

Making It Real Checklist



Benchmarks
for Implementing
Alberta's Land-Use
Framework



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The Pembina Foundation for Environmental Research and Education is a federally registered charitable organization. The foundation supports innovative environmental research and education initiatives that help people understand the way we produce and consume energy, the impact of energy generation and use on the environment and human communities, and options for more sustainable use of natural resources. The Pembina Foundation has contracted the environmental research experts at the Pembina Institute to deliver on this work. For more information about the Pembina Foundation, visit www.pembinafoundation.org or contact info@pembinafoundation.org.



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The Canadian Parks and Wilderness Society (CPAWS) is Canada's grassroots voice for wilderness. The Northern Alberta chapter works to maintain biodiversity and wilderness in Alberta through the establishment of industrial practices that are sustainable for nature, communities and the economy. CPAWS Northern Alberta has approximately 3,000 members led by a volunteer board of directors. More information about CPAWS Northern Alberta is available at www.cpawsnab.org or by contacting info@cpawsnab.org.



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Introduction

Alberta's new Land-Use Framework (LUF) could mark a historic turning point in the management of our land, natural resources and environment. But it could also turn out to be the latest in a long series of failed land-use initiatives.

The first step has been positive. The Government of Alberta has acknowledged that economic and population growth are “placing unprecedented pressure on Alberta's landscapes” and that our current land management system “risks being overwhelmed by the scope and pace of activity.”¹ The government's rationale for the LUF is simple and persuasive: “We have reached a tipping point, where sticking with the old rules will not produce the quality of life we have come to expect.”²

One problem with the old rules is their narrow definition of success: Alberta's existing land-use system is designed to promote short-term economic growth, and it often discounts or ignores the effects of land-use decisions on quality of life and long-term sustainability. The LUF recognizes the need to “better balance our economic growth with our social and environmental values” and it “confirms the principles of sustainability and inter-generational responsibilities.”³

A second problem with the old system is the government's inability to manage cumulative impacts when multiple activities share a common land base. Our current land-use system operates primarily through project-by-project decisions within a planning vacuum, which makes it impossible to set and achieve landscape-scale objectives. The LUF marks a transition to outcome-based management — with integrated regional planning as its centerpiece — to replace the blind incrementalism that condemns Alberta's landscapes and ecosystems to death by a thousand cuts.

While the LUF is headed in the right direction, the hard work to “make it real” remains to be done. Decisions made over the next 12 to 18 months will determine whether the LUF is remembered as Alberta's most important public policy initiative in decades or as yet another disappointing failure.

This checklist identifies key preconditions for success of the LUF and benchmarks for implementation. It is based on recommendations in *Making It Real: Implementing Alberta's Land-Use Framework*, published by the Pembina Institute and the Canadian Parks and Wilderness Society.⁴

¹ Government of Alberta, *Draft Land-use Framework*, May 2008, p. 3
(<http://www.landuse.gov.ab.ca/documents/LUF%20Draft%20Document%20may%2016%20FINAL.pdf>)

² *Ibid.*, p. 3.

³ *Ibid.*, p. 9.

⁴ Steven A. Kennett and Richard R. Schneider, *Making it Real: Implementing Alberta's Land-Use Framework*, Canadian Parks and Wilderness Society and Pembina Institute, October 2008 (www.pembina.org/pub/1715).

Provincial Leadership

The provincial government should demonstrate decisive leadership by setting clear policy direction on land-use issues. This has been a recurring theme in public and stakeholder consultations and is central to the success of the LUF.

Setting Priorities and Aligning Policies

Provincial priority setting and policy alignment will begin in parallel with the initial regional planning processes. An integrated provincial policy must be in place to define what the LUF is intended to achieve and to provide continuity over the long term.

Requirements:

- ❑ A transparent process for setting provincial-level outcomes that is led by the LUF Cabinet Committee, is supported by the Land-use Secretariat and includes opportunities for public and stakeholder input (including a multi-stakeholder Provincial Advisory Council). This process should be informed and guided by public land-use values, environmental limits, provincial policy reconciliation, trade-off analysis and the exploration of alternative futures.
- ❑ An analysis of existing and proposed land-use policies to identify policy collisions and obstacles to integrated land-use decision making and cumulative impact management.
- ❑ A provincial LUF policy statement that identifies values, outcomes and associated indicators at the provincial scale and reconfirms the government's commitment to quality of life and long-term sustainability as guiding principles for land-use decisions.



Photo: David Dodge, The Pembina Institute

Utility corridor in the boreal forest

Policy Development

Provincial leadership is also essential to fill significant policy gaps and to establish a supportive policy context for the LUF. The government identified several priority areas in the LUF but provided few details.

Requirements:

- A provincial Plan for Parks that recognizes the ecological and social value of protected areas; commits the government to completing Alberta's network of protected areas before significant conservation options are foreclosed by other land-use decisions; and establishes science-based selection criteria, standards for protection and measures to enhance the effectiveness of existing protected areas.
- Changes to Alberta's oil and gas regime to ensure that decisions about energy development are consistent with regional plans, to reduce conflicts with other land uses and to support cumulative impact management.
- An effective package of planning, regulatory and enforcement tools for access management, including the management of recreational use of public lands.
- A roadmap for integrating the LUF with other strategic initiatives (e.g., Water for Life, Clean Air Strategy, Comprehensive Energy Strategy, Biodiversity Strategy) within a unified governance structure.
- 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., oil sands and southern east slopes).
- Mechanisms to ensure both flexibility and fairness in adjustments to existing land and resource dispositions (e.g., mineral rights, water rights, timber quotas) when a business-as-usual approach to these dispositions would unduly restrict planning options.



Photo: Mary Griffiths, The Pembina Institute

Ranching is a traditional land use.

Regional Outcomes

Photo: David Dodge, The Pembina Institute



Urban growth, as here in Fort McMurray, must also be managed with a regional perspective.

Integrated regional planning is the engine of the LUF and setting regional outcomes to manage cumulative impacts is where the rubber hits the road. We need to start making informed choices about what we want based on what is possible, because the “everything, everywhere, all the time” approach to land use is no longer tenable. There are limits, they are real, and we need to learn to live within them.

The LUF’s regional plans should define specific outcomes by setting land-use priorities, establishing limits

on activities and impacts, and making trade-off decisions when a business-as-usual approach to multiple-use management is incompatible with these outcomes.

Terms of Reference

Terms of reference for the Northeast and Southern Regional Plans, expected to be released in late 2008 and early 2009, will be the first important indicators of regional outcome setting under the LUF.

Requirements:

- Internally consistent statements of provincial land-use policy, explaining how each regional plan will contribute to achieving desired provincial outcomes and ensuring a basic level of consistency among regions.
- Well-defined expectations and direction regarding
 - important regional land-use values and priorities
 - trade-offs among land and resource uses
 - inter-regional and region-specific issues
 - management tools (e.g., land-use zoning and market-based conservation instruments)
 - specific regional land uses (e.g., designation of protected areas, industrial development, transportation corridors, recreational land use, etc.)
- A description of the planning process, including timelines, public input, and guarantees of public access to modeling results and other information used for planning.

Regional Management Outcomes

The second important milestone is the identification of regional management outcomes within the approved plans. The first two regional plans should be completed within 12 to 18 months.

Requirements:

- Identify specific land-use priorities and management outcomes, and provide clear planning and management direction required to achieve these outcomes, including land-use zones for “working” landscapes, protected areas, special management regimes, and market-based and regulatory tools for conservation and stewardship.
- Set quantifiable management thresholds and regulatory limits for land uses and associated cumulative impacts.
- Provide direction to subregional (e.g., municipal) and activity-specific (e.g., forestry, oil and gas, and access management) planning and to operational decision making.



Photo: David Dodge, The Pembina

Animals like this bighorn sheep can also experience land-use conflicts.

Planning Process

The process used to create regional plans significantly influences their content, legitimacy and ultimate effectiveness. To ensure the best possible outcome, regional planning should include several important features.

Requirements:

- Government leadership and direction.** The government has the responsibility and legal authority for managing land use in the province. The Cabinet Committee and Land-use Secretariat should lead the planning process, establishing provincial outcomes and broad regional objectives with input from the Regional Advisory Councils and, ideally, a Provincial Advisory Council.
- Stakeholder engagement.** Stakeholders should be actively involved in planning, bringing both regional and provincial perspectives to the table. This engagement will strengthen the plans and build support for them among land users.
- Public engagement.** Since stakeholder groups tend to focus on specific issues and interests, they may not represent the broad public interest. Provincial outcome setting and regional planning should include processes to bring the values and concerns of the broader public to the table.
- Consensus driven, but timely.** The planning process should strive for consensus among members of the Regional Advisory Councils, but a failure to find consensus should not stall the process. Where consensus cannot be achieved, options should be presented to the LUF Cabinet Committee, which should then decide how to proceed.
- Modelling as a cornerstone.** Computer modelling of the cumulative and interacting effects of overlapping land uses should be the cornerstone of the planning process. Computer models can illustrate the relative effectiveness of alternative management approaches and highlight trade-offs that must be considered.
- Cabinet support.** The planning team and the Cabinet Committee should communicate throughout the process to resolve roadblocks and to ensure that the completed plan will have political support.
- High standards.** The process should meet a high standard of access to information, transparency, inclusiveness and fairness.
- Timeline.** Establish and follow a well-defined (rapid) timeline for regional planning.
- Resources.** Adequate human and financial resources will be needed, particularly to support stakeholder participation, public outreach, and cumulative effects modelling.



Photo: Mary Griffiths, The Pembina Institute

The effects of overlapping land uses must be considered in the planning process.

Regional Land-Use Manager



Photo: David Dodge, The Pembina Institute

Agriculture and other land uses often share a common land base.

planning area to provide direction, oversight and accountability. These regional land-use managers should be new high-level agencies or interdepartmental bodies. Regardless of the approach used, several specific tasks need to be addressed.

An important step in LUF implementation is to ensure that the day-to-day activities of individual land users contribute to achieving the outcomes specified in regional plans. Aggregating individual decisions is much more complex than mechanically implementing a plan. Operational integration is the key — regional objectives cannot be achieved without the understanding, cooperation and coordination of all land users.

This integration will not occur spontaneously. A regional land-use manager will be needed for each regional

Requirements:

- Regional decision making:**
 - Ensure that decisions involving resource allocation, project approvals and operational planning support the objectives of the regional plan and respect management thresholds and limits.
 - Select and deploy policy options for managing cumulative impacts within defined thresholds.
 - Ensure that the available space within impact limits is allocated among different land uses in a way that serves the broad public interest.
- Operational integration:**
 - Provide “hands on” support for integrated operational planning.
 - Ensure that all parties participate and comply with the decisions made.
- Monitoring:** Actively monitor the indicators and measures of success defined in the regional plan.
- Adaptive Management:** Take action to keep the plan on track if and when problems are encountered.
- Accountability:** Designate a single, well-defined entity to hold authority and accountability for the overall success of the regional plan.

Monitoring and Reporting

The LUF is an ambitious initiative that will entail substantial changes to the existing system of land management. Adaptive management and “learning by doing” will be essential as the new system evolves to the point where all of its elements work as intended. An effective monitoring system is imperative.

Regional Monitoring System

At the regional level, responsibility for monitoring would most naturally fall to the regional land-use manager.

Requirements:

- Monitor **compliance** by land users and local decision makers with the management direction provided by the regional plan.
- Monitor **progress** in achieving regional management objectives (including limits on cumulative impacts) defined in the plan.
- Report comprehensively and publicly on monitoring **results** and on steps taken to address problems.

Provincial Monitoring System

At the provincial level, responsibility for monitoring should fall to the Land-use Secretariat.

Requirements:

- Monitor **progress** in achieving the land-use outcomes defined in the terms of reference for the **regional** plans (with the regional land-use managers held accountable).
- Monitor **progress** in achieving defined **provincial** land-use outcomes.
- Report comprehensively and publicly on monitoring **results** and on steps taken to address problems.
- Evaluate the success of the LUF with regular **implementation audits** prepared by independent experts. These audits will ideally provide a broader sustainability assessment of land use in Alberta.



Photo: David Dodge, The Pembina Institute

Monitoring of uses, including mining, should be done regionally and provincially.

Structural Change

Alberta's land-use system is firmly entrenched in existing law, policy and decision-making processes and in the organizational cultures of some government departments and stakeholders. Support for "business as usual" can be expected from interests that benefit from the status quo. Broad policy statements will not be sufficient to change this reality. Implementing the new land-use system promised by the LUF will require new institutions and legislation.

Institutions

The Cabinet Committee, Land-use Secretariat and Regional Advisory Councils will assume primary responsibility for regional planning. The LUF's institutional structure could be strengthened to ensure their effectiveness.

Requirements:

- The Land-use Secretariat should have senior leadership, independence from existing line departments, sufficient human and financial resources, and a direct reporting relationship to the Cabinet Committee (with the chair of that committee acting as a powerful champion for the LUF within Cabinet).
- A multi-stakeholder Provincial Advisory Council should be established to help the Cabinet Committee and Land-use Secretariat set provincial outcomes and reconcile provincial policy, and to increase transparency for this process.
- New regional land-use managers should provide focal points for responsibility, authority and accountability for the operational integration that will be needed to achieve regional land-use outcomes.



Photo: Mary Griffiths, The Pembina Institute

Legislation

Regional planning and the new institutions to support it need a solid legal foundation that will integrate decision making and ensure continuity in land and resource management. Principles of good governance, including effective public and stakeholder involvement, transparency and accountability, should be legally entrenched in each component of the LUF legislation.

Established interests, including oil and gas, will be required to accept changes in institutions and legislation.

Requirements:

- Include a statement of legislative purpose and guidance for broad policy direction on outcome-based management and on the types of issues to be addressed in the terms of reference for regional plans and in the plans themselves.
- Clearly define the mandates, specific roles and responsibilities, and inter-relationships of LUF institutions.
- Define a legal hierarchy so that regional land-use plans are binding on all decisions by provincial government departments and agencies and municipal governments.
- Establish rules of the game for regional planning, including opportunities for meaningful public and stakeholder input.
- Guarantee accountability, transparency and procedures for monitoring, reporting and evaluation.
- Establish the legal basis for interim measures to protect land-use values and options that are at risk during the planning process.
- Amend other legislation to ensure consistency with the LUF, to address transitional issues and to overcome legal and institutional obstacles to integrated regional planning.



Photo: Dave Mussell

All areas of the province are subject to land-use pressures.