

# Land-Use Framework Report Card

## A Checklist-Based Evaluation of Alberta's Draft Land-Use Framework

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## Executive Summary

The Government of Alberta's *Draft Land-use Framework* (Draft LUF), released on May 21, 2008, marks an important first step towards the significant reform of Alberta's outdated system of land and water management. This Report Card evaluates the Draft LUF using the *Alberta by Design Checklist*, a detailed set of recommendations for the LUF that was published in April by the Canadian Parks and Wilderness Society–Northern Alberta and the Pembina Institute. This evaluation yields three important conclusions:

1. The Draft LUF touches on many of the key Checklist items, and the overall policy direction is positive. There is clear acknowledgement that Alberta's current system for land and resource management is broken. Many of the proposed reforms are directed at the root causes of the unsustainable development and the decline in important quality of life indicators that many Albertans are experiencing. The commitment to using integrated regional planning to set objectives for Alberta's landscapes and to manage cumulative impacts is particularly noteworthy.
2. Several Checklist elements are not addressed in the Draft LUF, and the discussion of other elements is inadequate. These significant gaps should be filled in the final version of the LUF. In particular:
  - The LUF should include a clear commitment to enshrining the objectives and principles of the LUF, the governance structure, and the regional planning process in a new land-use planning act. This act should establish a solid legal foundation and detailed governance structure for the LUF, not simply a bare-bones framework. It should also amend existing legislation to ensure consistency with both the planning hierarchy and the commitment to outcome-based management that are central to the LUF.
  - The final version of the LUF, or a parallel policy initiative, needs to be clearer about the specific land-use outcomes that the LUF is intended to achieve. The triple bottom line is a good start, but it needs to be translated into measurable outcomes that can guide regional planning.
  - The LUF should set out a roadmap for integration with existing and proposed strategies for land, water and resource use, notably the Water for Life Strategy, the Clean Air Strategy, the forthcoming Comprehensive Energy Strategy and other emerging initiatives, such as the Plan for Parks and Biodiversity Strategy.
  - The proposed governance structure should be modified to provide greater public input at both the provincial and regional levels and better transparency in decision-making. Achieving the right balance between provincial and regional interests also needs more attention.
  - The LUF should provide for interim measures to maintain land-use values and to avoid a development rush during the planning process in areas of the province where development pressures are intense and planning options may be foreclosed before plans are in place.

In addition to these major gaps, the Checklist analysis highlights other parts of the Draft LUF that should be clarified or strengthened.

3. The final version of the LUF should provide clearer direction and more detail regarding the design and implementation of the proposed strategies and specific policy initiatives that are critically important for the success of this initiative. It should also identify the resources that will be made available to build the capacity within government, secure additional expertise where needed, and ensure effective public and stakeholder consultation throughout the design and implementation phases of the LUF. While there is an understandable need to keep this broad framework document at a fairly high level, the Draft LUF has insufficient direction to provide confidence that the government will carry through with full and effective implementation. This deficiency can be partially corrected by addressing the gaps identified by the Checklist analysis. The final version of the LUF should also be accompanied by an implementation plan and a legislative timetable that include much more detail regarding the next steps for policy development, legislative reform, institutional changes (e.g., Land-use Secretariat and advisory councils), design and implementation of the regional planning process, public and stakeholder involvement, priority policy initiatives, and funding to support all aspects of the LUF roll-out.

The Draft LUF is only the first step towards the fundamental changes that are needed in Alberta's system of land and resource management. Positive policy direction does not by itself guarantee changes "on the ground." In fact, the Government of Alberta has a long and disappointing history of announcing land-use initiatives and then shelving them prior to implementation or failing to follow through with the changes to legislation, policy and decision-making processes that are essential to success. The Alberta Forest Conservation Strategy, the Regional Sustainable Development Strategy for the Athabasca Oil Sands Area, and the Northern East Slopes Strategy are examples of this pattern of failed initiatives.

If the bold policy direction of the Draft LUF is to be implemented effectively, the Government of Alberta needs to move rapidly and deliberately to entrench the key aspects of this initiative through clear policy direction, new legislation and significant changes to the planning and decision-making processes for land and resource management. It also needs to show that real changes are occurring "on the ground" by implementing interim measures during the planning process and by ensuring that the outcome of planning is the adoption of meaningful limits on cumulative environmental impacts that will be respected when making decisions about land and resource use.

## Alberta's Draft Land-Use Framework

The *Draft Land-use Framework* (Draft LUF), released on May 21, 2008, marks an important first step towards the significant reform of Alberta's outdated system of land and water management. It begins by acknowledging that "we have reached a tipping point, where sticking with the old rules will not produce the quality of life we have come to expect" (p. 1).

The Draft LUF proposes "a new land-use system" to address the "unprecedented pressure on Alberta's landscapes." This system is based on six strategies:

- Establish six new land-use regions with a requirement to develop regional plans for each.
- Establish a new Cabinet Committee to oversee implementation of the LUF, a Land-use Secretariat and a multi-stakeholder Regional Advisory Council for each region.
- Use a cumulative effects approach at the regional level to manage the impacts of development on air, land, water and biodiversity.
- Develop new policy tools for conservation and stewardship on private and public lands.
- Establish an information, monitoring and reporting system to support planning and decision-making.
- Include Aboriginal Peoples in land-use planning.

The priority areas for planning are the Capital and Calgary areas, where planning initiatives are already underway, and the Northeast and Southern Alberta Planning Regions. Planning in the other four regions will follow, with a target completion date of 2012.

Initiatives to fill policy gaps and to support the new system for planning and decision-making include

- improved integration in managing surface and subsurface activities, including a review of the current process for identifying major surface concerns prior to the public offering of Crown mineral rights;
- adoption of measures to reduce the fragmentation and conversion of agricultural land;
- development of a transportation and utility corridors strategy;
- development of a comprehensive strategy to improve the management of growing recreational use pressures on public lands;
- development of a plan for parks to conserve and protect the diversity of Alberta's land base;
- development of a policy to manage flood risk.

The Draft LUF is a policy proposal, not the final word on Alberta's new land-use system. Albertans now have the opportunity to identify major gaps or other deficiencies in the

proposed system and to make recommendations for changes before this document is finalized in the early fall of 2008. The final LUF will likely be accompanied by an implementation plan that will, presumably, include more detailed information on the policy initiatives, decision-making processes and institutional arrangements that are central to the LUF. It is appropriate, therefore, for comments on the Draft LUF to focus on the specific measures that should be included in the subsequent design and implementation stages of the LUF initiative.

The period for public comment on the Draft LUF officially closes on June 20, although Aboriginal consultations will continue through the summer. Some organizations may have difficulty meeting this deadline. Given the short time frame, the government official leading the LUF initiative has stated that comments received within a reasonable time after the deadline will be considered. The Draft LUF and the Public Feedback Survey are available at [www.landuse.gov.ab.ca](http://www.landuse.gov.ab.ca).

## **Purpose and Structure of This Report Card**

This Report Card is intended to inform Albertans about the Draft LUF and to encourage them to submit comments and specific recommendations to the government. It provides an initial analysis of the Draft LUF based on the *Alberta by Design Checklist* that was published by the Canadian Parks and Wilderness Society–Northern Alberta and the Pembina Institute in April 2008. The Checklist and a companion report, *Alberta by Design: Blueprint for an Effective Land-Use Framework*, are available at [www.cpawasna.org](http://www.cpawasna.org) and [www.pembina.org](http://www.pembina.org). More information and analysis regarding the LUF initiative can be found at [www.albertabydesign.ca](http://www.albertabydesign.ca).

The Checklist contains 28 key elements, divided into the following categories:

1. Policy Direction
2. Legal Foundation
3. Roles, Responsibilities and Integrated Decision-Making
4. Planning Process
5. Cumulative Impact Management
6. Implementation of the Land-Use Framework

The choice of elements in the Checklist was guided by two fundamental questions:

- Does the LUF identify and address the root causes of unsustainable development and declining quality of life that are embedded in Alberta's existing system for land and resource management?
- Does the LUF provide sufficient detail regarding implementation (e.g., a specific path forward, a legal foundation, decision-making processes, financial resources, timelines and accountability)?

Evaluating the adequacy of the Draft LUF's discussion of implementation raises some challenges for this Report Card. The Draft LUF is intended to be a *framework* document that describes broad policy direction and identifies the key features of the proposed institutional architecture for planning and decision-making. Given the scope and

complexity of the LUF initiative, a staged approach to roll-out is necessary. While the details of the LUF are critically important because they will determine how this system will be implemented and whether it will result in meaningful changes to decision-making “on the ground,” many of these elements will have to be spelled out in future policy statements and legislation. Nonetheless, the final LUF and accompanying implementation plan should address important gaps and ambiguities in the Draft LUF and should provide meaningful guidance to subsequent stages of this initiative.

This Report Card uses the Checklist to provide an objective evaluation of whether or not key issues are addressed in the Draft LUF. The comments on implementation detail are more subjective, focusing on issues where more detail should be provided in either the final LUF or through policy statements and legislation as the initiative unfolds.

This Report Card is intended as a tool to help individuals and organizations reach their own conclusions regarding the strengths and weaknesses of the Draft LUF. The Draft LUF touches on a wide range of issues and in many respects offers something for everyone. It can be interpreted in different ways, depending on which elements seem most important to the reader and what underlying assumptions are made about the government’s dominant policy objectives and its political will to implement meaningful change. The Report Card does not, therefore, provide a letter grade for the Draft LUF as a whole or make recommendations about how it should be viewed. Individuals and organizations reviewing the Draft LUF must weigh the positive and negative elements from their particular perspectives when deciding how to respond to this policy proposal and what particular recommendations to submit to the Government of Alberta.

## Evaluation Using the Checklist Elements

### 1. Policy Direction

***1.1 Acknowledgement that Alberta’s existing system for land and resource management is inadequate to address current and future land-use challenges and that significant changes to the structure of decision-making (i.e., policy, legislation, decision-making processes, departmental mandates, etc.) are needed***

The Draft LUF addresses this Checklist item in several ways. It acknowledges the increasing land-use conflicts and the “unprecedented pressure on Alberta’s landscapes” because of rapid population and economic growth (pp. 1, 3). It states:

- “We have reached a tipping point, where sticking with the old rules will not produce the quality of life we have come to expect.” (pp. 1, 3)
- Our current land management system “risks being overwhelmed by the scope and pace of activity.” (p. 3)
- Albertans are “no longer satisfied with the status quo.” (p. 9)

The Draft LUF concludes that “we need a new land-use system” and proposes six strategies that will require significant changes in policy and decision-making processes. The Draft LUF does not include a commitment to new legislation, although officials have indicated that an implementation act will be introduced in 2009 (see below). Changes to departmental and agency mandates are not addressed in detail. Overall, however, the Draft LUF sends a clear message from the government that Alberta’s current land-use system is broken and that the structure of decision-making must be changed in order to fix it.

***1.2 Commitment to a new outcome-based approach to land and resource management that is directed towards***

- ***maintaining and improving quality of life and ensuring long-term sustainability, rather than simply focusing on maximizing economic growth***
- ***establishing the capacity to manage cumulative environmental effects (i.e., setting and achieving landscape-scale objectives when multiple activities affect land and resource values)***

The principle of outcome-based management is central to the Draft LUF. Section 3 sets out the vision and desired outcomes, based on the three “pillars” of sustainable development:

- sustainable prosperity supported by our land and natural resources
- healthy ecosystems and environment
- liveable communities and recreational opportunities

A short paragraph elaborates on each of these topics. The language describing the three pillars is positive, but ambiguous. Words such as prosperity, healthy and liveable are all subject to wide interpretation. Stripping out the ambiguity, the core message that can be

distilled from the Draft LUF is the intent to balance economic, environmental and social objectives. Quality of life is not listed as a specific outcome, but it appears to be part of the general vision:

“Albertans’ well-being is more than just jobs and economic development. Our quality of life includes significant environmental, social and cultural dimensions. The vision also confirms the principles of sustainability and inter-generational responsibilities.” (p. 9)

The importance of having the triple bottom line (economy, environment and social outcomes) as the foundation of the LUF cannot be overstated. It is a critical prerequisite for success. But it is not sufficient. How the vision and general outcomes of the LUF will link to the values and desired outcomes of individual stakeholders (recognizing that land-use conflicts and limitations of environmental carrying capacity will force trade-offs to be made) remains a question. In other words, what outcomes will be managed for in practice? The lack of clarity around this question is a deficiency of the Draft LUF that should be addressed.

The root problem is that the LUF is attempting to be both a policy statement about what we want to achieve on the land and a tool for getting us there. There is really no way to avoid this duality, because it is not possible to custom design a tool without knowing its purpose, but the emphasis in the LUF design process to date has been on tool development. The policy component remains in a rudimentary state, perhaps best described as a black box. The LUF Cabinet Committee and Land-use Secretariat are to take the generic direction provided in Section 3 of the Draft LUF, weigh in provincial policy and legislation, and somehow come up with specific objectives, priorities and trade-offs to guide each of the regional plans.

The fundamental paradigm shift to outcome-based management that is central to the LUF requires more than this type of black box decision-making. The definition of over-arching outcomes at the provincial level and more specific outcomes for each planning region represents an enormous step in policy integration, synthesis and trade-off decision-making. It needs to be open to public input and scrutiny. Therefore, in addition to the three general outcomes, the LUF should articulate a process for developing and communicating the more specific measurable outcomes that will actually be used to guide regional planning (see governance section). It is unlikely that a complete list of outcomes and accompanying rationales could be developed by the end of the year; therefore, this piece should be developed in parallel to the LUF, with clear linkages in place.

Stakeholder suggestions for strengthening the wording of the three outcomes in Section 3 would be useful. In particular, some stakeholders have identified weaknesses in the “social” pillar, arguing that communities should be more than “liveable” and that other values beyond recreation should be highlighted to emphasize both sustainability and quality of life. Other stakeholders may argue that “ecological integrity” should be a fundamental value or outcome, either province-wide or in certain parts of Alberta. The social or environmental pillars could be emphasized as the core objectives — as suggested in the Checklist wording — with the economic pillar treated as means for achieving quality of life and long-term sustainability.

The guiding principles in the Draft LUF warrant attention, although a detailed discussion is not possible in this Report Card. Given the Checklist’s emphasis on long-term

sustainability, it is significant that the definition of sustainability in the Draft LUF refers to a “balance” between current benefits and consequences for future generations. This wording is considerably weaker than the Brundtland Commission’s widely accepted definition that sustainable development “meets the needs of the present without compromising the ability of future generations to meet their own needs.”

The Draft LUF has a section on Cumulative Effects Management that explicitly adopts outcome-based management. This section acknowledges that Alberta’s current regulatory system, which is based on a project-by-project approval and mitigation of the adverse effects of each project, “does not adequately address the cumulative effects of all activities under the current pace of development” (p. 18). The cumulative effects discussion affirms that “our watersheds, airsheds and landscapes have a finite carrying capacity” (p. 18). The Draft LUF implies that outcome-based management will be guided by these environmental limits, stating that “our future well-being will depend on how well we manage our activities so that they do not exceed the carrying capacity of our environment” (p. 18). Cumulative effects management is discussed later in this Report Card.

### ***1.3 Commitment to regional planning as the centerpiece of an integrated system of policy, planning and decision-making for land and resource use***

The first strategy in the Draft LUF is to develop regional land-use plans for each of the six new land-use regions. The other five strategies are designed to support regional planning within a more integrated system for planning and decision-making.

### ***1.4 Endorsement of the LUF as a top government priority by the Premier and Cabinet***

The Draft LUF is presented as a cross-ministry initiative, but Minister of Sustainable Resource Development Ted Morton remains the principal spokesperson. The Premier and other Cabinet ministers have not made high-profile statements endorsing this document. The success of this initiative will depend on strong support from the Premier and Cabinet as a whole when the LUF is finalized later in 2009 and throughout the implementation process.

## **2. Legal Foundation**

### ***2.1 A new land-use planning act to provide the legal foundation for integrated regional planning***

The Draft LUF is silent on the subject of new legislation, with the exception of a brief reference to the need for ongoing consultation and dialogue “to implement new laws and policies” once the initial policy direction is confirmed (p. 10). This lack of attention to the legal foundation for the LUF is a major gap. However, a senior government official told stakeholder representatives in late May that the government plans to introduce new legislation to implement the LUF in the spring of 2009. It appears that this new act will enshrine the regional planning system in law and amend existing legislation to ensure consistency with the new land-use system. The commitment to a new planning act should be included in the final version of the LUF, along with direction on the content and timetable for this new legislation. Furthermore, this act should go beyond including the basic elements of the LUF in a bare-bones legal framework and leaving the important details to be enacted through regulations. The new planning act should include clear

principles and objectives and a significant amount of detail regarding the planning process, the planning and decision-making hierarchy, and the consequential amendments to existing legislation.

***2.2 Approved regional land-use plans are legally binding on lower level plans (e.g., sub-regional, sectoral and municipal plans) and on decisions about land and resource allocations (e.g., the issuance of mineral rights and water rights) and individual projects***

The Draft LUF does not include the words “legally binding,” but it states that “municipalities and provincial government departments will *be required* to comply with each regional plan in their decision making” (p. 11). This wording is consistent with a legally defined hierarchy for planning and decision-making. At other points, however, the wording is somewhat weaker. For example, the Draft LUF also states that integrated regional plans will provide “guidance to municipal and provincial planning and decision-making” (p. 15). The section of the final LUF that fills the current gap regarding the legal foundation should clearly state that regional land-use plans will be legally binding and should spell out how this hierarchy will be enshrined in legislation.

***2.3 Existing legislation governing decision-making processes is amended to ensure consistency with the policy, planning and decision-making hierarchy of the LUF***

Since the Draft LUF does not deal with the legal foundation for the new land-use system, the implications for existing legislation are not discussed.

**3. Roles, Responsibilities and Integrated Decision-Making**

***3.1 Well-defined roles and responsibilities for the provincial government, including Cabinet, in setting provincial policies and priorities and for the regional planning bodies that will engage stakeholders and individual Albertans in determining regional objectives, priorities and trade-offs***

Section 6 of the Draft LUF discusses Land-use Governance. It proposes the creation of a Cabinet Committee that is responsible for overseeing implementation of the LUF, supported by a Land-use Secretariat that develops the regional land-use plans for approval by Cabinet. These two bodies will be responsible for developing regional plans in conjunction with government departments and multi-stakeholder Regional Advisory Councils.

The governance structure responds to comments from stakeholder and public consultations that the provincial government should assume greater leadership on land-use issues. It also recognizes the need for policy direction and improved policy integration at the provincial level. The functions of the Cabinet Committee include setting priorities for regional planning, providing provincial oversight and coordination, recommending regional plans for Cabinet approval, advising provincial ministries on policy integration, and approving Terms of Reference for regional planning processes. All of these functions are supported by the Land-use Secretariat.

This emphasis on provincial leadership is not matched by the same level of detail regarding stakeholder and public input to planning. The role of Regional Advisory Councils appears to be relatively weak, although their exact relationship with the Secretariat and the Cabinet Committee is not fully described.

This relationship should reflect a balance between top-down and bottom-up input to planning, as indicated by the diagram on page 15 of the Draft LUF. There is a need for improved policy integration at the provincial level. Planning cannot occur in a policy vacuum, and certain broad priorities and trade-offs must be determined at the provincial level. Key decisions relating to provincial transportation corridors and the protection of endangered species, for example, cannot be delegated completely to regional or local decision makers. On the other hand, there is a risk that top-down decision-making may be unresponsive to local issues and may evolve into a centralized process dominated by backroom politics. Of particular concern is that, as currently structured, the LUF Cabinet Committee and Land-use Secretariat act as “black-box” decision makers. Without transparency and meaningful public and stakeholder involvement, the credibility of the LUF will be undermined.

One potential solution is to establish a Provincial Advisory Council, complementing the regional councils, to provide visibility and public input to the provincial-level decision-making process. The role of Regional Advisory Councils should also be better defined. The large size of the planning regions means that the regional councils cannot serve as fully representative bodies, incorporating directly all stakeholder interests. Therefore, mechanisms need to be in place to ensure that the full range of stakeholder interests, as well as the broad public interest, are brought to the table. The objectives are twofold: (1) to ensure that all interests are represented and (2) to achieve an appropriate balance between provincial and regional interests. The Regional Advisory Councils should also serve to articulate consensus where it exists. Where consensus cannot be achieved in a timely manner, the councils could identify competing interests and policy options. The government, as the ultimate architect of the regional plans, will then need to make political decisions. In these cases, the role of the councils in framing the issues and options can help to ensure that the government’s decisions and the rationale behind them are communicated back to stakeholder groups and the public.

***3.2 A new provincial planning agency or secretariat that is responsible for driving and supporting the regional planning processes and provides a link between Cabinet and the regional planning bodies***

The Land-use Secretariat proposed in the Draft LUF addresses this Checklist item. The key point is that it reports directly to Cabinet, rather than being housed in a line department. As noted above, more detailed work is required to define the relationship between the Land-use Secretariat and the Regional Advisory Councils.

***3.3 Guidelines and a process for establishing terms of reference for each of the regional planning bodies in order to articulate clearly the provincial-level land-use outcomes that each region is expected to achieve***

The Draft LUF states that the Land-Use Secretariat will develop terms of reference for regional planning. These terms of reference will be approved by the Cabinet Committee and will include a description of the provincial priorities that will be addressed in a regional plan. The Draft LUF also gives the Cabinet Committee responsibility for advising provincial ministries on the integration of provincial land-use policies.

The basic mechanisms outlined in this Checklist item are therefore in place. However, as currently structured, the process for reconciling and articulating provincial-level policy,

including policy related to land-use outcomes, lacks transparency and public input. The Land-use Secretariat could be given an explicit role in identifying potential policy “collisions,” reconciling conflicting policies and objectives, and articulating the resulting provincial-level land-use outcomes that should inform regional planning. This role would require coordination with line departments and the Cabinet Committee. A multi-stakeholder Provincial Advisory Council could also be established to provide public and stakeholder input to the Land-use Secretariat and the Cabinet Committee on policy issues. This council would also ensure greater transparency for the process of reconciling and articulating the broad policy choices that will guide the development of terms of reference for regional planning.

***3.4 A roadmap showing how the Cumulative Effects Regulatory Framework, Water for Life Renewal and Clean Air Strategy will be integrated under the LUF and how the LUF will relate to other planning and resource management initiatives, such as the Comprehensive Energy Strategy***

The Draft LUF states that it “complements the province’s water and air policies,” including Water for Life, the Clean Air Strategy and the Climate Change Strategy (p. 4). However, it falls far short of providing a road-map for integrating these strategies at the policy level and bringing them within a single governance structure for planning and decision-making. For example, integration with the Water for Life Strategy is essential because of the ongoing public, stakeholder and government involvement in advisory bodies established under that strategy. The LUF provides an opportunity to address fundamental governance problems that have limited the effectiveness of Water for Life. The Alberta Water Council and the Watershed Planning and Advisory Councils have been developing recommendations on governance issues, notably relating to watershed planning. The failure of the Draft LUF to define the roles of these bodies within the integrated planning and decision-making system is a significant gap. The LUF should also provide direction on policy reconciliation and governance to facilitate integration with emerging strategic initiatives, such as the revised Clean Air Strategy, the Comprehensive Energy Strategy, the Plan for Parks and the Biodiversity Strategy.

***3.5 Well-defined relationships between integrated regional planning and lower-level planning undertaken for sub-regions (including municipal planning) and for specific land and resource uses***

The Draft LUF anticipates planning on sub-regional scales. It identifies the Calgary and Capital regions as planning priorities and includes a section on Local Planning that addresses both municipal planning and provincial planning at the local level (e.g., access management planning, forest management planning, parks and protected areas planning). The Draft LUF also states that regional plans may “may identify the need for more detailed plans to address specific needs and issues within the region” (p. 16). There are few details, however, on the operation of this planning hierarchy.

One key issue is the role for sub-regional plans within the six large planning regions. The large regions have advantages in enabling priority setting and trade-offs within planning processes that cover relatively large areas of the province. Because these regions generally align with watershed boundaries, they also provide opportunities to manage land and water use from source water protection to end use. However, the extent to which

the broad range of land-use issues within certain regions will be addressed through regional planning or deferred to separate sub-regional processes is unclear. For example, there are clearly some important differences in land-use issues between the southern East Slopes, the prairies and the urban centres within the Southern Alberta Region. If the government expects regional planning processes to confront this range of issues and trade-offs rather than deferring them to sub-regional processes, the final LUF could state that sub-regional planning will rarely occur. Alternatively, it could attempt to define more clearly the issues that are appropriately dealt with at the regional level and the criteria for initiating sub-regional planning.

***3.6 Policy, legislative and regulatory processes and specific management tools to enable the LUF to address priority issues for land and resource management (e.g., pace and scale of energy development, habitat fragmentation, establishment of protected areas, access management on public lands, conservation of natural capital and the provision of ecological goods and services on private land)***

The Draft LUF addresses this Checklist item in Section 8 (Conservation and Stewardship) and Section 11 (Priority Actions for the Land-use Framework). There is some discussion of the specific tools that could be used to address policy gaps, but more detail is needed in many of these areas.

For example, managing the current pace and scale of energy development is clearly a major issue for the LUF. The discussion of priority planning in the Northeast and Southern Alberta Regions states that “the scope and pace of development in these areas threatens to preclude future opportunities” (p. 24). This statement reflects public concerns about the environmental impacts of oil sands development in the northeast and the threats to ecological and social values in parts of southern Alberta, such as the southern East Slopes, from the proliferation of energy facilities and other land uses. The Draft LUF does not, however, set out detailed policy initiatives to control directly the pace and scale of energy development.

The government’s broad policy objective is “to manage growth, not stop it” (p. 3). More specifically, the Draft LUF states that cumulative effects management “is about anticipating future pressures and establishing limits; not limits on new economic development, but limits on the effects of this development on the air, land and water of the affected region” (p. 18). This statement goes some way to explaining how the new system will respond to the risks to land-use values resulting from the current scope and pace of development. The effectiveness of this approach will depend on details regarding policy and planning that are not spelled out in the Draft LUF.

The Draft LUF also proposes policy initiatives in the following areas that are highlighted in this Checklist item:

- integrated management of subsurface and surface activities, including completion of the Upstream Oil and Gas Policy Integration Initiative and the review of the current process for identifying major surface concerns prior to public offering of Crown Mineral Rights (pp. 25–26);
- a new plan for provincial parks that will address gaps associated with conserving and protecting the diversity of Alberta’s land base (p. 26);

- measures to reduce the fragmentation and conversion of agricultural land and to promote stewardship and the maintenance of ecological goods and services on private land, including greater use of market-based incentives, transfer of development credits, agricultural and conservation easements, land conservation offsets and smart growth planning tools (pp. 19–20, 26);
- better management of growing recreational pressures and activities in Alberta, which presumably includes improved access management (p. 26).

Each of these areas would benefit from greater detail. For example, completion of Alberta’s network of protected areas should arguably be a high priority, because other land-use decisions may quickly foreclose conservation options. New policy instruments, such as transfer of development credits and offsets, will also require careful implementation to achieve desired benefits and to avoid unintended consequences. The final LUF or its accompanying implementation plan should provide more details about the design and implementation of these policy tools.

### ***3.7 Identification of opportunities for streamlining existing decision-making processes and for eliminating or consolidating statutes and regulations within the policy and planning framework established by the LUF***

This checklist item is not addressed in the Draft LUF. Opportunities for improved efficiency in decision-making may be identified through legislative reform and policy reconciliation. As noted above, the Draft LUF has significant gaps in these areas. Furthermore, more detail should be provided on the implications of integrated regional planning for decision-making processes, such as environmental impact assessment under the *Environmental Protection and Enhancement Act* and the review of individual project applications by the Energy Resources Conservation Board and the Natural Resources Conservation Board.

## **4. Planning Process**

### ***4.1 “Rules of the game” for integrated regional planning that***

- ***meet the highest standards of fairness, transparency, predictability, and accountability***
- ***facilitate effective participation by the public and by stakeholder groups (e.g., opportunities and support for meaningful involvement by individuals and public interest groups representing local, regional and provincial interests)***
- ***guarantee equal access to information on a timely basis***

The Draft LUF includes the following guiding principles that relate to this Checklist item (p. 10):

- Fair, equitable and timely — Decision-making criteria and processes will be clearly defined, consistently followed and not subject to political expediency.
- Accountable and responsible — All levels of government, the private sector and the community at large will share accountability for responsible land use.

- Collaborative and transparent — Albertans, land owners, land users and governments will work together. Decision-making processes will be open and inclusive.
- Knowledge-based — Government decision-making and choices will be informed by science, evidence and experience, including traditional knowledge of aboriginal peoples.

There are few details, however, on the specific “rules of the game” for planning and decision-making that will determine how these principles are applied in practice. These details should be provided, either within the final LUF or in accompanying proposals for legislation, policy and decision-making processes. For example:

- The process for appointing members of Regional Advisory Councils will be an important determinant of whether or not they are inclusive and to whom they are accountable. An effective process will also be needed to ensure broader public and stakeholder involvement in regional planning.
- Given the central roles of the Cabinet Committee and the Land-use Secretariat in the new system, specific measures will be needed to guarantee openness and transparency and to ensure that decisions are “not subject to political expediency.”
- Recognizing that accountability is shared among government and other stakeholders has value, but ultimate legal and political accountability for setting and achieving landscape-scale objectives rests with government. The mechanisms for enforcing this accountability should be more clearly described.
- The commitment to “knowledge-based” decision-making by government should include specific guarantees that this knowledge will include independent science and that all stakeholders will have equal and timely access to the information that decision makers are using.

#### ***4.2 Delineation of planning regions using watershed boundaries or other appropriate criteria and timelines for the completion of regional land-use plans in all regions of Alberta***

The six planning regions are based on major watersheds, with boundaries aligned to fit with existing municipal boundaries and natural regions. The proposed timeframe for implementation says that plans for the priority areas (Southern and Northeast Regions and metropolitan plans for the Calgary and Capital regions) will be completed by 2010. Plans for the other regions are to be completed by 2012.

#### ***4.3 A defined (rapid) timeline and transparent review and approval processes for draft plans submitted to Cabinet by regional planning bodies***

The Draft LUF states that Cabinet will approve draft regional plans. The process and timelines for approval are not discussed in detail.

***4.4 Regional planning bodies have the funding, information and autonomy that is needed to ensure that planning is informed by the best available independent science, local and traditional knowledge, good information, and cutting-edge planning tools (e.g., cumulative impacts modelling and GIS technology)***

The Draft LUF states simply that “decision-making bodies will be provided with the capacity to perform their responsibilities in a timely manner” (p. 10). It also states that government decision-making “will be informed by science, evidence and experience, including traditional knowledge of aboriginal peoples” (p. 10). Finally, Section 9 of the Draft LUF (Information and Knowledge System) includes a commitment by the government to facilitate the establishment of a network connecting researchers, practitioners, institutions and programs to provide the knowledge needed for the LUF.

The practical effect of these principles and initiatives will depend on the details of design and implementation. Some of these details should be provided in the final LUF and accompanying documents describing the planning process. For example, the final LUF should be more specific in defining roles of the Regional Advisory Councils and Land-use Secretariat in the planning process, particularly in relation to their ability to obtain independent science and other information and their use of planning and decision-support tools. Priorities for research and decision-support tools, such as scenario modelling, should be identified. Funding for these functions should also be specified.

***4.5 Effective and publicly accessible mechanisms for monitoring compliance by decision makers with land-use plans, ensuring accountability and taking enforcement action to address non-conforming decisions and land uses***

The Draft LUF states that “Albertans expect municipalities and provincial ministries to act in a way that is consistent with regional directions and plans” and that “appeal processes to allow for the appeal of decisions that are not consistent with these plans will be created” (p. 16). However, no details are provided. The effectiveness of these processes will depend on factors such as the rules governing public and stakeholder access to appeals, the cost of pursuing an appeal, the standards and evidentiary requirements for assessing compliance, the independence and credibility of the body hearing appeals, and the remedies available when land-use decisions are found to be inconsistent with regional plans. In addition, mechanisms for monitoring compliance should be established so that members of the public and stakeholder groups have the information that they need to determine whether or not to launch an appeal.

***4.6 Effective and publicly accessible mechanisms for monitoring progress in achieving the land-use outcomes defined in regional land-use plans and associated terms of reference (e.g., the Alberta Biodiversity Monitoring Program) and requirements for corrective action, including changes to plans or management decisions, if outcomes are not being achieved***

The Draft LUF states that “a system of monitoring, evaluation and reporting is required to determine if our land-use policies are achieving desired outcomes” (p. 21). It proposes the establishment of a system to ensure accurate, timely and accessible information. This system will be comprehensive, practical, understandable, forward looking and adaptive. The Alberta Biodiversity Monitoring Program will be a key component of this system. The draft LUF also includes a commitment to a continuous improvement system that

connects monitoring and evaluation to the periodic revision of land-use objectives and plans.

Although the basic elements of this Checklist item are included in the draft LUF, their effectiveness is difficult to assess without more details regarding design and implementation. For example, monitoring in support of land-use planning should generate information that relates directly to the land-use objectives and associated indicators that are identified as important in provincial policy statements and regional plans. The mechanisms for ensuring this alignment should be spelled out in more detail. The results of monitoring should also be made available through an arm's-length reporting mechanism that will ensure timely and complete distribution of information. The Alberta Biodiversity Monitoring Program has considerable promise, but other initiatives will also be needed to monitor a broader suite of objectives and indicators. For example, the use of Genuine Progress Indicators could be developed to monitor social, economic and environmental performance. Genuine Progress Indicators are particularly well suited to the LUF because they focus directly on quality of life and long-term sustainability. It is worth reiterating that well-defined measurable outcomes have yet to be defined in the LUF, and without these in hand monitoring will not be possible.

***4.7 Clear direction and substantial additional funding to enhance the policy and planning capacity within the Government of Alberta and to secure access to leading independent planning experts in Alberta, Canada and internationally***

The Land-use Secretariat has the potential to be a source of planning expertise within the Government of Alberta. However, the Draft LUF does not describe the strategy and resources that the secretariat will deploy to build internal capacity and secure expertise from outside of government. Additional resources for line departments may also be required to ensure that they can deliver the technical expertise that will be needed to support regional planning.

**5. Cumulative Impact Management**

***5.1 Commitment to using quantitative thresholds and limits to define the acceptable amount and intensity of development that is consistent with meeting the environmental, social and economic objectives specified in land-use plans***

The Draft LUF recognizes that cumulative impacts must be managed within limits in order to achieve land-use objectives and avoid exceeding the carrying capacity of the environment.

“The Government of Alberta will develop a process to identify appropriate thresholds, measurable management objectives, indicators and targets for the environment (air, land, water and biodiversity), at regional levels, and where appropriate at local levels. Land-use planning and decision-making will operate within these defined thresholds.” (p. 18)

One function of the Regional Advisory Councils is to provide advice on setting thresholds to address cumulative effects. However, the Draft LUF does not contain specific information on how the targets will be set.

***5.2 Commitment to using land-use zoning (i.e., triad approach of protected, intensive and ecosystem management zones) as a tool for achieving balanced outcomes where environmental objectives cannot be fully achieved through regional limits***

The Draft LUF identifies conservation and stewardship tools for private and public land, including the use of the regulatory framework to conserve sensitive habitats, watersheds, historical resources and heritage rangelands. It also states that the conservation and protection of the diversity of Alberta's land base is a priority and proposes the development of a plan for provincial parks. It does not include more information about land-use zoning or a commitment to implementing the triad approach. It is worth noting that when parks are mentioned in the Draft LUF it is mostly in a social and recreational context, suggesting that parks may not be seen as a tool for conserving biodiversity (which is the main point of the triad approach).

***5.3 Interim measures to maintain land-use values and options and to avoid a development rush during the planning process in areas of the province where important values are at imminent risk (e.g., northeastern Alberta, southern east slopes), including***

- *adjustments to land and resource tenures to alter the timing of development*
- *incentives and requirements to minimize new disturbance and other impacts*
- *restrictions on land re-zoning during the planning process*
- *temporary moratoria on new land and resource dispositions and on project approvals*

The Draft LUF makes no mention of interim measures. This omission is a major gap because of the risk that land-use decisions made before planning is completed will foreclose options and undermine the planning process itself. This risk is particularly significant because the commitment to planning and the provincial objectives specified for regional planning processes could actually increase incentives for development. For example, Minister Morton's comments about the need to limit the proliferation of acreage development west of Calgary could stimulate a rush to secure subdivision approvals in advance of regional planning. Similar incentives exist for other land users to secure land and resource rights and seek development approvals in advance of planning. A recent example of this phenomenon was the Department of Energy's decision to issue mineral rights in candidate protected areas in the oil sands region that were under active consideration by a working group of the multi-stakeholder Cumulative Environmental Management Association. The final LUF should include a clear commitment to interim measures, an illustrative list of these measures, and a well-defined legal and policy process for establishing and enforcing them. Interim measures could be put in place through the terms of reference for regional plans, but flexibility may be required to implement interim measures even earlier in areas facing acute development pressures or where there is evidence that the prospect of planning is fuelling a "land rush."

***5.4 Mechanisms for ensuring both flexibility and fairness in the adjustment of existing land and resource dispositions (e.g., mineral rights, water rights, timber quotas, forest management agreements) when a business as usual approach to these dispositions would unduly restrict planning options***

The Draft LUF includes a brief paragraph on “lease-swapping and dealing with existing tenure rights in ecologically sensitive areas” (p. 20). It states that “new incentives could be developed to encourage the expeditious removal of industrial activities or hydrocarbon resources from legislated protected areas or lands with high conservation value” (p. 20). This statement suggests that there may be some flexibility to reconsider existing tenures and land uses, but it falls short of a strong commitment with specific policy mechanisms and decision-making processes. This issue should be addressed in more detail in the final LUF. The absence of flexibility to deal with existing dispositions was a major problem for previous land-use initiatives in Alberta, such as protected areas planning under Special Places 2000.

***5.5 A toolbox of regulatory, financial and market-based policy instruments to maintain impacts within the thresholds and limits established through integrated planning***

The Draft LUF lists several policy instruments for conservation and stewardship. It recognizes the need for an effective regulatory framework and also notes the potential to use market-based instruments and other incentives to promote stewardship and achieve land-use objectives. The government proposes a strategy for conservation and stewardship on public and private lands and undertakes to work with the Institute of Agriculture, Forestry and Environment and other provincial applied research institutes to advance this strategy. More details on these initiatives should be provided in the next stage of the LUF roll-out.

**6. Implementation of the Land-Use Framework**

***6.1 A detailed implementation plan that includes***

- *a well-designed policy development process*
- *clear responsibilities for developing and implementing the LUF within government using a cross-ministry approach*
- *specific benchmarks, reporting requirements and accountability mechanisms (e.g., regular progress reports by the responsible minister, independent implementation audits, periodic review of progress by an independent multi-stakeholder advisory committee) to ensure that the implementation process remains on track and that it is consistent with the principles and objectives of the LUF*
- *an effective, focused and well-funded process for public and stakeholder consultation*
- *a legislative timetable*
- *an initial funding allocation for the LUF*

The Draft LUF does not include a detailed implementation plan addressing the specific points in this Checklist item. This is a major gap that should be filled when the final LUF is released.

***6.2 Policy direction and a well-defined process for fast-tracking land-use planning in priority regions of the province (e.g., oil sands, southern east slopes, Calgary-Edmonton corridor, etc.) and to address significant policy and legislative gaps and problem areas***

The Draft LUF identifies priority planning areas and policy gaps. The processes for addressing these priorities are not well defined.