generation facility;
- the water diversion;
- the transmission infrastructure;
- the first development phase;
- the portion within one municipality;
- the portion owned by one company; or
- the portion regulated under one statute.

Where the complete integrated project met or exceeded a mandatory threshold, the entire project would undergo the mandatory assessment.

This would apply even where no individual component independently reached the threshold.

An exemption applying to one physical activity would not remove that activity from the integrated-project calculation.

A7. Coordinated Alberta Review

Following the Director's determination, Alberta regulators could conduct concurrent reviews within their respective mandates.

However:

- every regulator would use the same project description;
- information submitted to one body would be available to all participating bodies;
- hearings and public-comment periods would be coordinated where practicable;
- no regulator could assume another regulator would assess an impact without confirming that it would do so;
- conflicting findings would be referred to the Director;
- no final component approval could be issued until the complete environmental and public-interest review was concluded; and
- all applications, hearings, decisions, and conditions would be linked through one public registry.

A8. Alberta Foreign-Ownership Rule

For the purpose of administering Alberta's restrictions on foreign ownership of land, all land and interests in land associated with an integrated project would be considered collectively.

The calculation would include land held or controlled through:

- direct ownership;
- beneficial ownership;
- subsidiaries and affiliates;
- partnerships;
- nominees and trustees;
- leases;
- options to purchase;
- easements;
- licences;
- rights-of-way;
- access agreements;
- utility agreements;
- development agreements;
- contractual control;
- municipalities;
- public utilities; and
- special-purpose entities.

Land interests would be attributed to the ultimate beneficial owners and persons exercising effective control over the complete project.

Separate corporate or public ownership would not prevent aggregation where the land enabled or supported the same development.

A9. Alberta Exemptions and Orders in Council

No exemption, exclusion, Order in Council, regulatory classification, or statutory discretion applicable to an individual component could be used to avoid consideration of the total land interests and effective foreign control associated with the integrated project.

Where Cabinet or another authority retained the legal power to grant an exemption, that power could still be exercised.

Before it was exercised, however, the government would be required to publish:

- the complete integrated-project determination;
- the total land and interests in land associated with the project;
- the ultimate beneficial owners;
- the nature and degree of foreign ownership or control;
- the component formally covered by the exemption;
- the practical effect of the decision on the complete project;
- the public-interest reasons for granting the exemption;
- any conditions imposed;
- the duration of the exemption; and
- measures preventing expansion beyond the approved purpose.

The public explanation would have to address why the exemption remained justified when the complete project, rather than the individual transaction or component, was considered.

An exemption would not:

- remove the land from the integrated-project calculation;
- eliminate beneficial-ownership disclosure;
- exempt other project components;
- authorize undisclosed phases;
- prevent environmental assessment; or
- create a presumption in favour of later exemptions.

A10. Cabinet and Ministerial Decisions

Where final legal authority rested with Cabinet or a minister, the Alberta Integrated Project Director's determination would remain binding as to:

- the scope of the project;
- the components included;
- the land interests requiring disclosure;
- the capacities and resource demands to be aggregated;
- the related approvals and public commitments; and
- the environmental and cumulative effects requiring consideration.

Cabinet or a minister could retain the authority to approve, refuse, exempt, or impose conditions.

They could not redefine the project more narrowly without:

- publishing the proposed revised boundary;
- disclosing the evidence supporting the revision;
- providing an opportunity for public and Indigenous submissions;
- explaining why the components were functionally and commercially independent; and
- issuing written public reasons.

A11. Alberta Public Registry

Alberta would maintain one public record for each integrated project.

The registry would link:

- municipal applications;
- environmental-assessment documents;
- utility applications;
- energy and resource approvals;
- water allocations;
- land transactions;
- foreign-ownership disclosures;
- exemptions and Orders in Council;
- public subsidies and infrastructure commitments;
- consultation records;
- hearings;
- decisions;
- approval conditions;
- monitoring reports;
- amendments; and
- enforcement actions.

A12. Legislative Implementation

The policy should be implemented through a **Whole Project Assessment and Anti-Fragmentation Act**.

That Act would establish:

- the Alberta Integrated Project Director;
- the binding project-scope determination;
- the first-contact referral duty;
- the mandatory application question;
- threshold aggregation;
- information-sharing among public bodies;

- disclosure and certification requirements;
- public-registry obligations;
- enforcement powers; and
- appeal and review procedures.

Related Alberta statutes and regulations would need to be reviewed and amended where necessary to ensure that:

- municipalities must refer potential integrated projects;
- provincial regulators must use the Director's project boundary;
- environmental-assessment thresholds are calculated using the complete project;
- land and foreign-control interests are aggregated;
- exemptions are exercised transparently;
- public funding and utility commitments cannot precede the project determination; and
- fragmented approvals can be suspended, reopened, or revoked.

A13. Transitional Application in Alberta

The Alberta provisions should apply to:

- new applications;
- applications under review when the legislation takes effect;
- approved but unconstructed projects;
- projects undergoing expansion;
- projects seeking material amendments;
- projects where one or more enabling components remain unapproved;
- projects seeking new public financing or infrastructure support; and
- projects where evidence of previously undisclosed integration emerges.

Where one component has already been approved but another material component remains outstanding, no further approval or construction should proceed until the complete undertaking has been reviewed.

A14. Alberta Interpretation Rule

For greater certainty, every Alberta enactment amended to implement this policy should include the following rule:

Where the legal form of a development conflicts with its functional and commercial reality, the functional and commercial reality governs.

No proponent should receive a regulatory, financial, procedural, land-use, ownership, or timing advantage because one development was divided into separate legal or administrative parts.

About the Author

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