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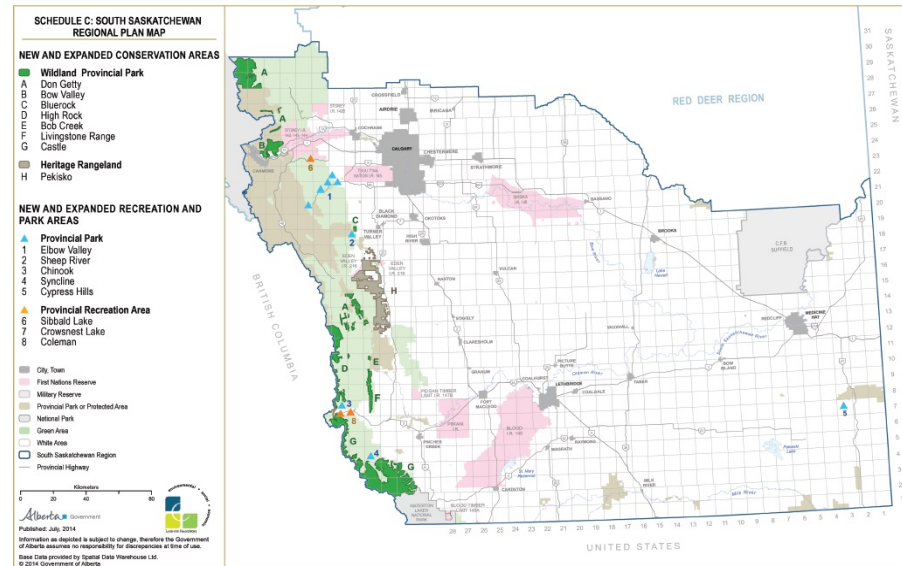


A Critical Exploration of the South Saskatchewan Regional Plan (in Alberta)

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University of Calgary MFH 3360, May 19, 2016

Schedule C: South Saskatchewan Regional Plan Map

South Saskatchewan Regional Plan 2014-2024





- 1. Introduction
- 2. The SSRP
 - The South Saskatchewan Region
 - History of Land Use Planning in AB
 - Policy Framework
 - Legal Structure
- 3. Status of SSRP
 - Amendments
 - Remaining implementation
- 4. Effect of SSRP
- 5. Evaluation of SSRP



Introduction:

“Alberta’s prosperity has created opportunities for our economy and people, but it also has created challenges for Alberta’s landscapes. Industrial activity, municipal development, infrastructure, recreation and conservation interests often are competing to use the same piece of land. [...]

“What worked for us when our population was only one or two million will not get the job done with four, and soon five million. We have reached a tipping point, where sticking with the old rules will not produce the quality of life we have come to expect. [...]

“The purpose of the Land-use Framework is to manage growth, not stop it, and to sustain our growing economy, but balance this with Albertans’ social and environmental goals.”

- Land Use Framework, p2

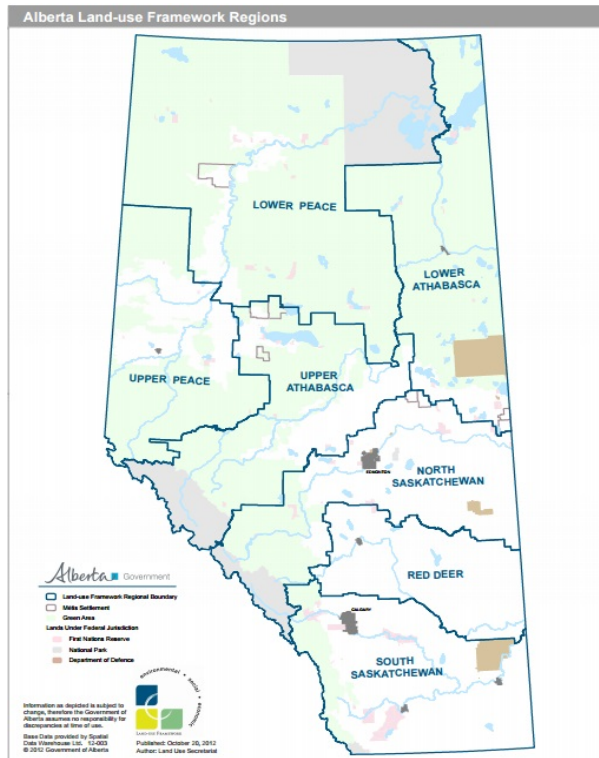
Land-Use Planning:

Integrated Landscape Management:

“In situations where landscape conditions are affected by multiple human activities, ILM requires the reconciliation of competing values and interests and the management of cumulative environmental effects.” (Kennett, 2006)



The South Saskatchewan Region

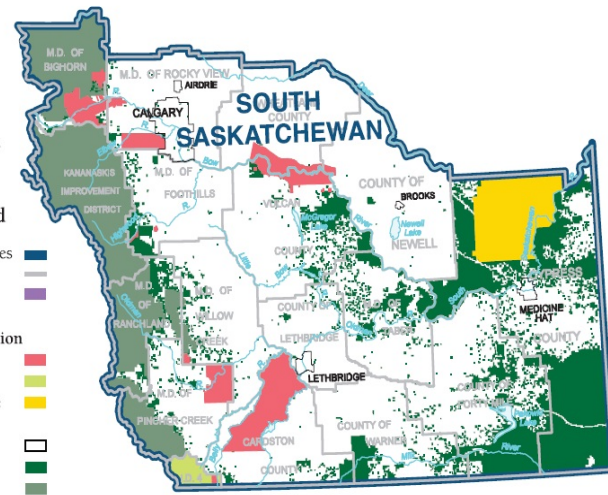


Land-use Framework Planning Regions based on Municipal Districts & Watershed

LUF Planning Regions Boundaries
Municipal Districts Boundaries
Metis Settlements

Lands Under Federal Jurisdiction
Indian Reserves
National Parks
Department of National Defence

White Area - Private Land
White Area - Public Land
Green Area - Public Land



Produced by Sustainable Resource Development, Finance and Administration Division. Base Map Data Provided by Spatial Data Warehouse Ltd. ©Nov 27, 2008 Government of Alberta



South Saskatchewan Region

- Large population, limited water resources, competing uses on land
- Mountains, foothills, prairie, urban & rural areas, grasslands, natural regions, habitat
- 60%+ is private land, 30%+ public, 10%- federal
- 12.6% AB land, 44% AB population
- Population: 1,500,000 in 2008, 80% in Calgary Metropolitan Area, expected to increase by 2 million by 2076 (TOR)
- River basins: Bow, Oldman, South Saskatchewan, Milk River (heavily committed)
- Eastern Slopes originate ¾ SSRP’s water supplies
- Land use categories:
 - agriculture, forests, energy & minerals, settlement, First Nations, Metis settlements, tourism & recreation, historical resources, parks & protected areas, watersheds, biodiversity, ecological goods & services, fish & wildlife, climate change
- Land uses:
 - This totals 82,547 km² of land and 1,213 km² of water →

Conservation management areas on public lands	11.4%
Agriculture	67.2%
• cultivated	• 40.5%
• grazing	• 26.7%
Forestry	6.2%
Recreation/tourism on Public Lands	0.5%
Urban Centres	1.9%
Parks and Protected Areas (PPAs)	6.1%
Military	2.6%
First Nations Reserves	4.1%

- (TOR)

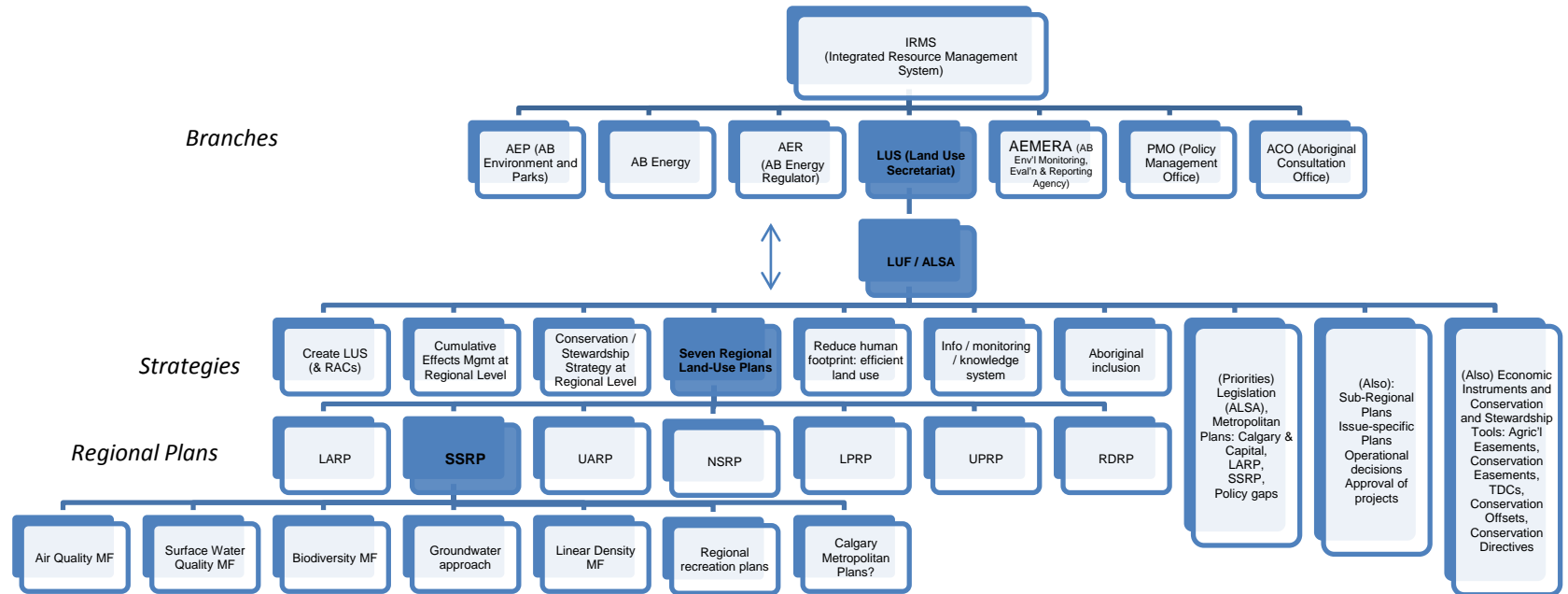


History of Land Use Planning in Alberta

- 1948: Division into Green and White areas (categorize management and main use)
- 1977: A Policy for Resources Management of the Eastern Slopes (“The Eastern Slopes Policy”)
- (Following several years): Integrated Resource Plans (IRPs) → 8 in southern Rockies, nine remain in SSR
- Mid-90s: dismantling of regional planning commissions
- 1995: Special Places 2000: Alberta’s Natural Heritage
- 1997: Alberta Forest Conservation Strategy
- 1999: Regional Sustainable Development Strategy for the Athabasca Oil Sands Area
- ...
- 2006: consultations leading to LUF
- 2008: Land Use Framework released
- 2009: *Alberta Land Stewardship Act* (ALSA) effective
- 2012: Lower Athabasca Regional Plan (LARP)
- 2013: draft SSRP
- 2014: South Saskatchewan Regional Plan (SSRP)



SSRP in Context: Regulation & Policy



SSRP functions alongside numerous federal and provincial legislation, policies and strategies, and regulatory direction (eg AER / AUC / NRCB / MGB) and Ministries.
 Note: while LUF / ALSA / RPs exist as vehicles of resource management, they exist independently and also govern recreation, tourism, infrastructure, environmental protection, etc.



Integration

- Aboriginal Policy Framework: Strengthening Relationships
- Alberta’s Forest Management Planning Standard
- Alberta’s Clean Air Strategy
- Alberta’s Plan for Parks
- Alberta’s Strategy for the Management of Species at Risk
- A Place to Grow: Alberta’s Rural Development Strategy
- Bow, Oldman and South Saskatchewan River Basin Water Allocation Order
- Building and Educating Tomorrow’s Workforce
- Climate Change Strategy 2008
- Fish Conservation Strategy for Alberta 2006-2010
- Launching Alberta’s Energy Future: Provincial Energy Strategy
- Oldman River Basin Water Allocation Order
- The Spirit of Alberta: Alberta’s Cultural Policy
- Vision 2020: The Future of Health Care in Alberta
- Water Conservation Objectives: Bow, Oldman, South Saskatchewan and Red Deer Sub-basins
- Water for Life: Alberta’s Plan for Sustainability (Renewal 2008)
- Water Management Plan for the South Saskatchewan River Basin
- Water Management Plan for the Upper Highwood and Upper Little Bow Rivers

Table 1 Regulatory and Non-regulatory Management of Air Emissions and Effects in the South Saskatchewan Region

Governance	Jurisdiction
Acts	
Canadian Environmental Protection Act	Federal
Environmental Protection and Enhancement Act (EPEA)	Provincial
Agricultural Operation Practices Act	Provincial
Alberta Land Stewardship Act (ALSA)	Provincial / Regional
Regulations	
Approvals, monitoring and reporting requirements	Alberta (EPEA)
Compliance and enforcement	Alberta (EPEA)
Directives	
Directive 060: Upstream Petroleum Industry Flaring, Incinerating, and Venting (AER, 2011)	Alberta
Directive 071: Emergency Preparedness and Response Requirements for the Petroleum Industry (AER, 2009)	Alberta
Guidelines/Objectives	
Alberta Ambient Air Quality Objectives (Alberta Environment, 2013)	Alberta
Guidance Document on Achievement Determination Canadian Ambient Air Quality Standards for Fine Particulate Matter and Ozone (CCME, 2012a)	National
Guidance Document on Air Zone Management (CCME, 2012b)	National
Policies and Frameworks	
Land-use Framework (LUF)	Provincial / Regional
Alberta Acid Deposition Management Framework (Alberta Environment, 2008a)	Alberta
Industrial Release Limits Policy (Alberta Environment, 2000)	Alberta
Air Quality Management System	National
Strategies	
Clearing the Air: Alberta’s Renewed Clean Air Strategy (GOA, 2012a)	Alberta
Provincial Energy Strategy Alberta Climate Change Strategy	Alberta



Table 1: Key Legislation and Policy for Managing Surface Water Quality in the South Saskatchewan Region

Governance	Jurisdiction
Acts	
Alberta Land Stewardship Act (ALSA)	Provincial/Regional
Agricultural Operation Practices Act (AOPA)	Alberta
Environmental Protection and Enhancement Act (EPEA)	Alberta
Municipal Government Act (MGA)	Municipalities
Public Lands Act (PLA)	Alberta
Water Act (WA)	Alberta
Approvals, monitoring requirements, reporting requirements	Alberta (AOPA,EPEA,PLA, WA)
Compliance and enforcement	Alberta (AOPA, EPEA, PLA, WA)
Guidelines	
Environmental Quality Guidelines for Alberta Surface Waters	Alberta
Canadian Environmental Quality Guidelines	Canadian Council of Ministers of the Environment (CCME)
Guidelines for Canadian Drinking Water Quality	Health Canada
Guidelines for Canadian Recreational Water Quality	Health Canada
Policies	
Framework for Water Management Planning	Alberta
Industrial Release Limits Policy	Alberta
Municipal Policies and Procedures Manual	Alberta
Water Quality Based Effluent Limits Procedures Manual	Alberta
Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems	Alberta
Approved Water Management Plan for the South Saskatchewan River Basin	Alberta
Strategies	
Strategy for the Protection of the Aquatic Environment	Alberta
Water for Life: Alberta's Strategy for Sustainability	Alberta
Land-use Framework	Provincial/Regional
Agreements	
Prairie Provinces Master Agreement on Apportionment –Schedule E	Inter-Provincial
Water Quality Agreement	
Boundary Waters Treaty	International
Federal Acts	
Canadian Environmental Protection Act	Canada
Fisheries Act	Canada

Table 1. Key Components of Management of Biodiversity in the South Saskatchewan Region

Governance	Jurisdiction
Acts and Regulations	
Alberta Land Stewardship Act	Alberta/Regional
Canadian Environmental Assessment Act	Canada
Environmental Protection and Enhancement Act	Alberta
Fisheries (Alberta) Act and General Fisheries (Alberta) Regulation	Alberta
Fisheries Act	Canada
Forests Act and Timber Management Regulation	Alberta
Forest and Prairie Protection Act	Alberta
Migratory Birds Convention Act	Canada/International
Protecting Alberta's Environment Act	Alberta
Provincial Parks Act	Alberta
Public Lands Act and Public Lands Administration Regulation	Alberta
Species at Risk Act	Canada
Water Act	Alberta
Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act	Alberta
Wildlife Act and Wildlife Regulation	Alberta
Policies and Strategies	
Accord for the Protection of Species at Risk	National
Alberta's Biodiversity Policy (under development)	Alberta
Alberta Timber Harvest Planning and Operating Ground Rules Framework for Renewal	Alberta
Alberta Wetland Policy	Alberta
Alberta's Strategy for the Management of Species at Risk (2009-2014)	Alberta
Canadian Biodiversity Strategy	National
Fish Conservation and Management Strategy for Alberta	Alberta
Integrated Standards and Guidelines – Enhanced Approval Process	Alberta
Land-use Framework	Alberta/Regional
National Framework for Species at Risk Conservation	National
Alberta's Forest Strategy (under development)	Alberta
Petroleum Industry Activity Guidelines for Wildlife Species at Risk in the Prairie and Northern Region	National
Plan for Parks	Alberta
Strategy for the Protection of the Aquatic Environment	Alberta
Water for Life: Alberta's Strategy for Sustainability	Alberta
Weed Control Act	Alberta
Programs	
Aquatic Invasive Species Program	Alberta
Environmental Flows Program	Alberta
Habitat Stewardship Program for Species at Risk	National
Species at Risk Program	Alberta



Structure of SSRP

- 200 page document
 - Introduction (Policy)
 - Strategic Plan (Policy) key considerations
 - Implementation (Policy) regional outcomes, strategic directions
 - Regulatory Details (Regulation under ALSA) (p159) boundaries, application, technical details, Min resp
- Management Frameworks (Air Quality MF, Surface Water MF, Biodiversity MF, Linear Density MF, Regional recreation plan)

- SSRP is Regional Plan made under ALSA, Part 1
 - ALSA enacts LUF “umbrella policy”
 - Part of comprehensive land use management framework
- ALSA & Regional Plans have superordinate authority (ALSA, s17(1)(b))
- Binding on Crown, local governments, decision-makers, all other persons
 - Some exceptions on successful landowner appeal of restrictions to Stewardship Minister (ALSA s15.1)
- To be reviewed 5-10 years, set stage for 50 years
- Applies to public and private land
 - Municipal planning and decisions must comply with regional plans
 - Potential for compensation to landowners – use existing avenues



SSRP cont'd

- SSRP Purposes (stated)
 - Establish a **long-term** vision for the region,
 - **Align** provincial policies at the regional level to balance Alberta's economic, environmental and social goals,
 - Reflect ongoing commitment to **engage Albertans**, including aboriginal peoples in land-use planning,
 - Use a **cumulative effects management** approach to balance economic development opportunities and social and environmental considerations,
 - Set desired economic, environmental and social **outcomes** and objectives for the region,
 - Describe the **strategies**, actions, approaches and tools required to achieve the desired outcomes and objectives,
 - Establish **monitoring**, evaluation and reporting commitments to assess progress, and
 - Provide guidance to provincial and local **decision-makers** regarding land-use management for the region.

- Cumulative Effects Management
 - “Cumulative effects is the combined impact of past, present, and reasonably foreseeable human activities on a region's environmental objectives. Cumulative effects management recognizes that our watersheds, airsheds, and landscapes have a finite capacity.” (GOA, MF Factsheet)



SSRP cont'd

- Status
 - Effective September 1, 2014
- Amendments
 - Property rights: amendments to ALSA prior to final SSRP
 - 2015: Castle area protection
 - To be effected by Lieutenant Governor in Council following period of public consultation – designation to take place under the *Provincial Parks Act*
- Remaining implementation
 - Completion of Management Frameworks
 - Municipal compliance
 - Decision-makers must submit declarations by September 1, 2016
 - Local governments must submit declarations by September 1, 2019
- Note 5 RPs remain in province
- Other components of IRMS incomplete



Effect of SSRP

- SSRP is effective, therefore binding on decision-makers
- Announcements on release of SSRP:
 - New/expanded conservation areas, provincial parks & recreation areas
 - Baselines for Air and Water Quality Frameworks
 - Concerted effort to consult First Nations
 - Sustainable farming, ranching, energy, forest management. Extension of grazing leases from 10-20 years
 - Development of sustainable and responsible methods for seeking & extracting energy resources
 - Maintenance & diversification of forestry industry
 - Responsible development of aggregates on public land
 - Focus on developing and protecting biodiversity and ecosystems of regional, Crown land and private land. Incl Native grasslands on public land
 - Management and development of healthy watershed systems
 - Creation and maintenance of safe, responsible transportation systems
- Headwaters protection



Effect cont'd

- On industry
 - Expected to be significant, structural significance: RPs and cumulative effects management
 - General protection of existing rights while restricting some future uses, also implementing cumulative effects limits
 - As yet, undramatic in practice

- Legally:
 - *AER Bulletin 2014-28, Application Requirements for Activities within the Boundaries of a Regional Plan*
 - ERCB (AER): Board not to defer decisions prior to clarification or implementation of SSRP (*Re Petro-Canada*, 2010)
 - AUC: Notes whether projects comply with SSRP (*Re Medicine Hat*, 2015, *Re AESO*, 2015)
 - MGB: Acknowledges role of SSRP, proposals must comply with RP as well as *MGA, Subdivision Regulation & Bylaws* (numerous) – discussions of efficient use of land, fragmentation & conversion of agricultural lands, flood mitigation
 - Recent AUC: approval of three 20-year Water Supply Agreements between City of Calgary and Airdrie, Strathmore, and Chestermere (May 4, 2016, decisions Decision 21355-D01-2016, Decision 21356-D01-2016, Decision 21357-D01-2016)
 - AUC must comply with SSRP, absence of Calgary Metropolitan Plan which would pertain
 - Power between large/upstream vs smaller centres
 - Consequence of 20 year agreement constraining/requiring amendment on future review of SSRP? Implications to superordinacy
 - Written decisions don't address SSRP

- Public awareness, stated public priorities
- Information online: <http://landuse.alberta.ca> → policy, legislation, issues, public consultation information, information sheets



Controversy

- Property rights
 - 2011 amendments to ALSA, Property Rights Advocate Office
 - Consultation, compensation, access to courts
- Balance land-use objectives with environmental conservation
- Historical tension between local governments and centralized planning



Strengths & Weaknesses

- Oil and gas industry
 - Praised clarity, certainty, predictability
 - Striking balances between conservation and resource development
- Environmental:
 - Concerns about ambiguity
 - Shortcomings re environmental & species at risk protection, fragmentation, inadequate headwaters protection
- MFs not yet in place: biodiversity, etc.



Legal critique:

- A “plan to plan” & “modest first step” (ELC)
 - Shortcomings: vagueness & broad discretion
 - Little use of new conservation & stewardship tools
 - Lack of clear direction to municipalities, AER, etc.
- Shortcomings re excessive discretionary nature, Executive discretion (Bankes et al, Roth & Howie) (→ political)
 - Discretionary in RPs: TOR, consultation, consider ec/soc/env issues, exemptions from application, RP content, thresholds, CEM indicators/policies, responses to contraventions
- Lack of clear direction re cumulative effects management: ie responsibility for breaching thresholds
- Potential for efficiency compared to complex land-use planning systems (Roth & Howie)
- Arms of IRMS not fully in place (Bruno)



Discussion

- Unique: Alberta innovation & leadership
- Umbrella policy: broad goals not always inappropriate
- Design needs be flexible for amendment & changes in policy direction
- Tension: balance between flexibility and excessive discretion.
- ALSA 2009:
 - 2008-10: global recession
 - Ongoing: changes in commodity prices
 - 2013: major flooding
 - 2015: Paris Agreement under UN Framework Convention on Climate Change, ongoing public awareness and concerns about climate change and carbon footprints
 - 2015+: drop in price of oil due to global oversupply
 - 2009-16: 4 Premiers (3 PC, 1 NDP)
 - 2016: Fort McMurray wildfires, implications tbd
 - Future: population growth, technological developments, demands on land, unknown...
- Laudable development, grand goals, excessive executive discretion and shortcomings in clear direction and enforcement may/not negate value of new approach; much is yet to be determined. Potential > use



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“A reed before the wind lives on,
while mighty oaks do fall.”
- Geoffrey Chaucer, *Troilus and Criseyde*



Questions

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