

Alberta by Design Checklist

Evaluating Alberta's Land-Use Framework

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A Turning Point for Land and Resource Management



Aboriginal communities are deeply concerned about the effects of oil sands development on human and environmental health. Photo: David Dodge, The Pembina Institute

Alberta is at a turning point with respect to land and resource management. The pace, scale and intensity of development are increasing, as is the province's population. As a result, many indicators of environmental quality and quality of life are headed in the wrong direction. Important environmental and social values are now at risk and land-use conflicts are increasing.

Examples of undesirable outcomes of the current system of management can be found throughout the province:

- water shortages in southern river basins
- declining caribou herds in the foothills
- threats to fescue grasslands and the ranching economy along the eastern slopes of the Rockies in southern Alberta
- concerns in Aboriginal communities about the effects of oil sands development on human and environmental health
- opposition by farmers and acreage owners to the proliferation of energy facilities around Drayton Valley

Residents of Alberta's cities, from Fort McMurray to Calgary, also recognize that the economic boom comes with significant costs to their quality of life.

A Tyranny of Small Decisions

These negative impacts on Alberta's natural environment and quality of life are the cumulative effect of many individual activities on a fixed land base. Expanding industrial, commercial, residential and infrastructure development, along with growing recreational land use, put increasing pressures on the shared land base, but decisions occur independently in each of these areas. There is no long-term vision for the province.



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The future of Alberta's landscapes and watersheds and the air we breathe is subject to "a tyranny of small decisions." The outcomes we get arise not from conscious choices, but instead from the unplanned, unintended and often undesirable consequences of a multitude of individual decisions about land and resource use. Alberta's current system of planning and decision-making is on a path of unsustainable development and there is a broad consensus among Albertans that an overhaul of the system is urgently required.

Two Fundamental Problems

The first problem that needs to be addressed is an inappropriate focus on short-term economic growth instead of broader measures of success related to quality of life and long-term sustainability. The second is a management philosophy and decision-making processes that are incapable of managing expanding land uses on a finite land base.

We lack the tools to manage cumulative impacts through integrated planning and explicit trade-off decisions. Additional details and regional case studies on these issues are discussed in our companion report, *Alberta by Design: Blueprint for an Effective Land-Use Framework*, which is available at www.pembina.org and www.cpawsnab.org.

Building a New Land-Use Framework

In 2006 the Government of Alberta initiated the development of the Alberta Land-Use Framework (LUF) in response to the acknowledged need for a new approach to managing land use. The government undertook various consultative processes, including meetings with stakeholder focus groups, public consultations, stakeholder forums and issue working groups. The consultations were completed in the fall of 2007 and since that time the government has been preparing a draft of the LUF, which is expected to be released in the spring of 2008.

Several recurring themes were evident in the feedback the government received through the consultations (summarized in the *Land-use Framework Workbook Summary Report*). Repeatedly, respondents called for greater provincial leadership in the area of land-use policy. They stressed that managing growth in Alberta requires comprehensive provincial land-use planning based on a shared decision-making model. Many respondents said that land-use planning decisions should seek to ensure the long-term sustainability of Alberta's land base and water resources. They argued that the current generation of Albertans has a responsibility to ensure that future generations will inherit a healthy, viable land base. A common thread throughout the responses was the issue of environmental stewardship: respondents emphasized that the protection of ecosystems, biodiversity, wildlife habitats and watersheds must play a more central role in all land-use management decision-making.

Principles for the New Framework

Our companion report, *Alberta by Design: Blueprint for an Effective Land-Use Framework*, builds on the ideas generated in the government consultations and other relevant materials. It provides a detailed overview of the elements that the new LUF should contain if it is to achieve the land-use outcomes desired by Albertans. What follows is a summary of the core principles and a checklist of the key elements that can be used to objectively assess the LUF once it is released. Readers are referred to the companion report for detailed information on why the elements were chosen and the role they should play within the LUF.

The new framework for land and resource management should allow Albertans to collectively define their desired outcomes and to make decisions about priorities and trade-offs that recognize the full range of economic, social and environmental values and that respect environmental limits. The framework must accept that we can't do everything, everywhere, all the time. It should also set in place mechanisms that will guide activities to achieve our agreed-upon outcomes. The end result should be a shift from reactive and fragmented decision-making on individual resource dispositions and projects towards proactive and integrated landscape management.

These concepts are captured in the following five guiding principles:

- 1. Ensure Genuine Progress.**
Improving overall quality of life and ensuring long-term environmental, social and economic sustainability (the triple bottom line) should be the primary policy objectives for land and resource management. These objectives should replace the current focus on maximizing economic growth as defined by narrow indicators, such as gross domestic product.
- 2. Define Genuine Progress Indicators Through Public Engagement.**
Quality of life should be defined in terms of clear and measurable desired outcomes that reflect the full range of values and interests of Albertans. The processes used to determine these desired outcomes should be open and transparent, with procedural guarantees for effective public participation and mechanisms for accountability.
- 3. Our Land Base Is Finite.**
It is not possible to achieve all desired outcomes in all places all the time. Therefore, the policy and planning framework should include mechanisms for setting priorities, defining limits of acceptable impacts and making decisions about trade-offs.
- 4. Achieve Landscape-Scale Management Across Sectors.**
The policy and planning framework should enable Albertans to achieve landscape-scale objectives and manage cumulative impacts when multiple activities occur on the same land base. It should promote integrated decision-making across different types of land uses by breaking down sectoral and departmental silos. The policy and planning framework should also include the legal and institutional linkages needed to guide specific decisions on land and

resource allocation and on the review and regulation of individual projects and activities.

5. Correct Market Failures.

Reliance on market forces should be tempered by the recognition of market failures and the need for public policy to correct these failures — notably the failure to account for the externalized environmental and social costs of development and the incentives to ignore or under-value non-market factors, including the value of Alberta's natural capital and the benefits to all Albertans of maintaining environmental goods and services on both private and public land.

Checklist of Key Elements

The following checklist of key elements provides a basis for evaluating the LUF. The choice of elements was guided by two fundamental questions:

- 1. 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?**
- 2. 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)?**

If the government's proposed LUF includes the elements in the checklist and if it provides sufficient detail regarding their implementation, we believe that it will mark a significant step forward in putting Alberta on the path to sustainable land and resource use. If many of these elements are missing or if there are few details in the implementation plan, the LUF may be destined to be another in Alberta's long list of failed planning initiatives, such as the Alberta Forest Conservation Strategy, the Northern East Slopes Strategy, and the Regional Sustainable Development Strategy for the Athabasca Oil Sands Area.

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

- Policy Direction
- Legal Foundation
- Roles, Responsibilities and Integrated Decision-Making
- Planning Process
- Cumulative Impact Management
- Implementation of the Land-Use Framework

The checklist is a tool that anyone can use to evaluate the LUF. It will provide the basis for a report card that the Pembina Institute and the Canadian Parks and Wilderness Society, Northern Alberta, will release once the government's LUF policy has been announced.

For each element the following two questions should be asked:

- Is it included in the LUF?

- Is there sufficient detail regarding implementation?

Policy Direction

- 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
- 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)
- Commitment to regional planning as the centerpiece of an integrated system of policy, planning and decision-making for land and resource use
- Endorsement of the LUF as a top government priority by the Premier and Cabinet

Legal Foundation

- A new land-use planning act to provide the legal foundation for integrated regional planning
- 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
- Existing legislation governing decision-making processes is amended to ensure consistency with the policy, planning, and decision-making hierarchy of the LUF

Roles, Responsibilities and Integrated Decision-Making

- 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
- 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
- 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

- 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
- 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
- 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)
- 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

Planning Process

- “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
- 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
- A defined (rapid) timeline and transparent review and approval processes for draft plans submitted to Cabinet by regional planning bodies
- 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 modeling and GIS technology)
- 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
- 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

- 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

Cumulative Impact Management

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

Implementation of the Land-Use Framework

- 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
- 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

Looking Forward

Albertans' expectations for meaningful action are high, and the government has raised these expectations by acknowledging the need for significant change. In April 2007, the Honourable Ted Morton introduced the report *Understanding Land Use in Alberta* by stating that "Today's hyper-growth in population and economic activities is putting unprecedented pressure on Alberta's landscapes." Minister Morton concluded that "These new realities call for new approaches to managing land, resources and our natural environment." Evaluating the government's proposed LUF using this checklist will enable Albertans to decide if it contains the "new approaches" that are urgently needed.

Endorsements

This checklist has been endorsed by the following organizations:

- Alberta Surface Rights Federation
- Alberta Wilderness Association
- Canadian Parks and Wilderness Society
- Federation of Alberta Naturalists
- Kairos – Edmonton
- Livingstone Landowners Group
- Pembina Institute
- Pine Lake Surface Rights Action Group
- Sierra Club of Canada — Prairie Chapter
- Toxics Watch Society of Alberta
- Water Matters