



April 27, 2009

Bill 36, the Alberta Land Stewardship Act sets the bar for responsible regional planning

Proposed Act respects property rights and local decision-making

Edmonton... Future development in Alberta will consider the combined impact of activities on the land, air, water, and biodiversity. The proposed *Alberta Land Stewardship Act* would help sustain economic growth, while meeting Albertans' social and environmental objectives.

Bill 36, tabled April 27 in the Legislature, creates the authority for regional plans for each of the seven regions identified in the Land-use Framework. Albertans will be consulted to help define the future of the region in which they live.

The Act creates new conservation and stewardship tools to protect heritage landscapes and views. It will make Alberta the first jurisdiction in Canada to compensate landowners whose property values are affected by conservation and stewardship restrictions under regional plans.

"Through nearly three years of consultations, Albertans told us they support orderly development through regional planning. They want strong provincial leadership and we need everyone—provincial departments, municipalities and other decision-makers—to work together," said Premier Ed Stelmach. "This legislation delivers on all counts and underlines this government's commitment to a new way of managing our land and natural resources."

Specifically, the Act:

- gives the Lieutenant Governor in Council authority to direct the development of, and subsequently approve, regional plans as legally binding documents under the Act;
- outlines what must be included in regional plans, plus what may be included to respond to regional needs and circumstances;
- allows the appointment of regional advisory councils to provide advice to government on developing regional plans;
- provides for reviews of regional plans at least every 10 years, or more often if needed to respond to changing circumstances;
- creates a secretariat to support regional planning; and
- requires provincial departments, regulatory agencies, municipalities and other local government authorities to align their decisions, plans and bylaws with regional plans.

Regional plans will be binding on provincial and local governments and other decision makers, and will have an impact on industrial, recreational and other land users. Regional plans will be

developed with respect for local decision-making authority and, when approved, intermunicipal plans, such as the Calgary and Capital region plans, may be adopted as sub-regional plans.

“This is the most comprehensive land-use policy in North America. Making the seven land-use regions congruent with Alberta’s major watersheds is a significant breakthrough that will allow us to integrate our air, land and water policies as never before,” said Sustainable Resource Development Minister Ted Morton. “The legislation also provides unprecedented protection for property rights and upholds local decision-making.”

The *Alberta Land Stewardship Act* includes related amendments to more than 25 legislative Acts to support regional planning in the province. The amendments provide administrative tools to enable the government to direct planning requirements and processes for the province.

The *Alberta Land Stewardship Act* and the Land-use Framework are available at www.landuse.alberta.ca.

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Backgrounders: Legislative amendments facilitate regional plans; Regional planning in Alberta; *Alberta Land Stewardship Act* conservation tools; History of consultations on Land-use Framework.

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Legislative amendments facilitate regional plans

Edmonton... The proposed amendments ensure that existing Acts align to support regional plans and ensure compliance with these plans. For some legislation, this requires more extensive changes. These Acts include the following.

Public Lands Act

- **Land management** amendments allow the government to make regulations for public access to public land. The amendments:
 - transfer Forest Land-Use Zones from the *Forests Act* to the *Public Lands Act* and enable the development of regulations to manage access to vacant public lands, bringing public land management across Alberta under one statute;
 - support the development of a strategy for managing recreational use of public lands as committed to in the Land-use Framework; and
 - provide for mitigation for loss of, or damage to, public land through new tools such as stop work orders or disposition suspensions, to protect and preserve the public land base.
- **Enforcement** amendments are in line with other provincial environmental statutes, and will allow the government to enforce the Act and regional plans where public lands are concerned. Examples include:
 - clarifying administrative penalty tools and processes, such as increasing the time period for investigations to two years and clarifying the ability of enforcement officers to enter and inspect public land and obtain records or evidence; and
 - increasing maximum fines for offences and distinguishing between individual and corporate offenders. For example, maximum fines will increase from \$5,000 to \$1 million for companies that knowingly commit an offence.
- **Appeals and dispute resolution** amendments give the government the ability to establish a process that gives companies or individuals the opportunity to resolve conflicts and ensures fairness in decision making.

Municipal Government Act

- **Compliance** amendments require that municipal plans and bylaws and the decisions that flow from these (by subdivision authorities, development authorities, municipal planning commissions and development appeal boards) are in conformance with regional plans.
- **Intermunicipal development plan** amendments allow the Minister of Municipal Affairs to require two or more municipal authorities to establish an intermunicipal development plan and to define the matters to be included in, and the timeline for completion of, the plan.
- **Minister's power** amendments allow the Minister of Municipal Affairs to exercise additional actions to ensure compliance if a municipality does not comply with regional plans.
- **Process amendments** require municipalities to determine whether public consultation is necessary in amending plans and bylaws to conform with a regional plan. If council

determines that further consultation is not necessary, it may proceed without giving notice and holding a hearing.

Forests Act

- **Forest resource management** amendments provide clarity on the decisions that can be made with respect to timber dispositions and quotas in support of regional plans. Examples include:
 - acknowledgement of regional plans and their authority over forest plans and dispositions issued under the *Forests Act*;
 - the ability to divide existing allocations of timber according to planning regions;
 - designation of decision-making authority; and
 - addition and definition of terms for clarification
- **Enforcement** amendments will allow the government to enforce the Act and regional plans. Examples include:
 - clarifying administrative penalty tools and processes;
 - increasing maximum fines for offences and distinguishing between individual and corporate offenders; and
 - updating enforcement provisions and language.
- **Appeals** amendments give the government the authority to establish a process that gives companies or individuals the opportunity to resolve conflicts and ensures fairness in decision making.

Acts amended by the *Alberta Land Stewardship Act* include the following:

Administrative Penalties and Related Matters Statutes Amendment Act 2002

Agricultural Operation Practices Act

Agricultural Pests Act

Alberta Utilities Commission Act

Coal Conservation Act

Electric Utilities Act

Energy Resources Conservation Act

Environmental Protection and Enhancement Act

Forests Act

Highways Development and Protection Act

Historical Resources Act

Interpretation Act

Irrigation Districts Act

Mines and Minerals Act

Municipal Government Act

Natural Resources Conservation Board Act

Oil and Gas Conservation Act

Oil Sands Conservation Act

Pipeline Act

Post-secondary Learning Act

Provincial Parks Act

Public Highways Development Act

Public Lands Act

Water Act

Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangeland Act

Wildlife Act

For additional information on each Act's consequential amendments visit www.assembly.ab.ca

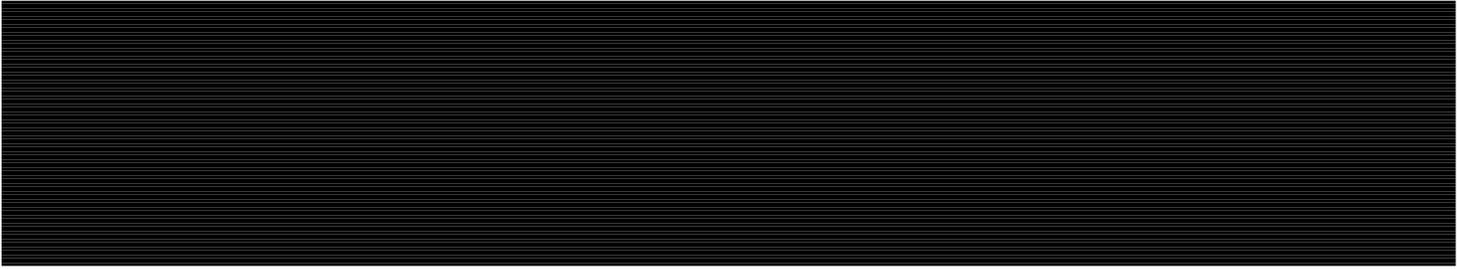
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Regional Planning in Alberta

Edmonton... The *Alberta Land Stewardship Act* provides for the establishment of integrated planning regions and a regional planning process.

Contents of Regional Plans

Regional plans will contain:

- a vision for the region - the desired future of the region; and
- objectives for the region - what will be achieved at the regional level to meet the provincial outcomes of: a healthy economy supported by our land and natural resources; healthy ecosystems and environment; and people-friendly communities with ample recreational and cultural opportunities.

To respond to the unique needs and circumstances in the region, regional plans may contain:

- an overview of the region: summarizes the current state of the region, discussing key economic, environmental and social considerations and trends in land-use;
- provincial policy statements, regulations, designated authority and conflict resolution provisions as required by the Lieutenant Governor in Council to meet the vision and objectives for the region;
- policies to achieve or maintain regional objectives;
- actions and approaches that will be used to achieve the objectives;
- goals and measures related to the regional objectives;
- thresholds and indicators related to the goals or measures, plus a description of how these will be monitored; and
- sub-regional plans to respond to the needs of specific geographic areas within the region, such as metropolitan plans for the Calgary and Capital regions.

The Regional Planning Process

1. Government appoints regional advisory councils (RACs). Regional advisory council members will represent a wide range of interests, expertise and experience in each region.
2. Government provides direction on what should be considered in the regional plans, such as provincial strategies and policies on water or energy.
3. Each RAC develops advice on a vision, objectives and regional strategies to be included in the regional plan.
4. The Government of Alberta develops actions and approaches to implement the

strategies, goals and measures and a monitoring and reporting plan to support the vision, objectives and strategies. Together with the advice from the RAC, these form a draft regional plan.

5. Government reviews and provides direction on the draft plan.
6. The government leads public, stakeholder and Aboriginal consultations on the draft plan.
7. The Government of Alberta considers input from the consultations and develops a final plan.
8. Government reviews and approves a final regional plan.

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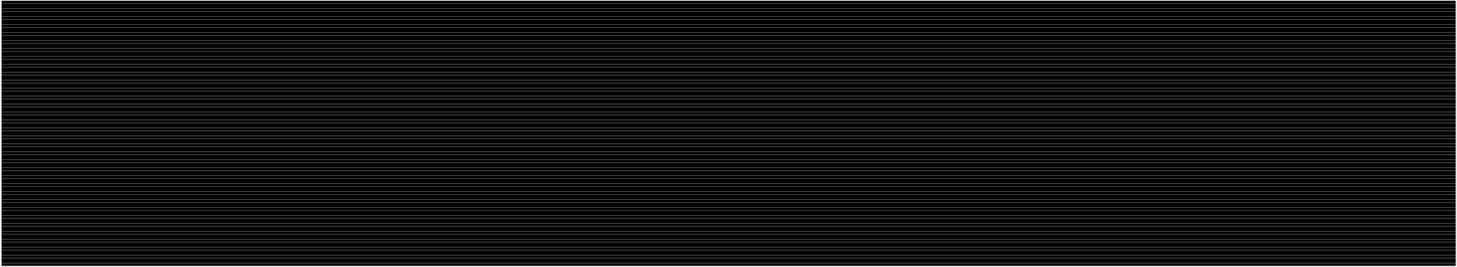
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Alberta Land Stewardship Act conservation tools

Edmonton... The *Alberta Land Stewardship Act* (ALSA) enables expanded use of conservation easements and the use of conservation directives, conservation offsets and transfer of development credits.

Conservation easements

- A conservation easement is a voluntary legal agreement between a landowner and a qualified organization, such as a land trust or government, to conserve the ecological integrity of a piece of land. The easement is registered on the land title, but landowners retain ownership of the land.
- Conservation easements have been in place in Alberta for over 10 years. Currently, around 300 square kilometres, or 0.2 per cent, of Alberta's private lands are under conservation easements.
- The legislative provisions are being moved from the *Environmental Protection and Enhancement Act* and expanded through *ALSA* to also be used to conserve agricultural land.
- The intent is to more closely align conservation efforts with land-use planning efforts in the province and to reduce the fragmentation and conversion of agricultural land to other uses.

Conservation offsets

- Offsets counterbalance the effects of an activity on both public and private land. They can be used to replace, restore or compensate for affected landscapes. For example, a company can conserve an environmentally significant area to offset its industrial activity elsewhere.
- Existing environmental standards or regulatory requirements remain in effect.
- *ALSA* sets the framework for offsets to be used for restoration, mitigation or conservation. It provides a legal basis for the government to establish an offset program and to set rules for defining and trading offsets.

Conservation directives

- *ALSA* enables the use of a new tool, the conservation directive, to conserve valued landscapes, ecologically sensitive areas and scenic landscapes.
- Regional plans may expressly set aside specific areas to protect, conserve and enhance land with environmental, scenic or aesthetic values or agricultural land.
- The Alberta government will compensate owners of these lands for any decrease in the market value of their land. The principles for deciding on compensation payable are drawn from the *Expropriation Act*.

Transfer of development credits (TDCs)

- TDCs help direct development away from specific areas needed to conserve ecologically sensitive, scenic, historical or agricultural areas.
- Land-use plans (regional, sub-regional or municipal) may allow the use of TDCs. Plans may designate the areas to be conserved and areas to be developed.
- TDCs have the potential to address issues such as urban and rural growth pressures and loss of agricultural land and ecological or heritage landscapes.

Conservation exchange

- A conservation exchange supports, verifies and tracks the use of market-based conservation and stewardship instruments such as conservation offsets or transfer of development credits.
- ALSA provides a legal foundation for the creation of an exchange in Alberta.
- The activities of the exchange could include:
 - facilitating the purchase and sale of offsets or credits;
 - registering and tracking trades in offsets or credits;
 - providing authentication of offsets or credits;
 - providing information on a range of market-based instruments; and
 - reporting on results from the use of these instruments.

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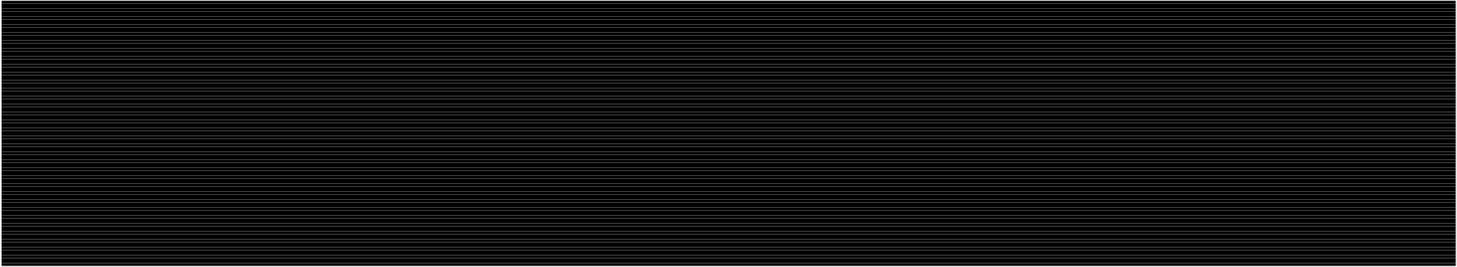
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History of consultations on Land-use Framework

Edmonton... The *Alberta Land Stewardship Act* follows consultations on the Land-use Framework that occurred from May of 2006 until the final framework was released December 2008. Public engagement with Aboriginal communities and groups started in the fall of 2006 and are ongoing.

- May 2006: A 15-member advisory group provided ideas on the process for developing a Land-use Framework, suggested a potential vision and principles and identified key challenges.
- August to October 2006: Small focus group sessions were held with representatives of municipalities, Aboriginal communities and agricultural, recreation, industry and environmental sectors and groups. The groups provided input on key issues and principles.
- December 2006: 152 Albertans participated in a cross-sector forum, reviewing challenges and providing input on what should be included in a Land-use Framework.
- May and June, 2007: Public information and input sessions were held in 15 communities across Alberta. In addition, more than 3,000 Albertans completed and submitted Land-use Framework workbooks. Albertans provided their input on proposed vision, outcomes and principles as well as priorities and key elements that should be addressed and called for provincial leadership, a cumulative effects management approach and regional planning.
- June to October 2007: Multi-stakeholder working groups developed reports and proposals on four aspects of land-use planning and management—planning and decision making, growth and resource management, conservation and stewardship, and monitoring and reporting.
- May to June 2008: Following the release of the draft Land-use Framework, Albertans had the opportunity to provide feedback through an on-line survey. More than 700 Albertans completed the survey or provided written responses to the draft framework. This feedback led to the creation of a seventh land-use planning region and inclusion of the development of legislation as a priority.
- June 2008: The original stakeholder working groups were reconvened to provide further feedback and input relating to the draft framework.

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