

Planning and Decision-Making Working Group Final Report

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Executive Summary

Alberta has many strong land-use planning structures and processes in place. However, the LUF initiative is driven by the perceived need for a systems approach to land management that takes into account the cumulative effect of land-use decisions on the Alberta land base, including the wildlife and human populations that live upon it, the ecosystems it supports, the air and water systems that flow across it, and the resources that lie upon and beneath it. The notion of a land management system implies in turn that individual land-use decisions and decision-makers are constrained, that not all possible outcomes are equally desirable or achievable. More specifically, the Planning and Decision-Making Working Group (PDMWG) concludes that individual land-use decisions should be made in the context of and consistent with:

- the principles and priorities articulated in the Land-Use Framework;
- provincial government policies, objectives, targets and priorities relating to Alberta's land base; and
- regional planning processes that take into account the cumulative impact of land-use decisions on the Alberta landscape.

As a consequence, the PDMWG developed three basic strategic responses for: (1) identifying principles that should govern land-use planning and decision-making; (2) strengthening the articulation of provincial land-use objectives and priorities; and (3) creating a regional planning capacity. The overall system objective is to ensure that land-use planning takes place at the appropriate scale, and that land-use decisions are made within the context of regional planning and a clearly articulated provincial land-use framework.

A strong majority of the PDMWG supports legislative expression for the LUF through a new Act, enhanced bureaucratic support through a Land-Use Secretariat within the Executive Council Office, and a regional planning process encapsulated in Regional Planning Councils to interpret and apply provincial policies on a regional scale. A minority opinion favours implementation of the LUF through amendments to existing legislation, the creation of a Land-Use

Commission outside the Executive Council Office, and a more fluid approach to regional planning.

The PDMWG recognizes that its report does not capture the full range of opinions expressed by group participants. Fortunately, the overall consultation process, including the opportunity for individual commentary, the review process, and the creation of Aboriginal working groups, does allow for that full range of opinions to be heard.

Perhaps above all else, the PDMWG wishes to underscore the importance of speedy action by the Government of Alberta to address structural problems in the management of the Alberta land base.

Introduction

At its core, the proposed Land-Use Framework (LUF) is about making better decisions on and for the Alberta land base. This in turn requires better land-use planning to inform such decisions. While other working groups tackled the values, objectives and priorities that should guide land-use decisions, the linkages between land-use planning and growth management, and the ways in which the impact of decisions should be monitored over time, the Planning and Decision-Making Working Group (PDMWG) tackled the planning and governance backbone of the LUF. The group's focus was on how decisions should be made rather than on what decisions should be made.

Fundamental to the PDMWG's perspective and proposed approach is that "the Alberta land base" should be interpreted to include the wildlife and human populations that live upon it, the ecosystems it supports, the water and air systems that flow across it, and the resources that lie upon and beneath it. This in turn leads to the need for a land-use planning system that can bring all these factors into play, address both the spatial and temporal dimensions of land-use planning, and provide a planning context within which discrete land-use decisions can be made.

Defining a Systems Approach

Literally thousands of land-use decisions are routinely made on a daily basis by municipal and provincial authorities, and by industrial and individual users of the Alberta land base. Scores of provincial policies and programs touch in one way or another on land management. We have also seen the emergence of voluntary regional planning mechanisms across municipalities (e.g., the Calgary Regional Partnership) and industry-led initiatives (e.g., Forest Management Plans and Integrated Land Management processes). In short, a wide range of public authorities, land owners and land users are brought into play in the development of land management policies and their implementation on the provincial land base.

This complexity raises concerns about the lack of integration across all of these activities, about the lack of a systems approach to land-use planning and decision-making. Indeed, we would argue that the LUF initiative has been driven by the perceived need for greater planning integration, and by the opportunities that might come from a more systemic approach to land management. In simple terms, planning allows Albertans to figure out where they want to go and how best to get there.

The notion of a land management system implies that individual land-use decisions and decision-makers are constrained, that not all possible outcomes are equally desirable or achievable. More specifically, the PDMWG concludes that individual land-use decisions should be made in the context of and consistent with:

- the principles and priorities articulated in the Land-Use Framework;
- more clearly articulated provincial government policies, objectives and priorities relating to Alberta's land base; and
- regional planning processes that take into account the cumulative impact of land-use decisions on the Alberta landscape.

Note we have not adopted terms such as “dictated by” or “determined by.” An effective land management system for such a complex province must maintain a reasonable degree of sub-system autonomy, a reasonable measure of flexibility in order to reflect regional

differences in circumstance. However, this subsystem autonomy and flexibility must still be guided by and consistent with the principles, policies, goals and priorities of the Province. The land management system guides rather than rigidly determines land-use decisions.

The PDMWG concludes that existing land management practices in Alberta lack three important characteristics: guiding principles, a clearly articulated expression of provincial government land-use objectives and priorities; and a regional planning capacity to deal with the cumulative impact of land-use decisions on the landscape. Our advice, therefore, addresses these missing characteristics and some of the issues they raise.

More specifically, the PDMWG developed three basic strategic responses: (1) the identification of principles that should govern land-use planning and decision-making; (2) strengthening the articulation of provincial land-use objectives and priorities; and (3) the creation of a regional planning capacity. The overall system objective is to ensure that land-use planning takes place at the appropriate scale, and that land-use decisions are made within the context of regional planning and a clearly articulated provincial land-use framework.

System Principles

Much of the work to date on the LUF has been devoted to identifying the values and principles that should govern land-use planning and decision-making in Alberta. The PDMWG contributes to this work by proposing that the LUF should:

- provide an explicit statement of provincial land-use objectives and priorities;
- build upon values held by all Albertans, while recognizing that such values may change over time;
- embrace a long-term planning horizon, clear policy objectives, and measurable outcomes;
- solicit and incorporate traditional knowledge and values where it is appropriate to do so;
- facilitate commercial/industrial access to land in keeping with the Province's sustainable development goals; and

- be guided by an over-arching commitment to sustainability.

We also assume that land use planning and decision-making processes must respect the broader environment within which Alberta's residents and governments operate. More specifically, such processes must respect Alberta's regional, national and international obligations, property rights and existing resource agreements, and its obligations to First Nations, Métis, and Aboriginal Peoples as expressed through treaties, the *Natural Resources Transfer Act (1930)*, provincial legislation, court decisions, international conventions, and existing consultation agreements.

More specifically yet, we conclude that the planning and decision-making processes for the LUF should:

- have the capacity to manage the impact of cumulative effects;
- recognize the need for equitable public and stakeholder participation and input;
- be applicable across provincial, regional and local scales;
- rest upon a high quality and publicly accessible land and resource information base;
- provide for vertical and horizontal policy integration within and across governments;
- connect land, water and air policy and planning, and more generally, take into account the variety of ways in which Alberta communities connect (e.g., recreation corridors, transportation systems, utility corridors, provision of government services);
- enhance efficiency and timeliness for those industries and individuals operating on the provincial land base;
- integrate surface land-use planning and subsurface resource development;
- create clear lines of accountability; and
- recognize that land-use planning is an ongoing, iterative process that must be adaptable to changing circumstances and values.

In advancing this set of principles, the PDMWG stresses that we do not want to unduly privilege the status quo,

and that planning and decision-making will always involve trade-offs among competing values. We also recognize that values are not static, and are subject to change as circumstances change. Nonetheless, an explicit set of principles serves as a useful point of departure, and provides a standard against which performance can be assessed.

At the same time, the identification of principles to guide land-use planning does not take us very far unless those principles are given effective voice. This takes us to the critically important role of the Government of Alberta in an effective land-use planning and decision-making system.

Strengthening the Provincial Role

A persistent theme in the PDMWG conversation was the need to strengthen provincial leadership in the land management system. The issue we kept coming back to was not the weaknesses of existing decision-making processes at the local level, but rather that these processes are not sufficiently guided by explicit provincial priorities and objectives. In short, there is a need for a provincial land-use framework that is implemented rather than ignored, monitored, publicly reported upon, reviewed, and adjusted. Its strategic direction would be applicable not only to municipal governments but also to land users and government departments engaged in such activities as the disposition of timber or mineral rights, or the approval and regulation of individual projects and activities. Policy integration within and across governments will follow from the explicit identification of provincial objectives and priorities.

This is not to suggest, however, that the provincial government should be micro-managing land-use decisions in the province. Rather, the province should be addressing those issues that need to be addressed at the provincial scale. These might include, for example, long distance linear land uses such as transportation, utility and recreation corridors; the protection of biodiversity; and development priorities at the landscape level (e.g., the Eastern Slopes and oil sands region).

All of this boils down to the need for more clearly articulated provincial goals and priorities in the land

management system. There is a need to synthesize one clear, comprehensive set of provincial goals, objectives and targets to manage the cumulative impact of human activities on Alberta's landscape, and there is a need to provide an institutional home for the LUF. Here the PDMWG considered two options:

- The first option would entail greater public service support for the Executive Council Office with respect to land-use planning and decision-making. A Land-Use Secretariat could provide a central agency support function that could extend to mandate letters for regional planning councils (discussed below), nominations for such councils, and planning support. The Secretariat would facilitate the synthesis of over-arching provincial goals, objectives, targets and measurable outcomes. It would be internal to the GOA, with limited public profile, much like SREM today. The Secretariat would not be under the mandate of a single department, and would therefore have the independence to articulate government-wide perspectives.
- The second option would entail a more formal and robust Provincial Land Use Commission that could supply not only the support noted above but also land use policy advice to the provincial government. It would be a champion for the LUF and for the central role of land use planning within the broader framework of government decision-making. Such a Commission could provide formal seats at the table for such groups as municipal government associations and treaty associations. It would give higher public profile to the importance of land-use management in the province, and could provide a repository for both expertise and experiential learning.

A strong majority of the PDMWG opts for the first option, believing that there is no need for “another level of government” to confuse lines of political accountability. A Provincial Land Use Commission could appear to make the land-use planning system more cumbersome, and to elevate unelected Commissioners above elected representatives. In either case, the PDMWG emphatically supported the need for a more clearly articulated provincial voice to animate the planning process.

Closely linked was a discussion on how the LUF should be embedded within the policy or legal architecture of the Alberta government. Here the PDMWG identified three options for moving forward:

- The first option would be to have the LUF remain at a policy level, without legislative enactment through either new legislation or amendments to existing legislation.
- The second option would be to operationalize the LUF through amendments to existing legislation (e.g., the *Municipal Government* and *Public Lands Acts*).
- The third option would be to enact a new piece of legislation to embody the LUF. This new Act would enable and give statutory authority to the land-use planning and decision-making innovations discussed in this report. It would also require amendments to existing pieces of legislation.

There was a virtual consensus within the PDMWG supporting the third option, which would highlight and give public visibility to the importance of land-use planning for Alberta. Stand-alone legislation could be used to give voice to the principles and values that the LUF has identified. New legislation would also identify clear lines of political accountability for the LUF, and would give greater permanence to the government's commitment to land management.

Although the PDMWG supports the creation of new legislation, it is also adamant that the need for such legislation should not be used as an excuse to delay government action. A great deal can be done now through existing legislation (e.g., the creation of Regional Planning Councils), and therefore the provincial government can move forward while legislative reforms are planned and debated.

The above points touch on where best to lodge responsibility and accountability for the LUF. Given the reach of land-use issues, and their inevitable entanglement with so many policy fields, the PDMWG is reluctant to suggest that responsibility be lodged within a single department. Some broader, cross-ministry engagement is essential, and hence the proposal for a Land-Use Secretariat embedded within the Office of the Executive Council.

If the LUF is to lead to an effective land management system in Alberta, it is essential that it be integrated with other closely related policy initiatives. Here the PDMWG wrestled with two approaches to integration. The first would see the LUF as the land counterpart to the Water for Life Strategy and other somewhat autonomous elements of a complex system (e.g., Alberta's Biodiversity and Wetlands Strategies). The second approach would see the LUF itself as the over-arching vehicle for integration; land, air and water management would be pulled together through the LUF and the planning mechanisms discussed below.

Given the PDMWG's assertion that the Alberta land base should be interpreted to include the wildlife and human populations that live upon it, the ecosystems it supports, the air and water systems that flow across it, and the resources that lie beneath, we lean towards the second, more expansive approach. The LUF provides an opportunity to create a more holistic approach to planning, and to recognize the inescapable linkages among land, air and water planning. However, this more expansive approach should best be seen as an evolutionary rather than immediate goal. A good deal of policy and planning work has already been done on the air and water sides, and to lose this traction would be a mistake.

In summary, we began with the need for a clearer articulation of provincial goals and priorities with respect to land management, and went on to suggest that this might best be achieved through additional public service capacity and a new legislative framework. The overall need, we should stress, is for the provincial government to be more explicitly engaged in land management, not to the point of micromanagement of specific land-use decisions but in terms of identifying the provincial context within which those decisions should be made. At the same time, the working group concluded that greater provincial government leadership is not sufficient if land-use challenges are to be addressed. There is also a need to plan at the regional level, and it is to this matter that we now turn.

Creating a Regional Planning Capacity

The PDMWG concluded, as did the consultations culminating in the 2006 Red Deer Forum, that the existing land management system is weakened by the lack of planning processes at the regional level. Although Alberta's land base is profoundly affected by the allocation of land and resources to various uses and users, the approval and regulation of specific projects and activities, and the implementation of management decisions at the operational level, there is no capacity to assess and plan for the cumulative effects of these on a regional scale. The PDMWG therefore concluded emphatically that the effective implementation of the LUF will require the creation of some significant regional planning capacity. However, there was less agreement on what form this capacity should assume.

The majority of working group members opted for the creation of Regional Planning Councils (RPCs). In a nutshell, the RPCs would develop regional plans and submit such plans for approval by the Executive Council, thereby ensuring regional alignment with provincial land-use policies, objectives and priorities. In effect, the RPCs would interpret and apply provincial policies on a regional scale. Provincial sign-off would ensure that each planning document meets the basic terms of reference and is in a form that is suitable for engaging higher level (e.g., cabinet) deliberation, just as municipal government approval of the regional plan would provide the foundation for compliance. These plans should be evergreen, subject to a mandated periodic review. In this context, the PDMWG recognizes that a comprehensive provincial data base is not yet available and will take time to populate, therefore necessitating an iterative rather than linear planning process.

The new RPCs would translate provincial land-use policies and priorities into regional plans, thereby establishing a regional planning context within which local land-use decision-making can occur, and within which users of the land can operate. A secondary task, but one that will become increasingly important over time, will be to convey regional interests and values upwards to the provincial government. In other words, the RPCs should serve as a two-way transmission belt, conveying provincial land-use priorities and objectives

downward to local communities and land users, and conveying local preferences and practical approaches upward to the provincial government. In essence, the regional plans would represent the intersection of regional perspectives and values, on the one hand, and provincial interests shared by all Albertans, on the other.

RPCs should be created, mandated and fully supported by the GOA. Support should include not only the necessary financial wherewithal but also access to planning, data, and modeling expertise. The RPCs should cover the entire provincial land base with the exception of national parks, Government of Canada lands, First Nations, and Metis settlements, although in all such cases, engagement in the regional planning process must be encouraged because cumulative effects do not stop at administrative boundaries. It is essential that the regional planning process be supported by the monitoring and evaluation mechanisms developed as part of the LUF, for an adaptive management system requires continuous feedback.

The introduction of RPCs would not be a marked departure for Alberta; in effect, we would be taking the municipal planning experience and moving it up to the regional scale so as to better handle cumulative effects and address limits on the amount or intensity of land activities. In so doing we would not be replacing other forms of planning at the sub-regional or local scale (e.g., Watershed Planning and Advisory Councils, airshed plans) but instead would be providing a forum in which these could be brought together.

In this context it is important to emphasize what the RPCs should not do. The Regional Planning Councils should not be charged with ensuring compliance with regional plans. They should not have subdivision and development approval authority, nor should they have zoning authority. They should not be an appeals body for local decision-making. They should neither create nor approve operational plans for forest companies, and they should not duplicate the functions of the EUB, ILM agreements, or Municipal Development Plans as instruments for policy implementation. (However, the mandates of regulatory bodies like the EUB and NRCB should be expanded to include consideration of regional plans, and the cumulative effects of development within a region.) Finally, Cabinet signoff for the regional plans applies only to those aspects falling within provincial

jurisdiction; from time to time the plans may embrace elements that will bring other governments (Government of Canada, municipal governments, First Nations) into play.

In bringing this conceptual discussion of RPCs to a close, it should be noted that some members of the working group who supported the need for a regional planning capacity were less enthusiastic about the formalization of that capacity within Regional Planning Councils. They felt that regional planning might take many different forms across different regions and issues. As a consequence, they preferred a more fluid, less institutional approach to regional planning. Again, there was a much stronger consensus on the need for a regional planning capacity than there was on how such a capacity might be realized.

Setting regional boundaries

If RPCs are to be established, they will need to be bounded in some form. Here we recognize that determining the number of RPCs and their spatial boundaries will be a difficult task, and to this end we can only offer some design principles for consideration by the GOA:

- the planning regions should be sufficiently large to work at the landscape level, and to avoid being embroiled in local land-use decisions, but sufficiently small to be meaningful. To be avoided are regions that are so large as to be meaningless in a planning sense (e.g., “southern Alberta”).
- regional boundaries could be congruent with (1) natural landscapes such as watersheds or river basins; (2) commonly understood ecological zones such as the Eastern Slopes; (3) the natural regions and sub-regions of Alberta (e.g., the Central Parkland, Dry Mixed Grass, the Lower Foothills, the Central Mixed Wood, the Sub-alpine and Peace-Athabasca Delta); Treaty areas (e.g., Treaty 8); or municipal boundaries.
- some members of the PDMWG argued with particular vigor for the use of watersheds to define the boundaries of RPCs. Here it was noted that watersheds are used to operationalize the Water for Life Strategy, and are referred to within the *Public Lands Act*.

- congruency with existing political and administrative boundaries such as existing municipal and Forest Management Agreement boundaries would be an asset. To be avoided are boundaries that would split existing municipalities.
- RPCs for metro-Calgary and metro-Edmonton are unavoidable.

In any event, regional boundaries should make some intuitive sense, reflecting common interests and being more than simply administrative lines on maps.

When proposing these principles, we recognize both the necessity of establishing regional boundaries for planning and the inevitability of “spill-over” effects and land-use issues for which the appropriate scale of decision-making will not align perfectly with these boundaries. There is no simple solution to this problem, but neither should it deter us from setting boundaries and then developing processes for managing issues that do not fit neatly within these lines on map. (Municipal governments confront such issues on an ongoing basis.) As noted above, a key role for provincial policy setting is to guide regional planning processes on issues where there is a broader provincial (or national) interest to be considered, or where decisions in one region may affect land-use values in another. Horizontal collaboration among regional planning bodies on trans-boundary issues could also be facilitated. Regional planning boundaries define the physical space for collective deliberation on land-use priorities and trade-offs, within a broader policy and institutional framework that recognizes the need to address some important issues at different spatial scales.

Populating the Regional Planning Councils

RPCs will be brought to life by the people who end up sitting around the working tables, and here the Government of Alberta faces some difficult design choices. While the PDMWG was asked for advice on who might populate these tables, the group did not discuss this in a conclusive way, and therefore can only offer the following thoughts for consideration in developing the RPCs:

- Some participation by the GOA on the RPCs is essential, although the appropriate form of

participation is not clear. The challenge comes from the multitude of provincial departments with a direct involvement in land-use issues (e.g., Agriculture and Food; Energy; Environment; Municipal Affairs and Housing; Infrastructure and Transportation; Sustainable Resource Development; Tourism, Parks, Recreation and Culture). Selection of GOA representation on specific RPCs could be determined by the Land-Use Secretariat and Cabinet.

- Given the emphasis on planning and planning expertise, and given the sensitivities of municipal councils, the RPCs should not be elected. However, the intricacies of appointment (by the GOA, by municipalities, stakeholders, etc.) remain to be determined.
- It is not clear to what extent the RPCs should be intergovernmental in character. While an exclusively intergovernmental approach would facilitate the engagement of municipal governments and First Nations, it might curtail the engagement of industry groups, the environmental community, and Aboriginal peoples without governmental organizations. There needs to be flexibility on this point. In some regions, just provincial and local government representation may be appropriate. In others, such as the oil sands or the green area, it would be dysfunctional to exclude the most significant players (e.g., Forestry, energy) or on the landscape.
- Authority members charged with representing the public interest may be desirable.
- The composition of the Councils may provide an opportunity to strengthen interaction with Watershed Planning and Advisory Councils.
- The composition of the RPCs may vary from region to region, thereby accommodating unique patterns of land use, while still retaining some common elements.
- Some members of the PDMWG proposed the creation of Regional Advisory Commissions to supplement the Regional Planning Councils. Such Commissions could be composed of the RPC and additional invited stakeholders such as ENGOS, industry and/or recreational associations, and public interest groups who would establish the values and

objectives for the regional plans while incorporating provincial values and objectives.

- No matter how large the RPCs might be, it will not be possible to get all interests “into the tent.” Therefore the RPCs will have to be supplemented with robust public and stakeholder consultations, framed by provincial policies.

In closing this discussion it is useful to restate the basic function of the proposed RPCs, which is to develop regional plans and submit such plans for approval to the Government of Alberta, thereby ensuring regional alignment with provincial land-use policies, objectives and priorities. However, it should also be stressed that an enhanced regional planning capacity is good on its own terms. This is why voluntary regional planning initiatives have been so common. We simply argue that this enhanced capacity can play an additional and vitally important role in the provincial land management system.

Compliance and Dispute Resolution

The imposition of over-arching provincial objectives on regional land-use planning and decision-making raises the inevitable concern that some individuals and/or organizations will feel that such impositions unfairly impinge on their interests and aspirations, or on the value of the property they might hold. It is essential, therefore, to consider the need for an appeals process.

It is important, however, not to exaggerate the extent of the problem. The vast majority of land-use decisions will still be made by municipal governments and regulatory authorities, as they are made today, and where dispute settlement mechanisms are in place. Line agencies will continue to approve and regulate individual projects, ensuring that projects are consistent with and honour regional plans. It is not clear, therefore, whether the creation of the LUF or RPCs would, in these instances, lead to any necessary augmentation of existing dispute settlement mechanisms. In addition, the PDMWG does not recommend that the RPCs be charged with monitoring or ensuring compliance with regional plans; to do so would distract from their planning function.

Regional plans are plans rather than sets of land-use decisions; they will be established to provide guidance for the land-use decisions made by others. Thus the regional plans themselves are not subject to appeal; there is no need for a dispute resolution process. Trade-off decisions that cannot be resolved would be referred to the Cabinet. In most respects, the same conclusion applies to provincial land-use goals and priorities; to the extent that these are subject to appeal, it would only be through their enabling legislation.

Alberta currently has extensive processes in place for inter-municipal dispute resolution, and these processes should go a long way in handling conflict resolution issues that might emerge from the introduction of regional land-use plans. The existing planning system in Alberta does not have a policeman who ensures compliance. It is essentially complaint driven at the local level. If a municipality feels a plan or approval by another municipality negatively impacts their interests, then the MGA allows an appeal and provides the requirement to mediate.

The creation of regional plans opens up the possibility of a lack of alignment between such plans and decisions taken by municipal governments or land users, or between such plans and actions taken by the Alberta government, its departments and agencies. Here, however, solutions are at hand. Regional plans could be related to municipal and other authorities (including provincial departments) through a context statement prepared by those authorities and explicitly stating how that agency's authority will be used to achieve the regional plan. This should include a statement of how plans, policies and processes will be adopted and/or amended and applied against individual decisions. Context statements as a means of relating local authority to regional outcomes are used in the Regional Growth Strategies provisions of British Columbia's *Local Government Act* and in Ontario's Oak Ridges Moraine Regional Plan.

Each and every decision should not be evaluated against the plan. The plan should express desired results (the what) but leave the how (the combination of decisions and trade-offs that achieve the what) to municipal and other authorities. Individual decisions need not be consistent with the plan but collectively the decisions must not exceed the outcomes set out in the plan. This

will mean that the context statements will need to be reviewed to ensure that the agencies collectively as well as individually contribute to regional plan outcomes. The context statements should be reviewed by the province as part of its endorsement of the plan.

A corollary of this approach is that the regional plans would not be subject to appeal or require amendment as a result of individual projects and decisions. Preparation and adoption of the context statement is that agency's commitment to achieve the plan. As part of a plan review there should be an audit (not unlike audits of delegated authorities responsible for administering the *Safety Codes Act*) that compares decisions against the context statement, and against the targets and outcomes defined in the plan. This comparison will contribute to an assessment of whether the context statement and decisions flowing from the context statement are "measuring up" against regional plan's objectives.

The above discussion highlights the need for the LUF and its enabling legislation to clearly delineate what types of decisions are to be made by whom. Clarity in this respect will go a long way in addressing compliance issues.

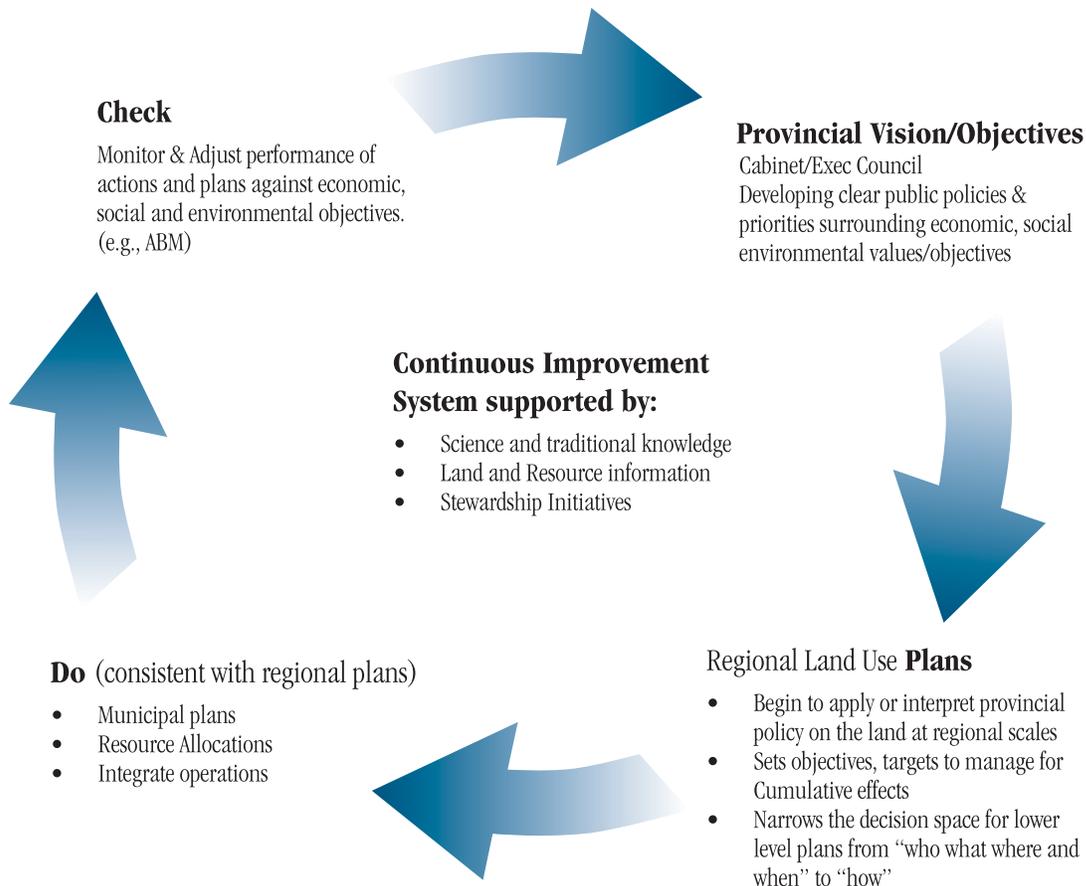
Implementation Timelines

The implementation of the Land-Use Secretariat and the Regional Planning Councils could be done today within existing legislation. Given the present circumstances of the province, the Government should move forward to identify its regions of highest priority for developing regional plans and begin the selection process for RPCs as soon as possible. However, the creation of RPCs will not be easy as a host of difficult design issues will have to be worked out. Then, once the RPCs are in place it will take some time, perhaps 2 to 3 years, to develop regional plans. Concurrently, however, the GOA can move forward with establishing the process to develop over-arching provincial goals and priorities, as well as undertaking a thorough review of the legislative proposals recommended herein. The GOA should provide itself with a year from the time it adopts these recommendations to have legislative changes made and a first set of provincial goals and priorities established.

The need for speed is particularly acute in those regions of the province where growth pressures are greatest – the oil sands, the Edmonton-Calgary corridor, and the eastern slopes of the Rockies.

Conclusions

The thinking of the PDMWG led consistently towards a more systematic approach to land-use planning and decision-making in Alberta. This approach is reflected in Figure 1, which captures a continuous improvement system approach to land management.



**Figure 1:
Management Systems Approach to Land Use**

To this end, the PDMWG concluded that the land-use decision-making in Alberta needs to be better guided by the values Albertans attach to the land, by a provincial policy framework (objectives, goals, priorities), and by regional planning that takes into account cumulative effects on the landscape. Thus the PDMWG suggests three significant changes to the land management status quo:

- the identification and policy expression of those values and principles that Albertans attach to land and land management;
- the clear articulation of provincial government policies, goals and priorities relating to the land base; and
- the creation of a regional planning capacity to address the cumulative impact of land use decisions on the Alberta landscape.

Figure 2 illustrates these changes, but also underscores an important point: the changes under discussion would not constitute radical departures from the current system of land management. They strengthen rather than reject the planning and decision-making processes already in place.

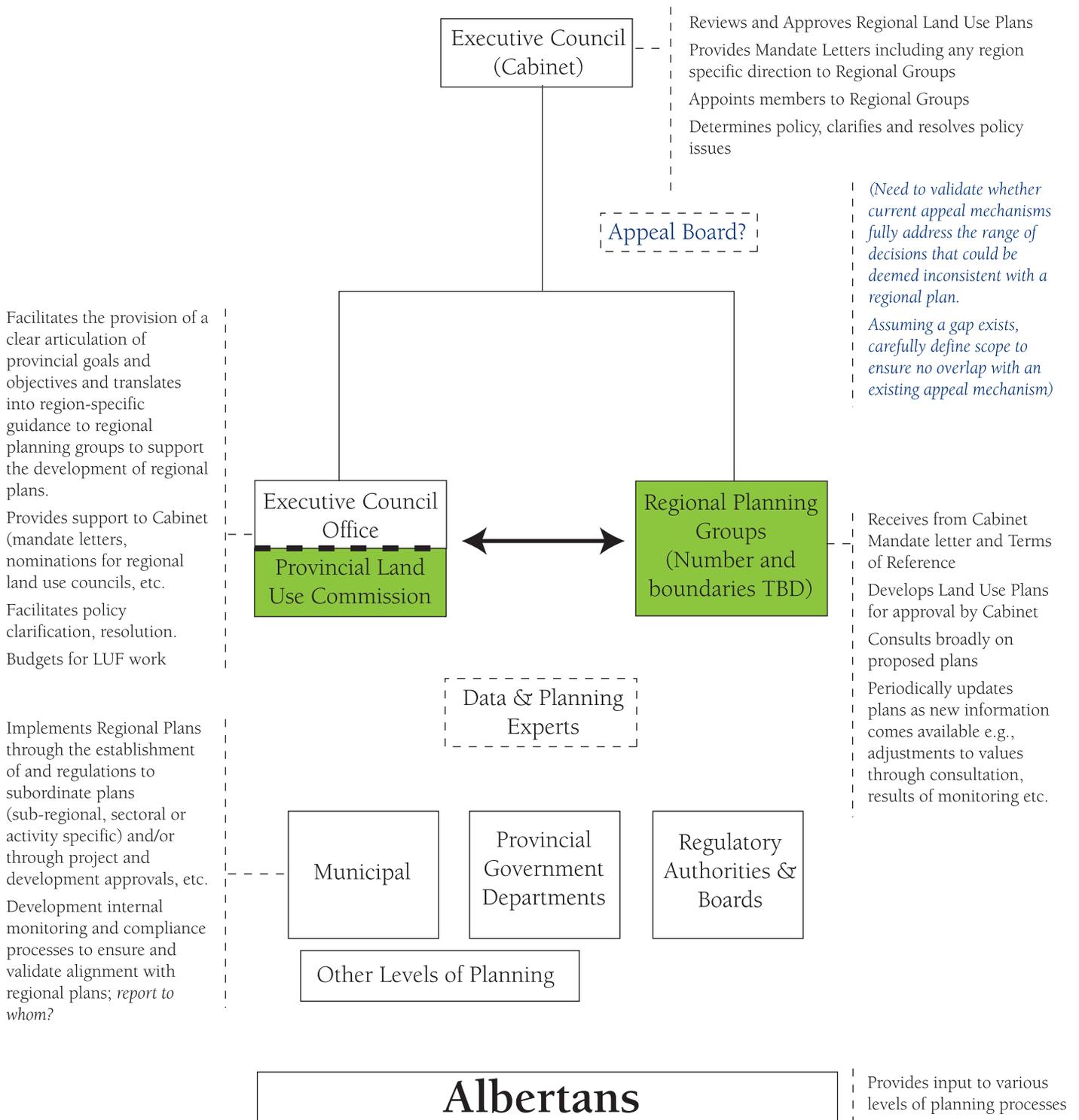
The PDMWG laments the amount of time that was available for its work, and recognizes that many design elements have not been fully addressed. However, the group also recognizes that its primary responsibility was to provide the broad strokes for a new and systematic approach to land management in Alberta; the detailed work will quite appropriately be done by others.

Finally, the PDMWG recognizes that its report cannot capture the full range of minority viewpoints expressed throughout its work. However, it would like to acknowledge (although neither endorse nor reject) the input received from Treaty 8, which called for:

- the recognition of the sui generis nature of Treaty 8 First Nation rights and interests in provincial lands and resources;
- the need for a “quadruple bottom line” in land-use planning that would go beyond social, economic and environmental needs to bring the interests of First Nations more directly into play;
- the establishment of a provincial Land Use Council with broad-based representation including First Nation representatives appointed by provincial Treaty organizations;
- First Nation representation on regional planning groups, and on sub-regional and local planning authorities;
- the requirement that First Nation governments sign-off on regional plans having the potential to infringe upon First Nation rights and interests; and
- a clear and transparent appeal process for land-use decisions, not consistent with approved land-use plans.

More broadly, the Treaty 8 approach reinforces many of the conclusions noted above (e.g., the creation of a LUFG by legislation) while elaborating on those conclusions with respect to Treaty 8 participation in the land management system (see Appendix C).

The PDMWG welcomes the decision by the GOA to create additional LUF channels that could bring these concerns more directly into play.



Note: Blue italicized text represents material worth testing for alignment within the group or where the group believes we cannot answer.

Proposed new elements

Figure 2:
Land-use Framework - Organization and Function

Appendix A: The Planning and Decision-Making Working Group Team and Process

The work of the Planning and Decision-Making Working Group (PDMWG) was guided by the following questions posed by the Government of Alberta:

- What would an ideal planning and decision-making system for land-use look like to achieve the outcomes of the Land-Use Framework?
- Do existing decision-making and appeal mechanisms adequately deal with land-use conflicts?
- Should the role of the provincial government be more directive in dealing with local government, other authorities and stakeholders to achieve province-wide objectives and the proposed outcomes of the Land-Use Framework?
- Should there be shared decision-making amongst different levels of government and with landowners for planning and other decisions that involve land use?
- Should there be regional entities with specific roles and, possibly, authority?
- In planning and other decision-making processes, how should “regions” be defined?
- What level of authority should the Land-Use Framework itself have (e.g., legislation, policy)?
- Who should be responsible for delivering the proposed outcomes of the Land-Use Framework? Who should be accountable?
- How should the Land-Use Framework link to other key policies and legislation?

The working group bundled these questions into three basic sets of issues: the ideal attributes of a planning and decision-making system for the LUF, the potential role and form of regional entities, and the positioning of the LUF within the policy and administrative architecture of the provincial government. These issues were then addressed over five full-day sessions held from late June to early September, three in Edmonton and two in Calgary.

The following individuals participated in the PDMWG:

Brenda Allbright	Alberta Energy
Bob Anderson	Agriculture and Food Council
Kirk Andries	Integrated Resource Planning and Management
Dave Belyea	Alberta Environment
Veronica Bliska	MD of Peace
Stan Boutin	University of Alberta (ILM Chair)
Tim Creelman	City of Calgary
Gerald Cunningham	MSGC
Bob Demulder	Alberta Chamber of Resources
Susan Feddema-Leonard	Wilmore Wilderness Foundation
Hudson Foley	Altalink
Dan Fouts	Stony Valley Contracting
Susan Friesen	Recorder
Roger Gibbins	Facilitator
Brian Irmen	Clearwater County – planning
Steve Kennett	AEN
Peter Kinnear	CNRL
Dave Kmet	AFFPA
Peter Koning	Conoco Phillips
Kim McCaig	CEP
Jim McCammon	Alberta Newsprint
Diana McQueen	Mayor, Drayton Valley
Doug Parrish	Leduc
Shirley Pickering	Watershed planning and stewardship
Gerald Rhodes	Executive Director, AAMD&C
Rick Schneider	AEN
Glenn Selland	Alberta Sustainable Resource Development
Judy Stewart	Chair, Bow River Basin Legislation & Policy Committee
Linda Strong-Watson	Alberta TrailNet
Murray Summers	West Fraser
Bill Symonds	Alberta Municipal Affairs and Housing
Bryan Walton	CEO, Alberta Cattle Feeders’ Association
Jim Webb	Treaty 8 First Nations

Schedule of PDMWG meetings

June 25	Edmonton
July 26	Calgary
August 23	Calgary
August 30	Edmonton
September 10	Edmonton

Appendix B: Glossary of Key Terms

Accountability

Accountability involves either the expectation or assumption of account-giving behavior. In a leadership role accountability is the acknowledgement and assumption of responsibility for actions, products, decisions, and policies including the administration, governance and implementation within the scope of the role or position, and encompassing the obligation to report, explain and be answerable for resulting consequences. As an aspect of governance, it is central to discussions related to problems in both the public and private sectors where governance is the accountability for consistent, cohesive policies, processes and decision rights. In general governmental institutions as well as the private sector and civil society organizations are accountable to those who will be affected by their decisions or actions. (Source: Report of Auditor General of Canada, November 2003, Chapter 2. Sustainable Resource and Environmental Management Glossary & Alberta Environment Governing and Governance Glossary)

Authority

Having power or control in a particular, especially political or administrative, sphere. (Source: Oxford English Dictionary)

Collaborative

Collaborative is to co-labour, to co-operate to achieve common goals working across boundaries through multi-sector, multi-jurisdictional allies. (Alliance for Regional Stewardship, 2006)

Consensus Decision-making

Is a decision-making process that not only seeks the agreement of most participants, but also to resolve or mitigate the objections of the minority to achieve the most agreeable decision. A healthy consensus decision-making process usually encourages and addresses dissent early, maximizing the chance of accommodating the views of all minorities. Since unanimity may be difficult to achieve, especially in large groups, consensus decision-making bodies may use an alternative benchmark of consensus that includes acknowledgement of dissenting views. (Source: C.T. Lawrence Butler; Amy Rothstein (2007). On Conflict and Consensus (HTML) Food Not Bombs Publishing. Rachel Williams; Andrew McLeod (2006). Introduction to Consensus Decision Making (PDF). Cooperative Starter Series. Northwest Cooperative Development Center. The Common Place (2005). Consensus Decision Making. Seeds for Change, Richard Bruneau (2003). If Agreement Cannot Be Reached (DOC). Participatory Decision-Making in a Cross-Cultural Context 37. Canada World Youth.)

Cumulative Effects

Cumulative effects are changes to the environment that are caused by an action in combination with other past, present and future human actions. This also includes any effect of change on health and socioeconomic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by aboriginal persons, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. Cumulative effects occur as interactions between actions, between actions and the environment, and between components of the environment. These pathways between a cause (or source) and an effect are often the focus of an

assessment of cumulative effects. The magnitude of the combined effects along a pathway can be equal to the sum of the individual effects (additive effect) or can be an increased effect (synergistic effect). Ideally, cumulative effects should be assessed relative to a goal in which the effects are managed on a regional basis. (Source: Canadian Environmental Assessment Agency- *Canadian Environmental Assessment Act*)

Enforcement

Enforcement is those activities that compel and/or force adherence to legal requirements. (Source: Alberta Environment Governing and Governance Glossary)

Goal

Goal is an outcome statement that defines what an organization is trying to accomplish. Goals are usually collections of related programs and/or reflections of major actions that satisfy needs. (Source: International Strategic Planning - Committee Publications)

Governance

Governance” is not synonymous with “government.” It is about how governments and other organizations interact, how they relate to citizens, and how decisions are made in a complex environment. The governance system or process rests on the agreements, procedures, conventions or policies that define in whom authority rests, how decisions are made, how accountability is assigned, and how citizens or other stakeholders have their say. (Source: Governing and Governance Glossary)

Objective

Objective is a precise, time-based and measurable action that supports the completion of a goal. (Source: International Strategic Planning - Committee Publications)

Partnerships

Partnership is a relationship in which individuals or organizations share resources and responsibility to achieve a common objective, as well as any resulting rewards or recognition. It often includes a formal contract, new resources and shared risks and rewards. The structure includes a central body of decision-makers whose roles are defined. The links are

formalized. Communication is frequent, the leadership is autonomous and the focus is on specific issues. (Source: Sustainable Resource and Environmental Management Glossary)

Planning

Planning is the act of developing a plan that provides a formulated and especially detailed method by which a thing is to be done. (Oxford English Dictionary)

Programs

Programs provide either services or products to the public, or support Ministry or government operations. Programs are used to achieve core businesses. (Oxford English Dictionary)

Policy

A governing set of principles given force and effect by elected officials in order to meet recognized public needs. Policy is made in the name of "the public" and is interpreted and implemented by both public and private actors. The authority to set policy is what distinguishes government from the private sector and it is fundamental to the work of government. In general, policies are broad, conceptual documents that outline the approach and/or considerations to be taken into account by decision-makers. Policy is used to cause, facilitate and/or promote desired outcomes and prevent adverse events from happening. Policy also can refer to a consistent course of action that may be based on constitutional authority, legislation/regulation, budgets, procedures or "habits." In the latter case, the consistent course of action is "unwritten" but is still policy. (Source: Sustainable Resource and Environmental Management Glossary)

Recreational Corridor

Recreation corridor is a continuous length of trail for recreation use. (Source: Alberta TrailNet)

Responsibility

Responsibility is a duty, obligation or liability for which an entity, whether it is government, a corporation, organization or individual, is responsible to carry forward an assigned task to a successful conclusion. Responsibility can be, and often is, shared. With

responsibility goes authority to direct and take the necessary action to ensure success. (Source: Report of Auditor General of Canada, November 2003; & Sustainable Resource and Environmental Management Glossary)

Role

The part played or assumed by an individual or organization in society, influenced by his or her conception of what is appropriate. (Source: Oxford English Dictionary)

Shared Governance

Shared Governance refers to a governance structure where both government and external parties share responsibility for policy development and delivery of planning, programs or services, but where government retains accountability. Shared governance is a collaborative goal setting and problem-solving process built on trust and communication. The extent of government involvement varies with the level of control that is desired and/or the capacity of the external parties to carry out the functions. Shared governance requires a clear accountability framework with clear roles, responsibilities and relationships. (Source: Sustainable Resource and Environmental Management Glossary)

Stakeholder

A stakeholder is an individual, organization or government with an interest in or engaged in resource and environmental management in Alberta. Involvement can be targeted to specific stakeholders or segments of the public or can be more general. (Source: Sustainable Resource and Environmental Management Glossary)

Stewardship

Stewardship is defined as the wise management and use of personal resources (natural resources and financial resources) for the benefit of all. Stewardship can be a mandate to be a caretaker of the world. That means taking responsibility for the economic, environmental and social consequences of our actions. And it means employing sustainable practices in individual, organizational and governmental operations. (Source: National & Philanthropy Curriculum Standards; David Evans & Associates - Environmental Management)

Strategy

The action path an organization or government has chosen to realize goals. Strategies establish broad themes for future actions and should reflect reasoned choices among alternative paths. (Source: International Strategic Planning - Committee Publications)

Sustainability

There may be as many definitions of sustainability and sustainable development as there are groups trying to define it. All the definitions have to do with:

- Living within the limits
- Understanding the interconnections among economy, society, and environment
- Equitable distribution of resources and opportunities

Sustainability typically relates to the continuity of economic, social, institutional and environmental aspects of human society, as well as the non-human environment. (Source: Sustainability Measures)

Traditional Knowledge

Traditional knowledge is information held by Albertans who have an intimate knowledge of a specific region. Examples of Albertans who may possess such knowledge are the aboriginal community, ranchers, farmers, outfitters, trappers, and other citizens who utilize Alberta's landscape. (Source: Wilmore Wilderness Foundation)

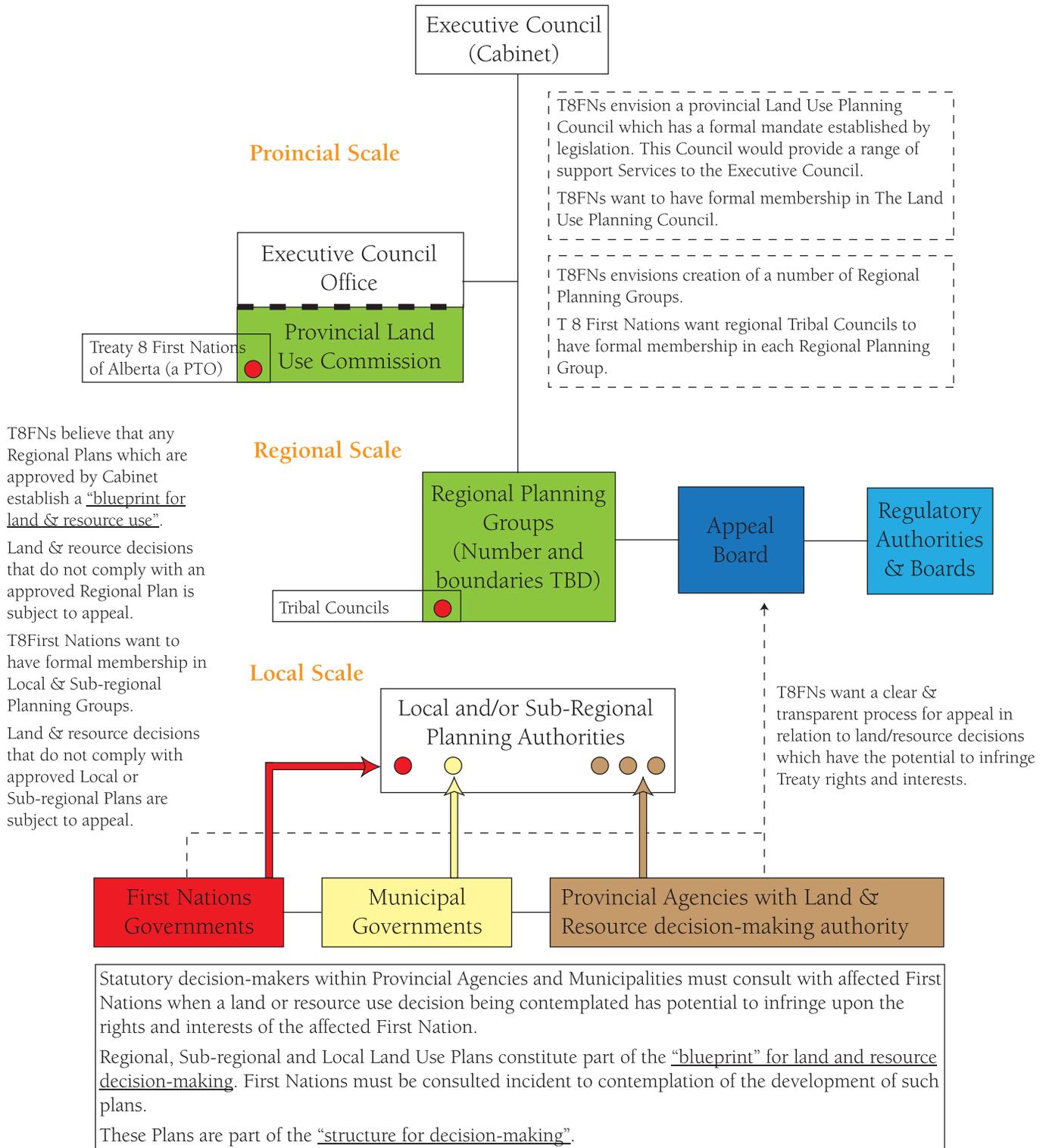
Watershed

An area of land that catches precipitation and drains it to a common point such as a marsh, lake, stream or river and recharges groundwater. A watershed can be made up of several sub-watersheds that contribute to the overall drainage of the watershed. (Source: Provincial Wetland Restoration/ Compensation Guide).

Appendix C: Treaty 8 Proposals for the Land Management System

Land-use Framework

Conceptual Model for First Nations Government-to-Government Interface at the Various Planning Scales



Appendix D: Legend: Working Group Member and Reviewer Stakeholder Sector Designations

Sector	Abbreviation
Aboriginal . . . . .	.ABO
Academic, Consultant, Professional . . . . .	.ACP
Agriculture . . . . .	.AGR
Conservation . . . . .	.CON
Energy, Industry, Development . . . . .	.EID
Environment . . . . .	.ENV
Forestry . . . . .	.FOR
Government of Alberta . . . . .	.GOA
Municipal – Rural . . . . .	.MUN-R
Municipal – Urban . . . . .	.MUN-U
Recreation . . . . .	.REC
Water . . . . .	.WAT

Appendix E: Working Group Member Comments

MUN

From a quick glance again I am disappointed that you continue to ignore the comments I have made at two meetings with regards to elected officials being on this. The peoples voice is through their elected officials if they don't like what we do they can do something about it - replace us. Each time I have mentioned it - you have chosen not to include in the document. I therefore can not support these recommendations.

GOA

- The document describes the need for a systems approach to land management and seeks to describe system principles. In re-reading the Executive Summary and introductory pages of the final draft, I

find a lack of clarity as to what is being referred to, or described as a systems approach. Definitions I am personally familiar with describe a systems approach as a problem-solving method wherein one: defines the problem as clearly as possible > analyse the problem and identify alternative solutions > select from the alternatives and develop the most viable solution mix > implement and test the solution > and evaluate the effectiveness and worth of the solution. This definition appears to be consistent with Figure 1, but the text of the Executive Summary and System Principles do not seem to tie to Figure 1.

- The Working Group set out to develop a planning and governance backbone, but the draft makes repeated reference to land management and at times seems to intermix the terms planning and management. The Executive Summary is a good example of this intermix in that the three described strategic responses are framed around land-use planning and decision making, but the section concludes with reference to addressing "structural

problems in the management of the Alberta land base". To me planning is arranging the various parts towards an objective(s) or outcome(s), while management is a suite of activities that help realize the objective(s) or outcomes(s). The language of the final draft needs to articulate that we were focusing on an architecture for planning and decision making that would assist in addressing the myriad of land management issues, but were not seeking to resolve land management issues per se.

- We spent a considerable amount of time at the initial meeting describing attributes of an Alberta planning and governance backbone, but the draft does not appear to capture essential attributes. I suggest that a description of the major attributes that the group felt were important would help frame this discussion paper and provide a context to evaluate the recommended approach. For example, if timeliness and transparency of planning and decision making were key attributes, one could then describe how the planning and governance model being proposed will incorporate and/or realize those attributes.
- In bringing forward a planning and governance model predicated on a centralized model, the draft does not describe the likely implications of moving to this model from the current status quo. There was certainly a lot of discussion within the working group regarding implications, but I don't see this captured. The draft would benefit from some description as to how consequential and doable the proposed model is, using working group discussion points to substantiate the description. It would also be beneficial to describe the alternatives that were considered
- Reference is made to the possible need to amend existing statutes including the *Public Lands Act* and *Municipal Government Act*. With regard to the latter, municipalities currently operate within a statutory planning and decision making model. In bringing forward a revised planning and governance backbone, the draft does not discuss potential implications to the MGA and current municipal governance model. The draft should be clear as to whether, as one of the implications, we are suggesting a revision to municipal planning and decision making authority - particularly given the draft proposes a consolidation of dispute resolution to Executive Council which is a significant departure from the current municipal dispute resolution processes.
- The proposed model whereby a Planning Council is under the direct control of Executive Council (Cabinet) is a significant departure from current Alberta approaches, and I believe is unprecedented within Canada (to my knowledge all jurisdictions in Canada enable Crown land planning/decision making and municipal planning/decision making under provincial statutes vested within individual government departments. Reporting authority is to the responsible Minister). Appreciating the intent of utilizing a centralized planning body to maintain a degree of independent decision making, it is important to consider that we are suggesting this Planning Council seek validation for its decisions and direction setting from a suite of elected officials who are not necessarily experienced planners - and who change roles and responsibilities on a periodic basis. In addition, the proposed model sees Cabinet being responsible for "trade-off decisions". At this time, the discussions and decisions of Cabinet are not public, and the proposed model suggests that any dispute (trade-off) resolution around land-use issues would fall within that domain of non-disclosure. Is this an unintended consequence of placing the Planning Council directly under Cabinet?
- The description of Regional Planning Councils includes statements as to what they will NOT do, including ensuring compliance with regional plans. If the body that creates regional plans has no ability to monitor and ensure compliance, then who does? In the model being proposed, it appears that this responsibility may rest with Executive Council (Cabinet) as they are the body who would formally approve the plan. I am unsure of the practicality of Cabinet members being directly engaged in resolution of the numerous trade-off discussions and decision that occur in Alberta. If there isn't some practical method of ensuring compliance, then the regional plan is merely advice which seems inconsistent with the intent that LUF have a statutory enabling mechanism.

- The draft speaks to the need for integration between LUF and Water for Life, but does not indicate expected linkages between the planning and governance model being proposed and on-going work surrounding Water for Life being directed by the Alberta Water Council and associated WPAC's. Since the inception of discussions on LUF there have been questions about the linkages, and the limited discussion of potential linkages between the proposed planning and governance backbone and Water for Life is certain to be noticed. Indeed, a number of the WPAC's are hoping to see that connectivity arising from the October 9th presentations of LUF working group reports.
- While there was some discussion about the need to better link sub-surface allocation with surface planning and decision making, the final draft doesn't seem to address this issue. Indeed, in proposing the revised planning and governance model there is no statement as to implications for the allocation of sub-surface tenure. On the public land base energy development is a major influence - if not driver - of land-use patterns and not discussing how the proposed planning and governance model will tie to, and possibly direct, sub-surface tenure really leaves the proverbial elephant on the table.

AG

As noted previously Roger, I do not think it is appropriate to include the minority position regarding the creation of a Land Use Commission within the Executive Summary. This is the only minority position conveyed within the Executive Summary and all other minority views have been ignored. You are cherry picking one minority point of view - why?

Page 9 2nd paragraph. There is reference to provincial sign-off. Is this synonymous with Cabinet sign-off? It is not clear if this is reference to Cabinet or some other level of sign-off. The latter was discussed and not supported as I recall.

That is it. Overall an excellent piece of work given the timelines we were under. You earned your pay on this project!!

WATER

1. I agree with the message in the report that indicates a lack of clearly articulated and integrated provincial and regional policy as being key problems with land and water planning and decision making that needs to be addressed. While the group recognized there are many good Land Use Policies serving as guidelines, I still have a concern that our governance proposal lacks the mechanism to assure consistency in quality of policy implementation which currently driving much of the conflict in the community.
2. As a rural landowner and member of a watershed stewardship group I am not convinced that the assumption that the problems and conflict will be solved by at regional level, because we do not have coherent and integrated planning at the local level in the white area. While municipalities have some structure for local land use planning, provincial agencies making land use decisions on the same landscape do not have similar planning structures. Of particular concern is subsurface land use decisions that do not take into consideration surface effects. Others in the group have expressed concerns about this same lack of integrated of local level planning in the green zone which has also resulted in conflicting use of the same landscape and often to the detriment of valuable upper watershed function. I believe if the group had been given more time the need for local level land use planning under the umbrella of regional planning would have been more clearly expressed.
3. As a member of the Alberta Water Council's Shared Governance and Watershed Planning Framework Project Team I remain concerned about the difference in governance system proposed for the LUF and that proposed through the Water for Life Strategy, which recognizes that effective watershed management requires integrated land use and water management planning. How this will happen between these two systems remains a big question and we did not take the time the time to provide advise on this matter because we did not have the time to appropriately investigation this topic or to seek advice from Water for Life strategists.

AG

I agree, that given the scope and time frame, I believe the group has done well with the final product. I only offer a couple of observations not to change the document but possibly for all of us to continue to consider as this process moves forward.

1. Under the section of Strengthening The Provincial Role, we talk about decision making and some of the concerns between elected versus unelected people making decisions. In my view, if we are talking about conflicts of needs between the province need versus the regional need versus the municipal need; then I support the provincial public good need over-riding the individual need.
2. Under the Compliance and Dispute Resolution section, I am not sure how enabling legislation which delineates what types of decisions are to be made by whom will help resolve compliance issues. It may be that we expect more teeth to enforce noncompliance by empowering the various decision making bodies with more abilities to penalize however that will not happen until these groups define those.
3. My last comment is directed at Appendix B: Glossary of Key Terms; Sustainability. I agree there have been many definitions of sustainable development however I believe that UN Commission which issued a report called “Our Common Future” defined it this way:.... development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Sustainable development is about meeting needs across generations, but in practice clarifying needs and expectations has been difficult and value-laden. Balancing not only between generations, but between economic, social and environmental needs remains a daunting challenge.

In closing I apologize for not being to make it to the last two meetings, I did pay close attention to what the outcomes of the group discussion were and believe the final product to be a good outcome for the Government to consider as they move forward on the overall Land Use Framework initiative.

Appendix F: Reviewer Comments to the Final Summary Report

ACP

1. Alberta exists primarily as a rather arbitrary set of lines on a map defining a land area. Land use would then seem to be a fundamental role of government – not an optional extra that can be addressed by yet another committee or secretariat. Land use, which must include the air, water, land, sub soils, and resources must be managed in a comprehensive manner that provides stewardship for the land area called Alberta. Fundamental principles have been ignored or overridden in the past to get us to the state we are in today. Therefore fundamental change is required to move us onto a new path. Propping up old traditions will not give Albertans a better future.
2. Issues that are missing include reclamation, remediation and property rights, and the whole energy industry is understated or not referenced.
3. Albertans’ values are referred to but never defined. In fact the word, “values,” is not even referenced in the Glossary. This is the essence of the present activity but is dealt with very casually.
4. Figure 2 on page 16 is very telling in putting Albertans at the bottom of the stack: aren’t the citizens (and their values) supposed to be driving the process?

EID

Comments on Planning and Decision Making Final Report:

- This is a much more balanced and less constraining document than the September 7 draft;
- Page 7, options for an institutional home for LUF, we prefer the first option;
- Page 9 second paragraph, agree municipal bodies need to be at the planning table, but do not agree with sign off, as this could effectively halt the process, disagreement with the majority should be recorded and provincial approval would take into consideration;

- Page 10, third paragraph, too much flexibility will result in confusion and disparate process and opportunity;
- Page 10, setting regional boundaries, should be based on an existing government administration boundary or ecological boundaries not political boundaries;
- Where a planning area, such as the Caribou Land Management Area, government administrative decision making boundaries, one decision maker should be appointed to the decision making role. BC MOFR, where a forest operational plan is within two forest districts delegates one decision maker.
- Compliance and enforcement to the approved plan should be through provincial regulatory agencies.

MUN - U

In general, there is support for the intentions outlined in this report. However, as a large urban municipality, I find the lack of explicit recognition of the urbanized areas of the province (and the fact that the majority of Albertans live and work in urban environments) somewhat limits the scope of discussion. For example, the only reference to Edmonton and Calgary is on page 11 where it is stated that "RPCs for metro Calgary and metro Edmonton are unavoidable".

I am in favour of the larger principles identified in this paper. There must be regional planning. The province must lead it. It is indispensable in the Edmonton area. The regional plan must have the force of law and therefore local authorities must accept some loss of autonomy.

I am in favour of certain of the implementation strategies. I agree that these changes have to be embodied in statutory amendments. These regional plans must have the force of law. If they are merely suggestive, we are wasting our time. It is endorsed at the political level (likely cabinet) and it would be almost unprecedented to have a cabinet decision subject to being overturned by a tribunal or a court.

At page 13 under the heading "Compliance and Dispute Resolution" the paper becomes very mushy. They have endorsed the idea that this is a legislative

program (you must do this or face legal consequences) not a mere policy exercise (you should do this but if not there is no legal remedy), but seemed to have lost their nerve as they considered the implications of that. Ultimately it means a loss of local autonomy.

I think they should take it to its logical conclusion. If a local government has made any land use decision (enacting or amending a statutory plan, or a land use bylaw or granting any development or subdivision approval) that decision must comply with the regional plan. If not any aggrieved party (broadly defined) should have recourse to an expert appeal tribunal with the authority to uphold overturn or vary the decision in question.

Under this proposal, it would appear that they do not want that to happen. At page 13 they write "Individual decisions need not be consistent with the plan but collectively the decisions must not exceed the outcomes of the plan." I take this to mean that if a municipality is on track to flouting a regional plan there is no recourse unless and until it has happened. If RPCs are not to be ensuring compliance with regional plans, then who will? For example, if the plan says "do not fragment farmland in the future urban growth area" and a municipality enacts an ASP saying one or two hectare parcels are OK, and then zones all of the land to grant land owners that right and the subdivision authority approves 50 such subdivisions (one at a time) none of those individual decisions is subject to legal challenge. But after its all fragmented, we can now all look back and state conclusively that future urban development of these lands is now impossible and we can shake our fingers and tut tut. What good does that do? It is too late to undo these decision and grossly unfair to the acreage owners who are, by this time, living on the fragmented agricultural lands.

Every one of these decisions must be appealable. In fact, if the regional plan has the force of law, there is probably no practical way to deny an aggrieved party a remedy for these individual decisions. If the legislature has not set up a specialized tribunal, the aggrieved party will go to the courts. If the court sees that there is this kind of legal, remedial vacuum they tend to step in to fill it. Legislatures try to warn them off with language protecting the finality of local government's decisions but they have limited success at it. The courts step in

and adjudicate these disputes and they do so with little or no expertise in the area of land-use planning. Government loses control over the interpretation of its policies. Better to accept that these decisions will be challenged and put in place a body with the processes and expertise needed to adjudicate them quickly and accurately. Please note that I advocate a body to adjudicate disputes as to how the plan is interpreted and applied, not a body to hear complaints about the content of the plan.

To what degree will the GoA be involved in ensuring there is a level of congruency as regional plans are drafted? If they are involved in the establishment of the regions and the drafting of the enabling regulations, there should be no need for context statements. This is too similar to the "mandate letters" used by the current Premier to guide the priorities of his ministers. The use of Councillors on the RPCs eliminates the need for context statements as they already have a mandate. Municipalities do not have context statements issued to them.

The paper states that the enabling legislation needs to clearly delineate what types of decisions are to be made by whom. This reflects our desire to see robust plans with implementation bodies.

The Land Use Secretariat will need to be rethought. Its role is alright, but its location in the GoA organization structure won't work. If it is located within Executive Council, it would have to be staffed up, pulling staff from a variety of line departments. As a result, there will be a modest bureaucracy established within the Executive Council offices, for which the Premier is the Minister and therefore accountable. The Secretariat would be the logical location for appeals on whether or not the plan was followed according to its legislation. Again, this is not something which the Premier would want/need to be responsible.

I would like it if the paper was clearer about exactly what kind of supports the RPCs could expect from the GoA - does this mean funding and secretariat/planning support. Would they be fully funded?

Who will establish regional boundaries? They should be established by the GoA and embedded in the regulations accompanying the legislation. If the RPCs are not to be elected, then for the purposes of accountability, the

RPCs should be using pre-established political boundaries such as the municipal boundaries.

The section on Populating Regional Planning Councils leaves a lot of questions as to whom in the end will make up the RPCs as the WG does not make recommendations but offers "thoughts for consideration". One possibility is that through the inclusion of municipally elected councillors in the RPCs, there may be less need for robust public consultations. In fact, with robust plans, there should be little need for public consultation at all by the RPC as that would be a policy making function.

I envision a piece of legislation - an Act - that clearly articulates the Province's policy direction, principles and other criteria for land use. This Act should likely also be somewhat specific with respect to sensitive areas, natural areas, watersheds, or any other such important areas.

The LUF Organization & Framework proposed by the WG on page 16 - is about as bureaucratic as they come. One objective of having a provincial land-use framework should be to provide greater clarity and guidelines on how to manage Alberta lands in a way that balances growth and economic development with minimizing our ecological footprint - now and in the future.

I strongly recommend that they have this paper reviewed by a lawyer with acknowledged expertise in administrative law. What they are suggesting is legally unsound and they need to be set back on track.

MUN - U

The decision making structure proposed as two options is actually outlined in a more robust manner in the Growth and Resource Management document, with Provincial leadership, regional representation, an appeal body and an auditor. I think the GRM proposal is a more substantive proposal than the either / or offering made here.

The first option of a Secretariat is not preferred. A singular central agency is too distant to be an effective representative tool, and would be subject to Provincial lobbying efforts that could affect its operation. Implementation of the LUF should reside at a lower

level where there is less opportunity for central control and diversion.....

I agree wholeheartedly with the need for new and singular legislation, that is "cross-ministry" in application. All existing legislation would need to defer to this new legislative tool. No ministry (i.e. energy) should be able to override this legislation, except where the Province claims an express Provincial interest, as I'm sure it would do with strategies for the industrial heartland and the oilsands.

Regional Planning Councils:
Should be inter-governmental and is regulatory in nature. As such, industry representation is inappropriate. Industries should be represented through the relevant ministry, and should not be at this table. Allowing one industry in opens up the table to any industry, making the process unworkable.

I agree also that RPC's should have members appointed on a cross ministry basis and not be elected. There is a complexity of issues that requires understanding and cooperation, not political representation. (Which is why the concept of an auditor outlined under the GRM structure is appealing.) Members should be explicitly tasked with representing the public interest.

Page 13. The comment that there are extensive processes available for inter-municipal dispute resolution, and these could go a long way in resolving LUF disputes misses the fact that there are lots of current, unresolved inter-municipal disputes. The current conflict resolution process is not functional and relying on it is naive, to say the least. Half the reason that the LUF is moving forward is due to a desire to resolve these disputes. A new mechanism is needed. This is where the appeal body in the GRM document is appealing.

RPC's also should have the ability to comment on local plans and decisions. There needs to be some oversight of implementation before decisions are implemented on the ground. Better to render an opinion on a decision earlier than let the project get half built before someone determines that it was not consistent with the LUF principles.

Figure 1 is an excellent synopsis of how the LUF could work. I think combined with the structure proposed in

Figure 1 of the GRM document, there is something new and enduring proposed.

EID

Comments on Planning and Decision Making Final Report:

- This is a much more balanced and less constraining document than the September 7 draft;
- Page 7, options for an institutional home for LUF, the first option is preferable;
- Page 9 second paragraph, agree municipal bodies need to be at the planning table, but do not agree with sign off, as this could effectively halt the process, disagreement with the majority should be recorded and provincial approval would take into consideration;
- Page 10, third paragraph, too much flexibility will result in confusion and in disparate process and opportunity;
- Page 10, setting regional boundaries, should be based on an existing government administration boundary, i.e. forest areas, or ecological boundaries but not political boundaries;
- Where a planning area, such as the Caribou Land Management Area, crosses government administrative decision making boundaries, one decision maker should be appointed to the decision making role. I.e., BC Ministry of Forests and Range, where a forest operational plan is within two forest districts, delegates one decision maker.
- Compliance and enforcement to the approved plan should be through provincial regulatory agencies.

WAT

Once again, I commend the group on the excellent thought put into these recommendations.

I absolutely agree that land, water and air policy and planning needs to be integrated.

I strongly support the recommendation that the Land Use Framework be housed under a Land Use Secretariat within the Executive Council. I have long promoted the fact that to be successful, a provincial policy of this type (including the Water For Life Strategy) must not be housed in a line department. The mandate and legislation of being housed under an individual department, by its very nature, sets up barriers for integration. I have often thought that the Department of International, Intergovernmental and Aboriginal Relations would be a reasonable location for interdepartmental initiatives such as the LUF and the WFL strategy, however, the Executive Council is probably more appropriate.

I also support the need for the LUF to have its own legislation under a new Act.

I also agree that there is a need for an over-arching vehicle for integration. I am not sure whether this should be the LUF or the WFL strategy. Without water there is no life, no land use, no economics, nothing. Possibly the WFL should establish a provincial framework and the LUF should fit within this initiative.

Never-the-less, I question whether “Land Use Framework” is the appropriate name. Land is land: by its name it does not imply inclusion of all the natural resources – minerals, oil and gas, land, water, fisheries, wildlife, forest, etc. (Land management and planning is already housed within ASRD. Cumulative Effects is being done by AENV.) I suggest we need a new name that does not imply ownership by one department. For example, call it the Provincial Natural Resource Policy or something that it is in its own right. (i.e. I am not sure whether calling it the Land “Use” Framework differentiates it enough for the bureaucrats and the public to differentiate it from land management in ASRD.)

Presently there are too many overlaps between the expectations and outcomes of the LUF and the WFL. Under the WFL strategy, it is the understanding of the Alberta Water Council and the 8+ Watershed Planning and Advisory Councils that they are doing land and water planning and it is in place and is being done as we speak. There is not enough of a difference between the two outcomes to have two separate policies. They need to be either integrated or modified. As mentioned earlier, whether it is the WFL or the LUF as the over-

arching policy, I am not sure. Either way, these two provincial initiatives need to be very clear in what is expected as to the scope and outcomes.

I also strongly support planning done at a regional level. I would not, however, view WPACs as being at a “sub-regional” scale. Very clearly in the government’s documentation, WPACs are at a regional scale. For example the Red Deer River watershed (WPAC) encompasses 13 rural municipalities (MDs and Counties) and 52 urban municipalities (cities, towns, villages, summer villages). You would not want a region much larger than this, for as you state “to be avoided are regions that are so large as to be meaningless in a planning sense”.

I truly believe that ecological boundaries such as watershed boundaries or natural regions make the most sense when planning for land use.

I do not agree with having the regional boundaries:

- Congruent with existing political and administrative boundaries – this defeats the whole ecological approach. Political boundaries change. Mother nature stays the same: a watershed is a watershed no matter which political party is in power. Using political and administrative boundaries sets the stage for power struggles. It will not work.
- I also do not think that metro-Calgary and metro-Edmonton need their own RPCs. Here is politics coming into play when it is the very thing that will destroy a common sense, ecological approach. Political power trumping proper ecological planning is not what we want. By your very own admission, municipalities would continue with their land development authority (under the LUF policy) so why give Edmonton and Calgary special rights/exemptions?

ACP

Introduction

Congratulations to the members of the PDMWG for their hard work in preparing this report. The timeline in which this project was undertaken was very short and there was a great deal of ground to cover. There is an

urgent need to develop and implement an effective strategy to deal with the cumulative effects of land use decisions. That said, going forward, the development and refining of the details respecting the subject matter of the PDMWG's report must be based on thorough analysis and continued appropriate stakeholder input.

While recognizing that the report is intended to provide broad strokes for a new and systemic approach to land management and, as such does not discuss the issues in detail, and there are some issues that need to be addressed more fully. The importance of the integration of land use planning with Water for Life cannot be overstated, yet even the broad brush strokes relating to how these two regimes would be linked is absent from this discussion. It must be made explicit that an effective LUF with the potential to address cumulative effects will contain mandatory limits and thresholds applicable to all land use decision makers, including the government department responsible for issuing mineral dispositions. It must also be made clear that such limits and thresholds are to be made binding and enforceable and that there must be an office to ensure compliance and an ability for broad public access to that office.

Sign-Off of Regional Plans

The report recommends the approval of the regional plans by the Executive Council. This group is not selected for its land use planning expertise. Further, Cabinet members change frequently and so one cannot expect members of Cabinet to develop the requisite expertise. For this reason, it is important that the Executive Council must, therefore, be provided with the appropriate technical information required in order to create provincial objectives, thresholds and limits and understand the regional plans and the manner in which each of them contribute to achieving statutorily described provincial objectives. The report recommends the use of the Land Use Secretariat to provide a clear articulation of provincial goals and objectives to regional planning groups. The Land Use Secretariat must, clearly, also provide the Executive Council with the technical expertise needed to properly review and approve the regional plans. It is also important that the information upon which provincial objectives, thresholds and limits are set be available to a wide range of stakeholders for comment and correction. The development of a LUF should be a transparent process and the use of the

Executive Council for key elements of the LUF should not jeopardize that transparency. It is not necessary to accumulate the most technical of this information related to biodiversity of wildlife, air quality etc. in a central location as there are ample experts throughout the province, however, it is critical that the provincial objectives used to inform the LUF be founded in this technical expertise.

It must also be made clear that local decision-makers, be they municipalities, regulatory boards or government departments cannot have the ability to frustrate the development of effective regional plans. The requirement for municipal approval of a regional plan is not appropriate if it could amount to a veto by municipalities or could delay the development and implementation of regional plans. Drafters of the legislation supporting the LUF may avoid this by requiring all significant land use decisions to be in accordance with a regional plan (or a statutorily mandated context statement, as described in the PDMWG's report) and that no significant land use decision may be made in the absence of a regional plan and context statement, if such is used, both being in place. This might provide an incentive to municipalities to find a way to accept and work within a regional plan. The LUF cannot be structured such that land use decisions can continue to be made in the absence of a provincially approved regional plan.

The LUF must recognize that there may be many ways to design a regional plan that accords with statutorily mandated provincial objectives. Municipalities should have a place at the RPC table and should have the opportunity to put municipal concerns forward when the RPC designs a regional plan for development that accords with statutorily mandated objectives and limits. Where a proposed regional plan is not supported by all municipalities or interests at the RPC table, the plan should be put forward to the Executive Council along with dissenting views. Dissenting land-users, including municipalities, should not be able, however, to plead their case to the Executive Council behind closed doors. If the final decision on a regional plan is to be left up to the Executive Council by default of the RPC to come up with a plan, then the information flow and deliberations should be public and transparent. There is a tension here, though, due to the current ability of the Executive Council to deliberate out of the public eye. In order to

avoid allowing land-users, such as municipalities, from doing an end-run around the RPC, transparency must be injected into this particular function. In any case, the Executive Council, when approving a regional plan, regardless of whether there is dissent from local land users, must themselves adhere to the statutorily mandated objectives.

New Act

The legislative expression of the Land Use Framework should be through the creation of a new Act. Legislation is difficult to change, compared to regulations. While regulations can be changed in relative secrecy by Cabinet, amendment of an Act requires adherence to parliamentary procedure, including public readings and scrutiny of the proposed amendment. If the key to addressing cumulative effects is the recognition that we can't do everything, everywhere, all the time, then there is a need to impose meaningful limits. Firm limits enshrined in an Act would provide meaningful guidance and direction for land use planners. The Act would, however, have to allow for the LUF to be adjusted, through a transparent process, as it is a system that will be constantly improved based upon the performance indicators chosen to evaluate its success.

Compliance and enforcement

The report of the PDMWG does not recommend that the Regional Planning Councils (RPCs) be charged with monitoring or ensuring compliance with regional plans (p.12).

However, there must be somebody watching the shop. At some point, there has to be somebody to say that a project cannot proceed because it is not in accordance with the regional plan. If the RPC is not to ensure compliance, then who is? Failure to ensure compliance will result in provincial policy goals and landscape scale objectives not being achieved.

The PDMWG mentions that regional plans are not subject to appeal and that trade-off decisions that cannot be resolved would be referred to the Executive Council. It is important to distinguish, I think, between two types of potential disputes that could wind up before Cabinet. The first, as discussed above in relation to provincial and municipal sign-off is the dispute that arises when a regional plan is being developed. This

dispute would still be a fairly high level and could be addressed by the Executive Council, however, the second form of dispute, and the one that becomes more of a compliance issue, is the dispute where a proposed local land decision is not in compliance with the regional plan, or the context letter, as described in the PDMWG report. These disputes could involve the more technical and detailed aspects of a project's impacts. It seems an awful lot to put on the Executive Council, elected but potentially lacking in planning expertise. Even with the aid of the Executive Council Office, this may be too much, especially if the number of disputes is significant.

A compliance and enforcement plant that does not review individual decisions against a regional plan must ensure that by some means that land use decisions conform with context statements. There must be an office that can ensure this compliance, a place where interested persons can drag land-use decision makers that have not adhered to the regional plan. Where the range of potential land users is as varied as in this case and include municipalities, line-agencies and administrative tribunals design and implementation of the activities of this office may be difficult. Regular audits of local land use decision makers would help to ensure that their decisions are in accord with regional plans but only if there is a consequence for not being in compliance.

The report refers to existing mechanism under the *Municipal Government Act* (MGA) that allows a municipality to appeal and force mediation where the plans or approval of another municipality negatively impacts their interests. Does the PDMWG contemplate the province expanding this dispute resolution function so that it may be used for this purpose? Does the PDMWG also contemplate that a broad range of stakeholders, not just municipalities, would have access to this dispute resolution body in order to challenge municipal or other projects that may not comply with the regional plan? It is important, when designing a dispute resolution office for the LUF that one considers how each different interested persons may be engaged.

The PDMWG report also mentions the local line-agencies as compliance enforcers, "ensuring that projects are consistent with and honour regional plans. (p.12) If this is to be the method of ensuring compliance it is

critical that these line agencies take into all appropriate information, from a wide range of interested parties, prior to making such an assessment. This, in many cases, would require an expanded set of public participation rights. For example, the EUB's directly and adversely affected test would be clearly inappropriate where one of the criteria to be determined before an approval could be issued is whether the project is compliant with a regional plan. The impact of a wrong decision impacts the whole region.

Recognizing that the regional plans are not to address the "how", there must be a point where one can look at a project and identify the impact of a project in terms of the "what" dealt with by the regional plan, presumably the objectives and limits for the region.

The use of context statement, as described in the PDMWG report (p.13) may be effective but there must be:

1. Recognition by each decision-making agency that meaningful and binding limits apply to the region and must be built in to the context statement. These limits would relate to those imposed on the region by the Province through legislation, and as implemented through the creation of the regional plan.
2. A clear process to evaluate decisions by that agency against the context statement to determine whether the limits identified in the context statement are adhered to. If individual line agency decisions are not to be evaluated against the regional plan itself, it becomes all the more critical that the evaluation of the land use decision against the context statement is rigorous and has the appropriate public input. This review process must allow for a broad range of stakeholder input. Because failure to adhere to context statements could lead to the regional plan not being adhered to, there are broader consequences for a project and a broader range of people interested that would be reflected in a narrow test for standing such as that currently applied by the Energy and Utilities Board. Such broad stakeholder input need not be in relation to all aspects of an applied for land use; rather, this participation would be related only to the manner in which the land use accords with the context statement.

3. The broader audit process referred to must allow for the appropriate level of public participation and meaningful consequences for local land use decision makers that found not to be in compliance with regional plans or context statements.

Absence of discussion of LUF's impact on mineral tenure dispositions

In order for the land use framework to be effective in addressing the problem of cumulative effects of incremental land use decision-making, there must be a clear recognition of the huge impact that energy development has on the Alberta landscape. In order to appropriately address the cumulative effects problem, there must be an explicit recognition that energy development cannot hold the trump card over all other land uses. The report notes that the strategic direction of the Province's explicit priorities and objectives would be applicable to government departments engaged in mineral rights disposition; however, it is not made clear that regional plans will limit, in some cases, the ability of Alberta Energy to issue subsurface dispositions.

ACP

p. 5 "this subsystem autonomy and flexibility must still be guided by and consistent with the principles, policies, goals and priorities of the Province."

Comment: The phrase "must still be guided by and consistent with" should be changed to "must comply with." Autonomy and flexibility without a requirement for compliance (e.g., the current Land Use Policies) is a key weakness in the system now. Provincial direction must have teeth for the system to improve.

p. 6

- "unduly privilege the status quo"

Comment: Delete "unduly." Future generations will thank you.

- "planning and decision-making will always involve trade-offs"

Comment: Change "always" to "often."

- “values are not static”

Comment: Change this to “some values are not static.” There are universal values that must remain unchanged (e.g., thou shall not lie or steal to get a lease).

- “circumstances chance”

Comment: Spelling: should be “change.”

p. 7

- “to elevate unelected Commissioners above elected representatives”

Comment: Delete this - it actually weakens your position. A Land Use Commission would sit in judgment of land use decisions. This statement is effectively questioning the legitimacy of the courts and quasi-judicial bodies - a view I doubt a majority of the group's members would support.

p. 8

- “more expansive approach ... as an evolutionary rather than an immediate goal.”

Comment: I am unable to think of an “evolutionary” approach to this kind of change happening within the provincial government. There may be examples but they would be the exception to the rule. The LUF as the “overarching vehicle for integration” (under a different name like “Resource Use Framework”) must be an immediate goal. The WPACs have already “evolved” to that way of thinking and CASA seems to be working along those lines. Don't lose that “traction.”

p. 9

- “linear planning process”

Comment: A straw man; delete. It should read “...an iterative planning process.”

- “provincial interests shared by all Albertans”

Comment: Delete “shared by all Albertans” - it is redundant. If you lead based on what everyone already shares, you manage only to the lowest common denominator.

p. 10

- “mandates of regulatory bodies like the EUB and NRCB should be expanded to include consideration of regional plans.”

Comment: Change “regulatory bodies” to “provincial departments and regulatory agencies.” Change “consideration” to “the requirement to comply with.”

p. 19

- Definition of enforcement

Comment: Change to “Enforcement is an activity that through visibility, detection, encouragement, persuasion, and/or compulsion ensures legal requirements are met.” Ask a police officer. The definition that you have minimizes and denigrates the necessary and valuable role of enforcement.

p. 20

- Definition of recreational corridor

Comment: Replace or supplement with “An area with substantial resource use or pressure associated with meeting the demand for leisure activities.” The Banff-Canmore corridor is a classic example. Trails are only a small part of a key cumulative-effects problem.

p. 21

- Definition of sustainability

Comment: How could the Working Group come up with a realistic proposal without a workable definition of sustainability? Not all definitions of sustainability include the three components identified. Many definitions either omit those concepts or merely pay lip service to them.

I didn't review the other definitions.

General comments

On this draft I have limited myself primarily to editing comments. Most of my previous concerns have not been dealt with in a convincing matter. The document is a reflection of the status quo and is based primarily on perceptions people brought to the table rather than the systems analysis that was needed.

These deficiencies are due to the lack of time and analytical support provided by the provincial government. The Working Group should, at a minimum, be given the chance to revisit its report in November after it has received comments from the other working groups and decision makers within the provincial government. Based on the meeting summaries and the comments from Working Group members, there is much more that the Working Group needs to discuss before it can consider its work completed.