

**Canadian Institute of Resources Law
Institut canadien du droit des ressources**

**A Critical Exploration of the
South Saskatchewan Regional Plan
in Alberta**

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“A reed before the wind lives on,
while mighty oaks do fall.”
- Geoffrey Chaucer, *Troilus and Criseyde*¹

“Southern Alberta is a diverse, healthy, vibrant and prosperous region where the natural beauty of the region is managed so that citizens feel connected to the land and its history. Albertans, industry, governments and aboriginal peoples work together to share responsibility for stewardship of the land and resources in a way that ensures current needs are met without compromising opportunities for future generations.”

Vision for the South Saskatchewan Region, *South Saskatchewan Regional Plan*²

1. Introduction

The Government of Alberta has in recent years been implementing comprehensive land use planning through policy and legislation. Noting a “tipping point” created by population growth and competing activities on finite resources,³ new policy was articulated in the 2008 Land-use Framework (LUF), which introduced comprehensive formalized regional-level planning in order to manage growth.⁴ The LUF laid out seven strategies to improve land use decision-making. The first strategy of seven in the LUF was to “develop seven regional land-use plans based on seven new land-use regions.”⁵ In support of the Land-use Framework, the *Alberta Land and Stewardship Act (ALSA)*⁶ was enacted in 2009. ALSA establishes the seven land-use regions based on river basins, and directs a comprehensive land use plan to be created for each of them (“regional plans”).

The South Saskatchewan Regional Plan (SSRP)⁷ came into effect September 1, 2014. It was created under ALSA to identify strategic direction for the South Saskatchewan Region over 2014-2024, setting the stage for 50 years of development.⁸ The SSRP is the second regional land use plan to be implemented, the first being the Lower Athabasca Regional Plan (LARP), which covers the oilsands and was released in 2012, and the remaining five to follow. The South Saskatchewan Region covers much of Southern

¹ Geoffrey Chaucer, *Troilus and Criseyde* (ll 1387-1389, c 1385) (“And reed that boweth down for every blast, Ful lightly, cesses wynd, it wol arys.”)

² SSRP, *infra* note 7 at 38.

³ Alberta, *Land-use Framework* (Edmonton: Government of Alberta, December 2008) [LUF] at 2, online: Alberta Environment and Sustainable Resource Development <<https://www.landuse.alberta.ca/LandUse%20Documents/Land-use%20Framework%20-%202008-12.pdf>>.

⁴ *Ibid.*

⁵ *Ibid* at 3.

⁶ *Alberta Land Stewardship Act*, SA 2009, c A-26.8 [ALSA].

⁷ Alberta, *South Saskatchewan Regional Plan 2014-2024, An Alberta Land-use Framework Integrated Plan* (Edmonton: Government of Alberta, 2014) [SSRP], online: <https://landuse.alberta.ca/LandUse%20Documents/SSRP%20Final%20Document_2014-07.pdf>.

⁸ *Ibid* at 1.

Alberta, including first nations' reserves, industrial and recreational areas, and densely populated areas including the City of Calgary.

The LUF from which the SSRP originates is innovative, ambitious and controversial, and new to Alberta and Canada. The regional plan approach under ALSA is itself an innovation and the SSRP has little direct precedent, although it does build on a history of land use initiatives in Alberta.

This paper will be a critical exploration of the SSRP under ALSA.

It will first bring the SSRP into a practical view: by describing the South Saskatchewan region, discussing the relevant history of integrated landscape planning, provide an overview of the policy framework, and review the legal nature of the SSRP itself, including its structure and binding nature and interaction with other regulatory management. It will then discuss the SSRP's status: its effective date being at September 1, 2014, amendments made to the final SSRP, and describe matters remaining to be completed for implementation. It will then discuss the effect the SSRP has had thus far. It will finally provide critical evaluation: revisiting the controversy associated with land use planning in general, outlining the plan's praise and criticism, in light of cumulative effects and other management objectives; refer to previous evaluation criteria; and provide analysis.

Ultimately, the SSRP is a well-needed land planning tool and commendable innovation of the Alberta Government. It has potential for tremendous effect that has not yet been seen. The SSRP's strengths and weaknesses lie in its discretionary nature and flexibility, and its measure will be uncovered over time.

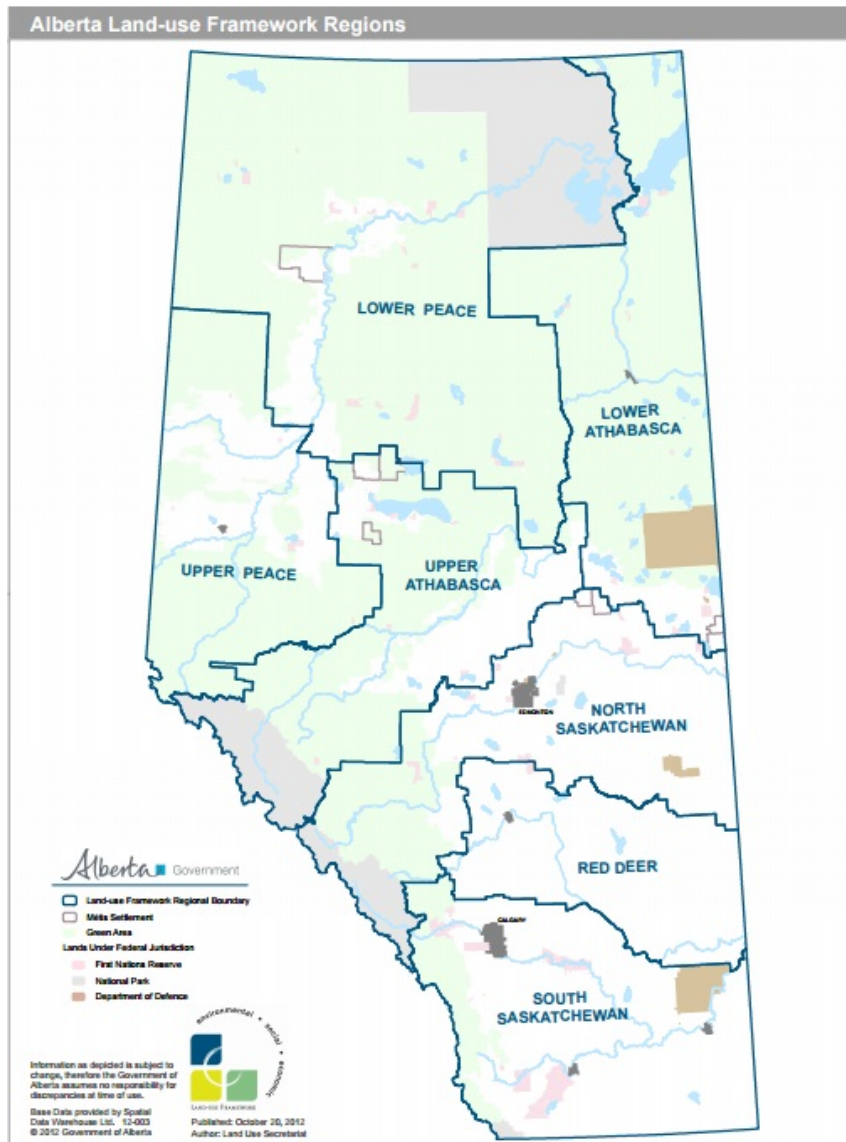
Scoping

This paper is written as part of the Canadian Institute of Resources Law three-fold mandate of research, education, and publication. My intent is to provide context and clarity by making an overview understanding of SSRP and related issues practically accessible, seeking a balance between high-level and on-the-ground discussion. The SSRP touches on numerous issues and regulation of importance in Alberta, many of which will fall outside of the scope of this paper, including regional comparisons, analysis of LARP, technical details of environmental management, and conservation and stewardship tools under ALSA. This paper will not provide a complete analysis of ALSA.

2. SSRP – The Plan

a. South Saskatchewan Region

The South Saskatchewan Region (SSR) was delineated under the LUF as one of seven land-use planning regions defined generally in terms of major river basins as shown in the map below.⁹



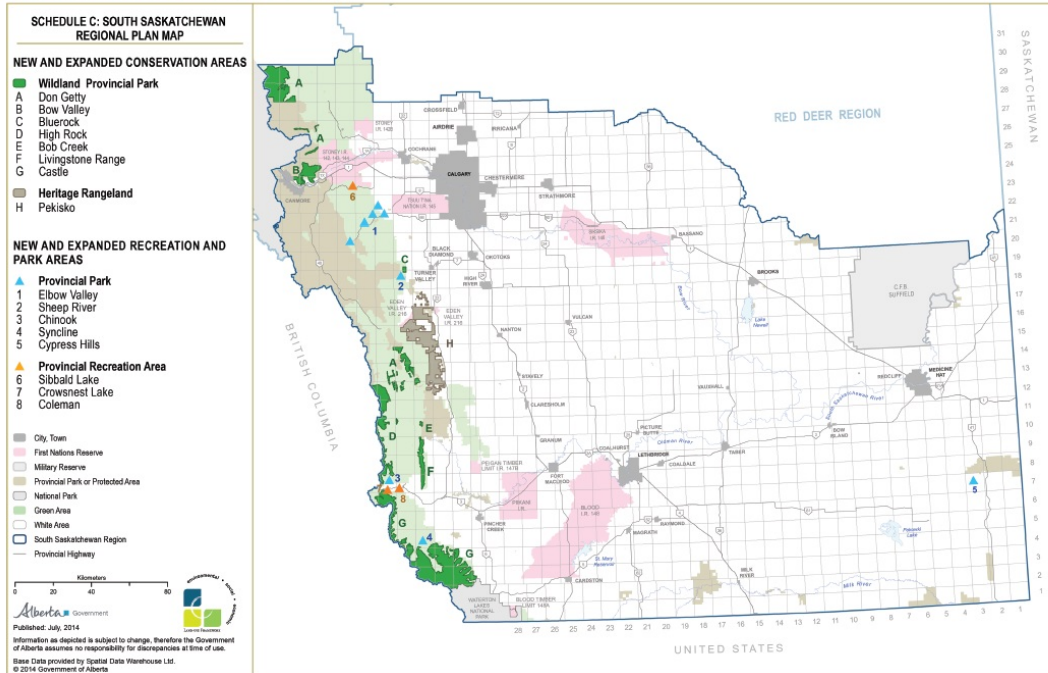
The SSRP reflects the west, east, and south borders of Alberta, with its north boundary running north “to the tip of the Municipality of Big Horn”¹⁰ as shown in the maps below.

⁹ Alberta Environment and Parks, “Map of Alberta Land-use Framework Regions”, online: <<https://landuse.alberta.ca/SiteCollectionDocuments/AB%20LUF%20Regions%20Map%202012-10.pdf>>.

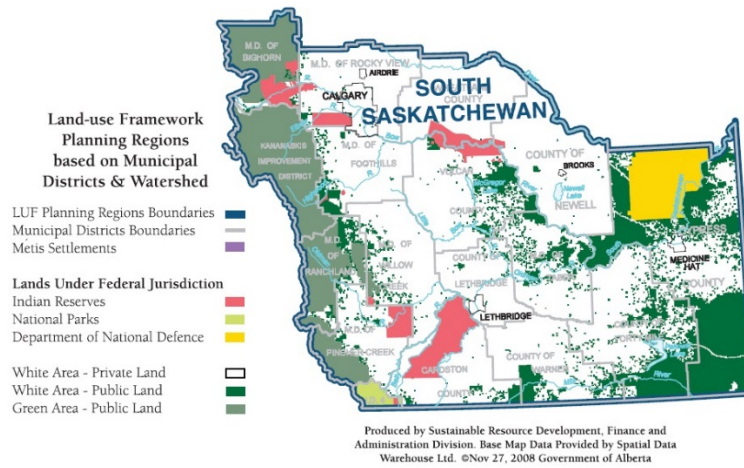
Schedule C: South Saskatchewan Regional Plan Map¹¹

Schedule C: South Saskatchewan Regional Plan Map

South Saskatchewan Regional Plan 2014-2024



Land-use Framework Planning Regions based on Municipal Districts & Watershed Map¹²



¹⁰ Alberta Environment and Parks, “Regional Plans”, online: <https://landuse.alberta.ca/REGIONAL_PLANS/Pages/default.aspx>.

¹¹ SSRP, *supra* note 7 at 201.

¹² SSRP TOR, *infra* note 15 at 9. This map was selected as it illustrates public and private land.

The South Saskatchewan Region (SSR) has a large population, limited water resources, and many competing uses on land. It covers prairie, foothills, and mountains, urban and rural areas.

While much of Alberta is public land, over 60% of the SSR is actually private land, over 30% being public land, and the remaining land is federal, including Banff and Waterton National Parks, CFB Suffield, and First Nations reserves.¹³

The SSR contains approximately 12.6% of Alberta's land and approximately 44% of Alberta's population.¹⁴ The population was approximately 1,500,000 in 2008, 80% being in the Calgary Metropolitan Area, and is expected to increase by approximately two million by 2076.¹⁵ Along with this large and growing population, there is relatively little water, and many competing uses of land. The LUF saw planning for the SSR as a particular priority.

Categories of land use in Alberta are: Agriculture, Forests, Energy and Minerals, Settlement, First Nations, Métis Settlements, Tourism and Recreation, Historical Resources, Parks and Protected Areas, Watersheds, Biodiversity, Ecological Goods and Services, and Fish and Wildlife, Climate Change.¹⁶ Land uses in SSR include the following along with estimates of the land used for each.¹⁷ This totals 82,547 km² for land and 1,213 km² for water.¹⁸

¹³ Government of Alberta, *Profile of the South Saskatchewan Region* (Edmonton: Government of Alberta, November 2009) [SSR Profile] at 7, online: <<https://landuse.alberta.ca/LandUse%20Documents/Profile%20of%20the%20South%20Saskatchewan%20Region%20-%202009-11.pdf>>.

¹⁴ Alberta Environment and Parks, "Regional Plans", online: <https://landuse.alberta.ca/REGIONAL_PLANS/Pages/default.aspx>.

¹⁵ Government of Alberta, *Terms of Reference for Developing the South Saskatchewan Region* (Edmonton: Government of Alberta, November 2009) [SSRP TOR], online: <https://landuse.alberta.ca/Documents/SSRP_Terms_of_Reference_for_Developing_the_South_Saskatchewan_Region_Report-P1-2009-11.pdf>.

¹⁶ Government of Alberta, *Understanding Land Use in Alberta*, Land-use Framework Series (Edmonton: 30 April 2007), online: <<https://landuse.alberta.ca/LandUse%20Documents/Understanding%20Land%20Use%20in%20Alberta%20-%202007-04.pdf>>.

¹⁷ South Saskatchewan Regional Advisory Council, *Advice to the Government of Alberta for the South Saskatchewan Regional Plan* (Edmonton: Government of Alberta, 2011) [SSRAC Advice], online: <<https://landuse.alberta.ca/LandUse%20Documents/South%20Saskatchewan%20Regional%20Advisory%20Council%20Advice%20to%20Government%20-%202011-03.pdf>>.

¹⁸ *Ibid.*

Land Uses in SSR Chart

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%

Natural features include water, landscapes and biodiversity.

The region includes the Bow, Oldman, South Saskatchewan, and Milk River basins. Water supply and demand is a particular pressure: all allocations have been made in the Bow, Oldman, and South Saskatchewan river basins, commitments exist to pass volume to Saskatchewan and Montana, and waters flow into the Red Deer region as well, and water conditions are further subject to climate conditions, drought and climate change: activities on land create cumulative effects on water supplies, quality, ecosystems, and habitat.¹⁹ Meanwhile, “about 60-70% of wetlands in the White Area of Alberta have already been lost.”²⁰ The Eastern Slopes (of the Rocky Mountains) originate three quarters of the SSRP’s water supplies.²¹

The region includes the Grassland, Parkland, Foothills, and Rocky Mountain Natural Regions. It is home to valued landscapes and biodiversity, including native prairie in the Alberta Grassland Natural Region, native grassland in the Foothills, Parkland, and Rocky Mountain Natural areas, the majority of which has been lost or fragmented.²² Grasslands are a habitat, often the only habitat, for many endangered species.²³

Economic activities are diverse and considered important for employment, community strength, and provincial revenues.²⁴ These include agriculture, energy production, forestry, tourism and recreation. SSR holds about half of Alberta’s agriculture

¹⁹ SSRP TOR, *supra* note 15.

²⁰ *Ibid* at 14.

²¹ *Ibid* at 14.

²² *Ibid* at 14.

²³ *Ibid* at 14.

²⁴ *Ibid* at 16ff.

production,²⁵ and approximately 15% of the SSR is irrigated, making irrigation the region's biggest water use.²⁶ Agriculture and energy overlap in the context of renewable fuels, expected to grow in future. Energy use includes conventional oil and natural gas activity, expected to increase in the short and medium term despite a decrease over the long term, while increases are expected in coalbed methane development, electricity infrastructure and wind development, and biofuel development.²⁷ Government revenue from royalties and mineral taxes for the region is approximately \$1.5 billion per year, and is expected to continue.²⁸ The government notes,

The physical footprint of the energy sector infrastructure is unlikely to be reduced in the short- or medium-term. Declining conventional oil and gas production will require greater effort to extract and is expected to create a larger footprint per unit of production.²⁹

In addition, forestry applies with 16% of the SSR being forested, and 48% actively managed for use.³⁰ Tourism and recreation are also popular and important land uses.³¹

The region also includes urban areas including the Calgary Metropolitan Area, as well as Lethbridge and Medicine Hat and smaller centres, and major multi-use corridors, including a transportation and utility corridor in the vicinity of Calgary.³²

b. History of Land Use Planning in Alberta

The SSRP is a component of the first (purportedly) comprehensive land-use plan in Alberta. However, it is actually the most recent in a history of land use initiatives in the province.³³

The province was divided into green and white areas in 1948 to categorize management and main use of public lands. In response to American demand for oil and gas resources,³⁴ Alberta adopted *A Policy for Resources Management of the Eastern Slopes, revised 1984* (Eastern Slopes Policy) in 1977, revised in 1984. Other Integrated Resource Plans (IRPs) were created over the next several years. Alberta adopted the *Alberta Forest Conservation Strategy* in 1997, and the *Special Places 2000: Alberta's Natural Heritage*

²⁵ *Ibid* at 16ff.

²⁶ *Ibid* at 16ff.

²⁷ *Ibid* at 18-19.

²⁸ *Ibid* at 18.

²⁹ *Ibid* at 19.

³⁰ SSRP TOR, *supra* note 15.

³¹ *Ibid*.

³² *Ibid*.

³³ Alan Harvie & Trent Mercier, "The Alberta Land Stewardship Act and its Impact on Alberta's Oil and Gas Industry" (2010-2011) 48 *Alta L Rev* 295 at 297, among others.

³⁴ Allan Ingelson, "Strategic Planning for Energy Development in Canada" (2015) 6:2 *J Energy & Envtl L* 35 at 40.

in 1995,³⁵ as well as the *Regional Sustainable Development Strategy for the Athabasca Oil Sands Area* in 1999.³⁶ Regional planning commissions were dismantled in 1995 while Ralph Klein was Premier,³⁷ amid concerns about costs and conflicts between cities and development in rural municipalities, although the IRPs continued on as reference documents with limited authority. There were eight IRPs in the Southern Rockies and nine remain in the SSR.³⁸

The current regime is articulated by the LUF and was initiated as a result of a boom of economic development, and “in response to international criticism from environmental groups about the negative environmental, social, and cultural impacts from the mega-projects.”³⁹ Consultations that would result in the LUF began in 2006.⁴⁰ The LUF was released in 2008, and ALSA became effective in 2009. The related *Land Assembly Project Area Act*⁴¹ relating to large-scale infrastructure projects was established in 2009 but amended in 2011 and subsequently repealed. Amendments to ALSA primarily relating to clarification of property rights were made in 2011. The first regional plan, LARP, became effective in 2012. A draft SSRP was released in 2013 and the final SSRP was released July 23, 2014, becoming effective September 1, 2014.

The Eastern Slopes Policy was particularly important in the region. Its principle objective was to ensure “that all public lands and resources in the Eastern Slopes are protected, managed or developed according to a philosophy of integrated resource management.”⁴² It provided “broad direction for resource protection, management and development.”⁴³ Prior to the SSRP, it was still the foundation for land management decisions.⁴⁴ Its highest priority was “watershed management to ensure a reliable supply of clean water for aquatic habitat and downstream users.”⁴⁵ However, the policy and plans developed under it only applied to public land.⁴⁶ The SSRP incorporates and replaces the Eastern Slopes Policy.⁴⁷

The IRPs were based on a multiple-use approach which has been criticized as “[changing] to take the form of project-specific considerations, without regard to

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ “Land-use blueprint alters how we work, live, play”, *The Calgary Herald* (15 April 2008), online: <<http://www.canada.com/calgaryherald/story.html?id=32acb917-1da1-4b58-a9d0-925327a5c2fd&k=5237>>.

³⁸ SSR Profile, *supra* note 13, and SSRP, *supra* note 7 at 4-5.

³⁹ Ingelson, *supra* note 34 at 36 (“mega-projects” includes open pit oil sands mines in northern Alberta).

⁴⁰ LUF, *supra* note 3 at 8.

⁴¹ *Land Assembly Project Area Act*, SA 2009, c L-2.5.

⁴² Ingelson, *supra* note 34 at 40, citing Eastern Slopes Policy.

⁴³ Government of Alberta, *A Policy for Resource Management of the Eastern Slopes: Revised 1984* (Edmonton: Alberta Energy and Natural Resources, 1984) at 17 [Eastern Slopes Policy].

⁴⁴ SSR Profile, *supra* note 13 at 87.

⁴⁵ Eastern Slopes Policy, *supra* note 43.

⁴⁶ *Ibid.*, inside cover.

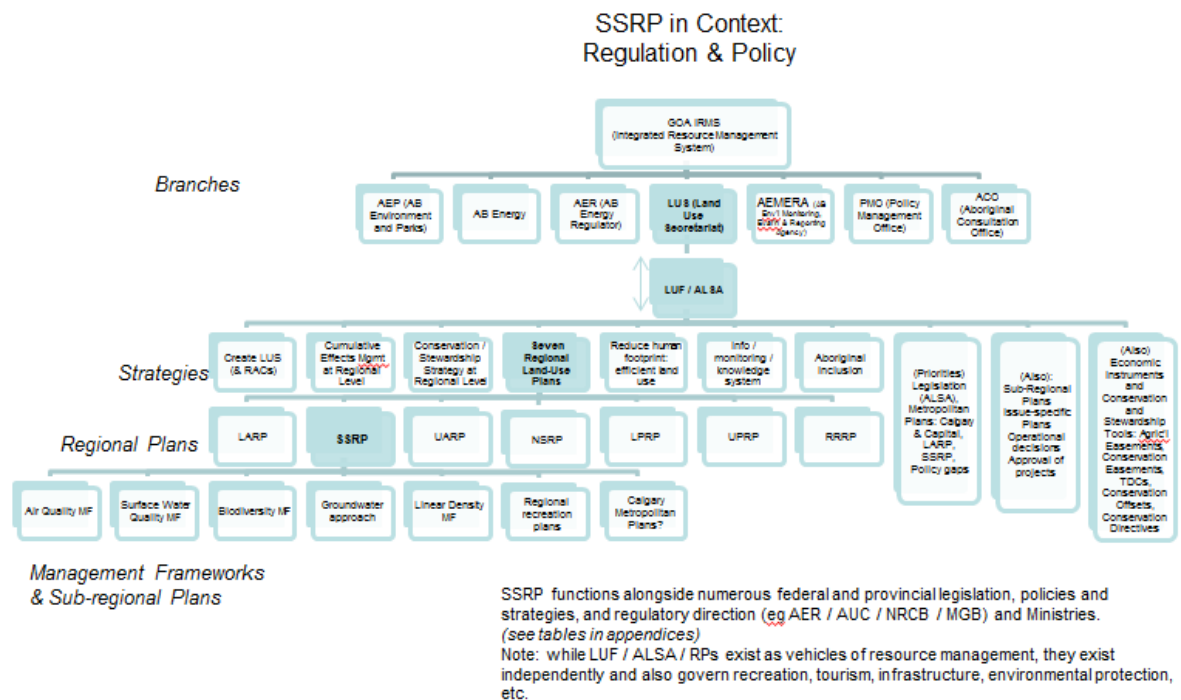
⁴⁷ SSRP, *supra* note 7 at 4.

cumulative effects and the broader goals of land use management.”⁴⁸ The IRPs had limited binding effect due to lack of legal status, transparency and funding,⁴⁹ however,

Although the information is often general, it provides a context for making land management decisions. In some cases, it may be clear that an activity is not compatible with the management of a certain area. In other cases, the IRP may indicate that an activity may be considered if certain values are maintained and certain conditions are put in place.⁵⁰

Where regional plans are yet silent, the IRPs still provide some guidance as “legacy plans” until reviewed and incorporated as appropriate.⁵¹

c. Policy Framework



This chart is reproduced in Appendix B.

Land use planning is implemented in Alberta through the LUF, by which Alberta seeks to manage growth balancing economic, social, and environmental goals, using cumulative effects management. Ingelson writes:

⁴⁸ Ingelson, *supra* note 43 at 41, citing Kennett, *New Directions* 1998.

⁴⁹ Ingelson, *ibid* at 40-41.

⁵⁰ *Ibid* at 87.

⁵¹ SSRP, *supra* note 7 at 4.

The only Canadian province that has adopted legislation for landscape level planning is Alberta. This approach ties into integrated landscape management (“ILM”) which is intended to overcome “fragmentation and incrementalism in decision-making that present virtually insurmountable obstacles to cumulative effects management across much of Canada and other jurisdictions” globally. [...] The objective of ILM is to “set and achieve landscape-scale objectives over appropriate spatial and temporal scales.”⁵²

Bankes et al write, “Promoted by the Government of Alberta as “the most comprehensive land-use policy in Canada and, indeed, in North America” [21], ALSA provides for landscape level land-use planning as a means to integrate decision-making and respond to the cumulative effects of development activity.”⁵³

LUF is a unique, comprehensive approach that applies to both public and private lands. Harvie and Mercier note, “[B]y giving this approach the force of law and by integrating various existing management strategies, Alberta has signalled that it is embarking on a novel and unprecedented approach to land management.”⁵⁴ Roth and Howie note similarly, “This [comprehensive approach] represents a fundamental theoretical shift in the way that land management and planning have been approached in the province.”⁵⁵

Integrated Resource Management System

The LUF falls under Alberta’s umbrella policy Integrated Resource Management System (IRMS). The seven main players in the IRMS⁵⁶ are: Alberta Environment and Parks (AEP), Alberta Energy, the Alberta Energy Regulator (AER), the Land Use Secretariat (LUS), the Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA), the Policy Management Office (PMO), and the Aboriginal Consultation Office (ACO).⁵⁷

The government explains that “IRMS will help Alberta achieve the environmental, economic and social outcomes Albertans and the world expect from responsible resource development. This approach is based on cumulative effects management of energy,

⁵² Ingelson, *supra* note 43, citing Kennett, “Here to There,” *infra* note 200 at 13-23.

⁵³ Nigel Bankes, Sharon Mascher & Martin Olszynski, “Can Environmental Laws Fulfill Their Promise? Stories from Canada” (2014) 6:9 Sustainability 6024.

⁵⁴ Harvie & Mercier, *supra* note 33 at 298.

⁵⁵ Bernard J Roth & Rachel A Howie, “Land-Use Planning and Natural Resource Rights: The *Alberta Land Stewardship Act*” (2011) 29 J Energy & Nat Resources L 471 at 479.

⁵⁶ Giorilyn Bruno, “Alberta’s ‘Integrated Resource Management System: Where Are We Now?’” (23 December 2015) ABlawg (University of Calgary Faculty of Law blog) [Bruno, IRMS], online: <<http://ablawg.ca/2015/12/23/albertas-integrated-resource-management-system-where-are-we-now/>>.

⁵⁷ See Bruno, IRMS, *supra* note 56.

mineral, forest, agriculture, land, air, water, and biodiversity resources,”⁵⁸ and boasts the following significant initiatives under IRMS:⁵⁹

- World-leading environmental monitoring;
- Regional plans under Alberta’s Land-use Framework;
- The creation of a property rights advocate; and
- A single regulator for oil and gas development.

The LUS is an independent body that leads preparation, implementation, and review of regional plans, and monitors existing policies with respect to their objectives.⁶⁰ LUS was established under ALSA.

Notably, despite its inclusion in the IRMS system, LUF exists beyond resource management and addresses additional issues including environmental protection, water use, tourism and recreation.

Land Use Framework

The LUF is a large policy document, using an umbrella policy approach.⁶¹ Kwasniak notes:

The LUF is intended to provide a comprehensive approach to planning to manage public and private lands and not just management under a policy of a single ministry or select ministries. Rather it is meant to be an umbrella policy approach that affects overall land management in the planning region, from ministries administrating intense development to those administrating protected areas. Being an umbrella policy that applies to all ministries as well as municipalities, it is designed to facilitate cumulative effects management.⁶²

Cumulative effects management is described by the government as:⁶³

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.

⁵⁸ Government of Alberta, “Factsheet: Integrated Resource Management System”, online: <http://www.oilsands.alberta.ca/FactSheets/Integrated_Resource_Management.pdf>.

⁵⁹ Government of Alberta, “Alberta’s Oil Sands: Integrated Resource Management System”, online: <<http://oilsands.alberta.ca/2828.html>>.

⁶⁰ Bruno, IRMS, *supra* note 56.

⁶¹ Arlene Kwasniak, *A Legal Guide to Non-Private Lands in Alberta* (Calgary: Canadian Institute of Resources Law, 2015) at 102.

⁶² *Ibid.*

⁶³ Alberta Government, “Factsheet: Environmental Management Frameworks for the South Saskatchewan Region”, online: <[http://aep.alberta.ca/focus/cumulative-effects/cumulative-effects-management/management-frameworks/documents/SSRP-EnvironmentalManamgementFS-Jul21-2014.pdf](http://aep.alberta.ca/focus/cumulative-effects/cumulative-effects-management/management-frameworks/documents/SSRP-EnvironmentalManagementFS-Jul21-2014.pdf)>.

Environmental management frameworks take a cumulative effects management approach to managing disturbances and impacts on the landscape. This approach considers the collective impact of all activities in an area on the environment, society and economy.

The fundamental principles of a cumulative effects management system include:

- Outcomes-based: clearly defining desired end-states
- Place-based: meeting the differing needs of regions within the province.
- Performance management-based: using adaptive approaches to ensure results are measured and achieved.
- Collaborative: building on a culture of shared stewardship; using a shared knowledge base.
- Comprehensively implemented: using both regulatory and voluntary approaches.⁶⁴

The LUF describes cumulative effects as follows:

Cumulative effects denotes the combined impact of past, present, and reasonably foreseeable human activities on a region's environmental objectives.

A final caveat is in order. Cumulative effects management is an emerging practice, an art not a science. Accordingly it should be used pragmatically not dogmatically.

Cumulative effects management recognizes that our watersheds, airsheds and landscapes have a finite carrying capacity. Our future well-being will depend on how well we manage our activities so that they do not exceed the carrying capacity of our environment.⁶⁵

The purpose of the LUF is to “manage growth, not stop it, and to sustain our growing economy, but balance this with Albertan’s social and environmental goals.”⁶⁶ The LUF’s vision is “Albertans work together to respect and care for the land as the foundation of our economic, environmental and social well-being.”⁶⁷ To this end, it identifies three outcomes: “Healthy economy supported by our land and natural resources, healthy ecosystems and environment, and people-friendly communities with ample recreational and cultural opportunities.”⁶⁸

LUF implements land use management through seven strategies, being:

1. Develop seven regional land-use plans based on seven new land-use regions.
2. Create a Land-use Secretariat and establish a Regional Advisory Council for each region.
3. Cumulative effects management will be used at the regional level to manage the impacts of development on land, water and air.
4. Develop a strategy for conservation and stewardship on private and public lands.

⁶⁴ *Ibid.*

⁶⁵ LUF, *supra* note 3 at 31.

⁶⁶ *Ibid* at 2.

⁶⁷ *Ibid* at 5.

⁶⁸ *Ibid* at 5.

5. Promote efficient use of land to reduce the footprint of human activities on Alberta's landscape.
6. Establish an information, monitoring and knowledge system to contribute to continuous improvement of land-use planning and decision-making.
7. Inclusion of aboriginal peoples in land-use planning.⁶⁹

ALSA

The LUF includes priorities: legislation for its legal implementation and enforcement, that being ALSA, creation of metropolitan plans for the Calgary and Capital regions, creation of the LARP (which notably covers the oilsands area), creation of the SSRP, and addressing numerous policy gaps.⁷⁰ The LUF will also encompass sub-regional plans, issue-specific plans, operational decisions, and project approvals.

ALSA creates seven land-use regions based generally on major river basins: Lower Athabasca (which includes Fort McMurray and the oilsands), South Saskatchewan, Upper Athabasca, North Saskatchewan, Lower Peace, Upper Peace, and Red Deer Regions.

ALSA is a powerful legislative instrument to which most other legislation in Alberta will be subject (to be further discussed below). Its purposes are described as follows:

- (a) to provide a means by which the Government can give direction and provide leadership in identifying the objectives of the Province of Alberta, including economic, environmental and social objectives
- (b) to provide a means to plan for the future, recognizing the need to manage activity to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples;
- (c) to provide for the co-ordination of decisions by decision-makers concerning land, species, human settlement, natural resources and the environment;
- (d) to create legislation and policy that enable sustainable development by taking account of and responding to the cumulative effect of human endeavour and other events.⁷¹

In addition to the regional plans, ALSA has introduced tools for environmental protection. Kwasniak notes,

The ALSA also provides for economic instruments and conservation and stewardship tools including agricultural easements, conservation easements, transfer of development credit

⁶⁹ *Ibid* at 3ff.

⁷⁰ LUF, *supra* note 3.

⁷¹ ALSA, s 1(2).

programs, and other conservation off-set opportunities. As well it provides the means to permanently protect and manage land through the use of conservation directives.⁷²

SSRP Itself

The SSRP's full vision statement is as follows:

“Southern Alberta is a diverse, healthy, vibrant and prosperous region where the natural beauty of the region is managed so that citizens feel connected to the land and its history. Albertans, industry, governments and aboriginal peoples work together to share responsibility for stewardship of the land and resources in a way that ensures current needs are met without compromising opportunities for future generations. Aboriginal peoples, through their traditional knowledge, share their intimate understanding of the region's natural environment and ecosystems.

“The South Saskatchewan Region supports a diverse and growing population. Economic diversification supports employment and contributes to a prosperous future. Agriculture is a significant renewable resource industry demonstrating environmental stewardship while pursuing growth and diversification opportunities. There are continued opportunities for oil and natural gas production and renewable energy will become increasingly significant. Forests are managed with watershed management and headwaters protection as the highest priority and healthy forests continue to contribute to the province's timber supply. The region has unique landscapes that form the basis of a popular tourism and recreation destination which continues to grow.

“Air, water, land and biodiversity are sustained with healthy functioning ecosystems. The headwaters in the region supply vital regional fresh water quality. Conservation strategies help many species at risk in the South Saskatchewan Region recover, while also preserving the diversity and splendor of Alberta's natural regions with various parks and conservation areas providing Albertans with improved health and inspiration to value nature.”⁷³

The SSRP applies to both private and public lands. It applies to municipalities and to private land, property rights being expressly respected, although this has been and remains somewhat controversial. Prior to SSRP, in the White areas, the “authority to set regulations and make decisions is primarily with municipal governments on private land and with the provincial government on public land.”⁷⁴ Now, municipalities' decisions must be consistent with ALSA.⁷⁵ While the government will respect the existing land-use planning and decision-making authority of municipalities, municipalities (as all local government body and decision-makers) must review their regulatory instruments, make changes as necessary, and file declarations outlining alignment with regional plans, and amending municipal plans to adopt and align with regional plans.⁷⁶

⁷² Kwasniak, *supra* note 61 at 104.

⁷³ SSRP, *supra* at 38-39.

⁷⁴ LUF, *supra* note 3 at 10.

⁷⁵ ALSA, s 20.

⁷⁶ LUF, *supra* note 3 at 26ff; ALSA, ss 20-21, 20(2)(b), 21(2)(b).

The LUF and ALSA provides for “stewardship of private lands in Alberta through the development of applicable incentives and market-based instruments,”⁷⁷ referring to transfer of development credits (TDCs), land trusts, charitable easements, and other tools, land conservation offsets, lease-swapping and dealing with existing tenure rights in ecologically sensitive areas.⁷⁸

Issues falling outside of the scope of the SSRP are: municipal governance, aboriginal consultation, population limits, taxation, provincial royalties, government expenditures, existing laws and regulations, and water allocation.⁷⁹

The SSRP will determine how the government policies and strategies will align at the regional level (e.g. Water for Life, Provincial Environment Strategy, Climate Change Strategy)⁸⁰ It is intended to serve the region for the next 50 years, with review at 5-10 year intervals.

The purposes of the SSRP are to:

- 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.⁸¹

The SSRP is structured in four parts: Introduction, Strategic Plan, Implementation Plan, and Regulatory Details. The Strategic Plan lists key considerations: economic development, agriculture, energy, renewable energy, transportation, surface materials (aggregates), tourism, ecosystems and environment (air management, landscapes and biodiversity, water and watersheds, historic resources), environmental management, and human development.

⁷⁷ LUF, *supra* note 3 at 33.

⁷⁸ *Ibid.*

⁷⁹ SSRP TOR, *supra* note 15.

⁸⁰ SSR Profile, *supra* note 13.

⁸¹ SSRP, *supra* note 7 at 2.

The “Implementation” lists desired regional outcomes: Economic growth; Air quality management; Biodiversity and ecosystem stewardship; Watershed management; Efficient use of land; Resident quality of life through recreation and cultural and natural heritage; Aboriginal inclusion in land-use planning; and Community development. The SSRP provides strategic directions for each outcome, lists indicators and responsible Ministries, along with timelines.

The “Regulatory Details” outlines the boundaries of the South Saskatchewan region, specifies application, and prescribes technical details relating to air and water quality, and land areas (conservation areas and land, recreation areas), and assigns responsibility to Ministries for monitoring and reporting.

The Environmental Law Centre describes the SSRP as follows:

[...] The Strategic Plan provides slightly more pointed discussion of the issues identified by the Land Use Framework, for example encouraging municipalities to avoid agricultural land fragmentation and development in flood plains. It also discusses conservation and stewardship in high level terms. Concerning private land, it makes mention of ecosystem services, encourages use of the new tools and endorses an offset pilot in the eastern grasslands. Concerning public land, the SSRP provides that it replaces the Eastern Slopes Policy, but it also provides that existing Integrated Resource Management Plans made under that policy will remain in place until reviewed. The SSRP affirms that headwaters protection is the highest priority followed by other values including biodiversity and forest ecosystem resiliency.

[...] The Implementation Plan provides regional objective and indicators. [...] The Implementation Plan expressly relies on pre-ALSA legislation and decision-making powers [...] and includes cumulative effects management frameworks for air and water but not for land or biodiversity. [...] The Regulatory Details part of the SSRP mostly provides ministerial responsibilities for conservation areas and discretion in cumulative effect management decisions.⁸²

Integration

As BLG notes, “Key to the SSRP is a new approach for managing the impacts of development on land, air, water and biodiversity. [Environmental management frameworks] are intended to complement and not replace, existing policies, legislation and regulations.”⁸³

The SSRP functions alongside numerous statutes, policies and management frameworks, although the SSRP as created under ALSA has the potential to override these in case of

⁸² Environmental Law Centre, “Implications of the South Saskatchewan Regional Plan” (Presentation to the Ghost Watershed Alliance Society, Annual General Meeting, 17 July 2015) [ELC Ghost] at 4-5, online: <<https://environmentallawcentre.files.wordpress.com/2015/01/elc-analysis-of-ssrp-feb-2015.pdf>>.

⁸³ “The Potential Impact of the South Saskatchewan Regional Plan on Energy Development”, The Resource: BLG Energy Law Blog (22 August 2014), online: <<http://blog.blg.com/energy/Lists/Posts/Post.aspx?ID=261>>.

conflict. In addition, there are Environmental Management Frameworks to be included within the SSRP, as part of its strategy and implementation, as follows:

- Air Quality Management Framework
- Surface Water Quality Management Framework
- Biodiversity Management Framework (in development)
- Groundwater approach (proposed)
- Linear Density Management Framework (in development)

To illustrate the extensive and numerous regulations and policies addressing these frameworks, at least for the Air Quality and Surface Water and Biodiversity Management Frameworks, tables from these frameworks are included in Appendix A.

Policies that were considered by the Regional Advisory Council (RAC) to be integrated and reflected into the SSRP were the:

- 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 Rivers⁸⁴

Alberta government departments and boards responsible for land use were in 2008, according to the LUF:

- Aboriginal Relations
- Agriculture and Rural Development
- Culture and Community Spirit

⁸⁴ SSRP TOR, *supra* note 15, as these policies existed at the time.

- Energy
- Environment
- Municipal Affairs
- Sustainable Resource Development
- Tourism, Parks and Recreation
- Energy Resources Conservation Board (ERCB) and Alberta Utilities Commission (AUC)
- Natural Resources Conservation Board (NRCB)
- Surface Rights Board⁸⁵

The Management Frameworks are designed to help manage cumulative effects of activities and development, by identifying objectives indicators, setting thresholds and limits, establishing management response to exceeding triggers or limits, and setting basis for monitoring, evaluation, and reporting.⁸⁶ They contain more technical information. For example, the first two management frameworks are described as follows:

The Air Quality Management Framework sets ambient air quality triggers and limits for nitrogen dioxide (NO₂), fine particulate matter (PM_{2.5}) and ground-level ozone (O₃). Using the triggers and limits, the framework defines ambient air quality levels that help to guide long-term decision-making and air quality management. The Surface Water Quality Management Framework focuses on the four mainstem reaches of the Bow, Milk, Oldman and South Saskatchewan rivers. It sets surface water quality triggers and limits for 15 indicators measured at nine monitoring stations.⁸⁷

Aboriginal consultation is listed as a strategy, and Mirau and First Rider's substantial *South Saskatchewan Regional Plan (SSRP) Traditional Use Studies Project*, prepared for Alberta Environment in 2009,⁸⁸ summarizes traditional knowledge and land use information for the region, highlighting the history of indigenous people in the area and the idea that "[t]raditional knowledge and traditional use is seen as an important component of sustainability and is viewed as compatible with modern ideas and ideals of environmental protection and preservation."⁸⁹ The use of this document in the implementation of the SSRP is not yet clear.

⁸⁵ LUF, *supra* note 3 at 11-12.

⁸⁶ Alberta Environment and Parks, "Cumulative Effects Management, South Saskatchewan Regional Plan", online: <<http://aep.alberta.ca/about-us/cumulative-effects/regional-planning/south-saskatchewan/default.aspx>>.

⁸⁷ Alberta Government, "Factsheet: South Saskatchewan Region Air Quality Management Framework" at 1, online: <<http://aep.alberta.ca/focus/cumulative-effects/cumulative-effects-management/management-frameworks/documents/SSRP-AirQualityFactSheet-Jul21-2014.pdf>>.

⁸⁸ Neil Mirau & Dorothy First Rider, *South Saskatchewan Regional Plan (SSRP) Traditional Use Studies Project* (Prepared for Alberta Environment (Lethbridge, Alberta: Arrow Archaeology Limited & First Rider Consultants and Associates, March 2009), online: <www.environment.gov.ab.ca/info/home.asp>.

⁸⁹ *Ibid*, executive summary at iii.

d. Legal Structure

The SSRP is created as a regional plan under ALSA.⁹⁰ Regional plans are established by the Lieutenant Governor in Council, that is, effectively by provincial Cabinet, as is the establishment of integrated planning regions (i.e. SSR).

Kwasniak notes that ALSA, along with LUF, “provides the provincial government with unprecedented legislative and policy tools to comprehensively plan and manage public and private lands and interests.”⁹¹ Regional plans have superordinate authority: If the regional plan conflicts with a regulatory instrument, the regional plan prevails.⁹² Notably, ALSA will prevail over any other enactment, in the event of a conflict or inconsistency.⁹³ To the extent these powers are conferred onto a regional plan, the regional plan will be quite powerful.

The SSRP as a regional plan exists as a Regulation.⁹⁴ It will bind the Crown, local governments, decision-makers, and all other persons,⁹⁵ subject to provisions relating to the Stewardship Minister varying restrictions of a regional plan on appeal by a title holder,⁹⁶ except to the extent the SSRP provides otherwise. Despite existing as Regulation, a regional plan may contain rules of application and interpretation and statements of policy, identifying non-enforceable components.⁹⁷ As a result, the SSRP itself exists largely as a policy document with a binding component.⁹⁸ Its Introduction, Strategic and Implementation Plans, are not binding, but rather statements of policy to inform government and decision-makers, whereas the Regulatory Details are binding.⁹⁹

Because the regional plan exists as a Regulation, it involves a significant amount of executive discretion. Roth and Howie note “[d]ecisions taken in balancing social, economic and environmental interests are political judgments by the Alberta Government.”¹⁰⁰

⁹⁰ ALSA, s 4(1). Part 1 of ALSA governs the making, amending, and reviewing of regional plans, and their contents. Part 2 of ALSA governs their nature and effect. Part 3 governs conservation and stewardship tools. Part 4 governs the regional planning process and its administration, including the RACs and LUS.

⁹¹ ALSA, s 13(2).

⁹² ALSA, s 17(1)(b).

⁹³ ALSA, s 17(4).

⁹⁴ Kwasniak, *supra* note 61 at 102. Curiously, the Regulatory details within the SSRP are not to be found in the Queen’s Printer or CanLII sites.

⁹⁵ ALSA, s 15(1).

⁹⁶ ALSA, s 15.1.

⁹⁷ ALSA, s 13(2.1).

⁹⁸ ALSA, s 3(2.1) and SSRP itself.

⁹⁹ SSRP, *supra* note 7 at 8.

¹⁰⁰ Roth & Howie, *supra* note 55 at 498.

The SSRP is to be reviewed within 10 years. The LUS is to appoint a committee to review a regional plan at least once every five years,¹⁰¹ and conduct a review of the regional plan within 10 years.¹⁰² Review of a regional plan (or amendment) may also be undertaken on request by a person who is directly and adversely affected.¹⁰³

Importantly, the SSRP under ALSA is intended to prevail and guide planning through existing vehicles and decision-makers, of which there are many. The SSRP exists alongside numerous existing legislation and policies, although under ALSA it may be capable of overriding them.

Amendments were made to ALSA in 2011 (prior to the final SSRP) following concerns by landowners regarding appeal and variance of provisions of regional plans, and clarification of property rights.¹⁰⁴

3. Status of SSRP

a. Effective Date

The SSRP is in place, having become effective September 1, 2014.

b. Amendments

A number of amendments were made to ALSA¹⁰⁵ relating to property rights. These were done prior to the release of the final SSRP.

In September 2015, the government announced additional protection for the Castle area. The Castle Special Management Area was provided certain protections under the SSRP, and in September 2015 this protection was to be expanded with new designations as an expanded wildland provincial park and a new provincial park.¹⁰⁶

This followed years of controversy about the status of the Castle area and environmental concerns about shortcomings in the SSRP. The news release notes:

In addition to discontinuing commercial forestry within the Castle area, there will be a prohibition on surface rights access for any new petroleum and natural gas leases. Existing petroleum and natural gas leases will be honoured. No new tenure will be sold for extracting metallic, mineral, coal or surface resources. Existing leases for metallic, mineral and coal commodities will be

¹⁰¹ ALSA, s 58(d).

¹⁰² ALSA, ss 6(1), 58(f).

¹⁰³ ALSA, s 19.2.

¹⁰⁴ See ALSA ss 51.1, 19.1, 19.2.

¹⁰⁵ And to LAPAA, subsequently repealed.

¹⁰⁶ Government of Alberta News Release “Province to fully protect Castle area” (4 September 2015), online: <<http://alberta.ca/release.cfm?xID=38482FA615015-A6AF-C4F5-E44F02DA5A2DC0B8>>.

cancelled, consistent with direction under the South Saskatchewan Regional Plan. Current livestock grazing permits will be respected.¹⁰⁷

Such an amendment to the SSRP is done by the Lieutenant Governor in Council following a period of public consultation which results are presented to the Legislative Assembly.¹⁰⁸ Aboriginal consultation must be undertaken as well.¹⁰⁹ As of the writing of this paper, public consultation regarding the enhanced Castle protection has been completed but the final decision and formal amendment to SSRP has not been made.¹¹⁰ Shaun Fluker notes that the actual designation of the Castle as a provincial park will take place under the *Provincial Parks Act*¹¹¹ with consequent Ministerial discretion relating to new and existing dispositions albeit necessarily consistent with SSRP, and suggests that stronger protection of the region might be done with dedicated legislation, such as a “Castle Wilderness Act” as opposed to merely park designation.¹¹²

This change, to protection of the Castle area, appears to be the only notable change to the SSRP to date in the 1 ½ years that it has been in place.

There were a number of changes made between the draft and final SSRP. Details of this process are outside of the scope of this paper, but a summary of them as described by Alberta Environment and Parks is as follows:

- Additional land for Castle Wildland Provincial Park and Pekisko Heritage Rangeland
- Formal commitment to work w stakeholders to explore conservation opportunities in the Twin River and Onefour Heritage Rangeland Natural Areas of the grasslands
- Improved connectivity for wildlife habitats, both within the South Saskatchewan region & connecting to other regions
- Commitment to explore new tools and incentives for stewardship and conservation on private land

¹⁰⁷ *Ibid.*

¹⁰⁸ ALSA, ss 4 & 5. For discussion of the history and enhanced protection of the Castle Region, see Fluker, *infra* note 111.

¹⁰⁹ Pursuant the Government of Alberta’s First Nations Consultation Policy on Land Management and Resource Development and associated Guidelines: Alberta Parks Castle, *infra* note 110.

¹¹⁰ Alberta Environment and Parks, “Enhancing the Protection of the Castle area” [Alberta Parks Castle], online: <<http://www.albertaparks.ca/albertaparksca/about-us/public-consultations/archives/enhancing-the-protection-of-the-castle-area.aspx>>.

¹¹¹ *Provincial Parks Act*, RSA 2000, c P-35.

¹¹² Shaun Fluker, “At Long Last – Legal Protection for the Castle Wilderness”, ABLawg (University of Calgary Faculty of Law Blog) (10 September 2015), online: <<http://ablawg.ca/2015/09/10/at-long-last-legal-protection-for-the-castle-wilderness/>>.

- Longer terms for grazing leases (20 years instead of 10)¹¹³

c. Remaining Implementation

Much of the structural implementation of the SSRP remains to be completed in order for it to be a coherent governing policy and legislative instrument.

One aspect of implementation is that municipal compliance must be declared to the LUS.

[ALSA] requires decision-making and local government bodies to review their regulatory instruments then make any necessary changes to ensure these instruments comply with the regional plan.¹¹⁴ [...] Decision-making bodies affected by SSRP must submit their compliance declarations by September 1, 2016 while local government bodies must submit their compliance declarations by September 1, 2019.¹¹⁵

Management Frameworks are still incomplete. This includes the:

- Biodiversity Management Framework (under development);
- Linear Density Management Framework (under development); and
- Regional recreation plan/regional trails system plan.

In addition to outstanding biodiversity and land disturbance frameworks, “[w]orks in progress include groundwater mapping, water storage, wetland policy, riparian areas, grassland sales and recreation trails.”¹¹⁶

It should be noted that the remaining five regional plans have yet to be finalized or completed. Other components of the broader IRMS remain incomplete as well.¹¹⁷

4. Effect of SSRP So Far

Relative to initial concerns, the practical impact on uses of land, industry activity and environmental protection inter alia, made by the SSRP so far is undramatic and remains to be seen.

¹¹³ Alberta Environment and Parks, “The South Saskatchewan Regional plan is finished. Here’s how the final version reflects your feedback”, AB Enviro & Parks Blog (blog) (23 July 2014), online: <<https://albertaep.wordpress.com/2014/07/23/the-south-saskatchewan-regional-plan-is-finished-heres-how-the-final-version-reflects-your-feedback/>>.

¹¹⁴ Alberta Environment and Parks, “Compliance with Regional Plans”, online: <<https://landuse.alberta.ca/Governance/NatureEffectofRegionalPlans/Pages/Compliance.aspx>>.

¹¹⁵ Alberta Environment and Parks, online: <<https://www.landuse.alberta.ca/Pages/default.aspx>>.

¹¹⁶ Adam Driedzic, “South Saskatchewan Regional Plan tests the Land Use Framework”, Environmental Law Centre (Alberta) Blog (6 November 2013), online: <<https://environmentallawcentre.wordpress.com/2013/11/06/second-regional-plan-poses-challenge-for-the-land-use-framework/>>.

¹¹⁷ Bruno IRMS, *supra* note 56.

By virtue of existing, the SSRP is in place to guide decision makers and consequently stakeholders in all land uses, including agriculture and industry.

The initial release of the SSRP was accompanied by announcements of: the Castle/Pekisko (new park/rangeland), an increase in the term of grazing leases, and determinations related to off-roading and recreation. Areas of note, according to Rudzitis and Davis of McLennan Ross, are:

- Eight new/expanded conservation areas, as well as two new and six expanded provincial parks and recreation areas. There will also be new recreation areas for camping and trails.
- Baselines for Air and Water Quality Frameworks.
- A concerted effort to consult First nations peoples on uses of land that may impact their treaty rights and treaty uses.
- Sustainable farming and ranching, energy, and forest management, as well as extension of grazing leases from 10-20 years.
- Development of sustainable and responsible methods for seeking and extracting energy resources.
- Maintenance and diversification of the forestry industry.
- Responsible development of aggregates on public land.
- Focus on developing and protecting the biodiversity and ecosystems of Regional, Crown land and Private land. This development and protection notably includes the maintenance of Native grasslands on public land.
- The management and development of healthy watershed systems.
- The creation and maintenance of safe, responsible transportation systems that can facilitate the future growth of the Province.¹¹⁸

The SSRP included promises of headwaters protection, in particular on Green Areas of Crown Land, where “watershed management and headwaters protection is the priority.”¹¹⁹

Industry

The effect on industry is more difficult to determine. Few sources were located that would provide a critical response regarding the SSRP’s practical or subject-specific effect. However, the effect is structurally if not yet substantially significant. In 2011, Harvie and Mercier argued,

¹¹⁸ Allison C Rudzitis & Jennifer J Davis, “Canada: South Saskatchewan Regional Plan Summary” (31 July 2014), online: McLennan Ross LLP <https://mross.com/law/Firm/Publications/South_Saskatchewan_Regional_Plan_Summary_cid1288>.

¹¹⁹ Brittany Verbeek, “South Saskatchewan Regional Plan” (October 2014) 22:4 Wildlands Advocate pp 28-29, online: <https://albertawilderness.ca/wordpress/wp-content/uploads/2015/08/20141000_wla_v22_n4.pdf>.

Although the implementation of the *Act* [ALSA] is in its early stages, [...] the *Act*, and the authority it grants, will significantly alter the way that land use decisions are made in Alberta and, of specific interest to those in the oil, gas, and oil sands industries, the manner in which those proposed projects are reviewed and approved.¹²⁰

Similarly, in 2012, Barretto wrote of a significant impact on industry:

Experts have described the effect of ALSA's regional plans and cumulative effects management as a "game changer" for the oil and gas industry, demanding producers consider their operations in the context of other industry operations in the area. Regional plans will likely lead to additional regulations and uncertainty for the industry. The government will have to balance responsibility for these new cumulative environmental limits between new and existing operators.¹²¹

The SSRP applies to existing and proposed activities. It notes its cumulative effects management system involves "shared stewardship: a collaborative process to inform development of outcomes and build commitment for the shared responsibility to achieve outcomes."¹²² The SSRP does not itself provide clear and consistent direction on whether responsibility for cumulative effects lies on new or existing operators, and existing regulation, law and policy continues to apply. For example, the Air Quality and Surface Water Quality Management Frameworks, as reflected in the SSRP Regulatory Details, provide for a "management response consistent with the Framework" upon a trigger or limit being exceeded, under the discretion of the Designated Minister.¹²³ The Air Quality Framework indicates in outlining management responses that "management actions may require amendments to existing approvals,"¹²⁴ and "potential measures and tools" contemplate new and existing sources.¹²⁵ Similarly in the Surface Water Quality Framework, management response provides that "contributing parties responsible for reaching the [...] trigger or limit may be required to take mitigative management actions."¹²⁶ The SSRP Regulatory Details refer to new or renewed dispositions (rather than existing ones) in regards to forestry in conservation areas and various dispositions in

¹²⁰ Harvie & Mercier, *supra* note 33 at 195.

¹²¹ Jeremy Barretto, Burnet, Duckworth & Palmer LLP, "Super Regulation: The surprisingly controversial approach to regional land-use planning in Alberta", *Oilsands Review* (1 October 2012), online: <<http://www.oilsandsreview.com/index.php/oilsands-news/departments/legal-lessons/434-9145-super-regulation-mdash-the-sur>>.

¹²² SSRP, *supra* note 7 at 2.

¹²³ E.g. SSRP Regulatory Details, ss 14, 39, in compliance with ALSA, s 8(f).

¹²⁴ Government of Alberta, *South Saskatchewan Region – Air Quality Framework: For Nitrogen Dioxide (NO₂), Ozone (O₃) and Fine Particulate Matters (PM_{2.5})* (July 2014) at 34, online: <<http://aep.alberta.ca/focus/cumulative-effects/cumulative-effects-management/management-frameworks/documents/SSRD-AirQualityFramework-Jul21-2014.pdf>>.

¹²⁵ *Ibid* at 35.

¹²⁶ Government of Alberta, *South Saskatchewan Region – Surface Water Quality Framework: For the Mainstem Bow, Milk, Oldman, and South Saskatchewan Rivers (Alberta)* (July 2014) at 40, online: <<http://aep.alberta.ca/focus/cumulative-effects/cumulative-effects-management/management-frameworks/documents/SSRP-SurfaceWaterQuality-Jul21-2014.pdf>>.

recreation and parks areas,¹²⁷ with exceptions for some existing subsurface mineral dispositions, surface materials, and multi-use corridors.¹²⁸ Further implications of shared responsibility for cumulative environmental limits may be significant but are beyond the scope of this paper.

The AER has incorporated compliance with the SSRP into their requirements. This effect is outlined in *AER Bulletin 2014-28, Application Requirements for Activities within the Boundaries of a Regional Plan*¹²⁹ dated September 19, 2014. This bulletin outlines the changes in application requirements for activities within the boundaries of a regional plan (ie LARP and SSRP, being in place), describing procedural matters reflecting requirements for AER decisions to comply with regional plans. Applicants must consider whether the proposed activity is located in the region, whether the activity is consistent with land uses, outcomes, objectives, and strategies identified in the regional plan, whether the activity is located within a protected conservation area, park, recreation area, public area, mineral rights subject to cancellation, and whether the activity complies with triggers or limits identified in the relevant management frameworks.¹³⁰ The Directive outlines how applicants must address additional matters as well as applicable regional plans and/or management frameworks when applying under the *Environmental Protection and Enhancement Act, Water Act, Public Lands Act, Oil and Gas Conservation Act, Oil Sands Conservation Act, Pipeline Act, and Coal Conservation Act*.¹³¹ The Directive further notes that information relating to compliance with regional plans must be submitted even if the activity might be considered incidental to activities that have already been approved.¹³²

The AER has outlined the following potential exceptions or variance to compliance with SSRP:

The AER may deny an application for approval of activities that fall under the requirements of this bulletin if it is not satisfied that the proposed activities are consistent with the policy objectives set out in the applicable regional plan. The AER has no authority to waive compliance with or vary any restriction, limitation, or requirement regarding a land area or land use under a regional plan. Applicants that wish to seek this type of relief must apply directly to Alberta's Land Use Secretariat established under the ALSA. The Stewardship Minister may by order, grant a variance which lifts a restriction, limitation or limit in a regional plan if certain specific criteria under ALSA are met.¹³³

¹²⁷ *Ibid.*, Parts 3 & 6.

¹²⁸ *Ibid.*, s 43(2).

¹²⁹ Alberta Energy Regulator, AER Bulletin, 2014-28, "Application Requirements for Activities within the Boundary of a Regional Plan" (19 September 2014), online: <<http://www.aer.ca/documents/bulletins/AER-Bulletin-2014-28.pdf>>.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*

Borden Ladner Gervais reviewed potential impacts of the SSRP on energy development in a blog post in August 2014,¹³⁴ noting the binding nature of the SSRP. With respect to petroleum, natural gas, coal and mineral development, they noted “The SSRP will ensure rules regarding access to energy and processing and transportation of energy resources are clear and that economic development opportunities are appropriately considered against other land uses and values. The SSRP will also ensure that physical access to freehold petroleum and natural gas, coal and minerals is maintained.”¹³⁵ Existing legal rights and their renewals should be protected, but new applications will be reviewed for compliance with the SSRP.¹³⁶ SSRP includes “significant mandatory monitoring protocols for air and surface water quality,”¹³⁷ and provision for Ministerial direction upon limits being exceeded. With respect to renewable energy, the SSRP ensures policies “promote and remove barriers to new investments in renewable energy production” as well as committing to investment in renewable and alternate energy technologies, and committing to transmission systems.¹³⁸ With respect to corridors for co-location of linear infrastructure, “the SSRP ensures that opportunities for future routes and siting for pipeline gateways, transportation corridors and utility and electrical transmission corridors are maintained and are consistent with the needs of adjacent Land-use Framework regions. The SSRP also requires Government to work with municipalities, landowners and industry to explore multi-use corridors for co-location of linear infrastructure.”¹³⁹

Caselaw

The SSRP has been referenced in matters before the Energy Resources Conservation Board (ERCB, predecessor to the AER), Alberta Utilities Commission (AUC), and Municipal Government Board (MGB), however, not in any particularly interesting way beyond confirming application of the SSRP to matters within its jurisdiction.

At an ERCB hearing, it was held that the Board would not defer decisions prior to clarification or implementation of the SSRP.¹⁴⁰ The Board decided that its mandate was

¹³⁴ “The Potential Impact of the South Saskatchewan Regional Plan on Energy Development”, The Resource: BLG Energy Law Blog (22 August 2014), online: <<http://blog.blg.com/energy/Lists/Posts/Post.aspx?ID=261>>.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Petro-Canada, Re*, 2010 CarswellAlta 1552, [2010] AWLD 4064 (ERCB), appealed on other grounds, *Shell Canada Ltd, Re*, 2013 ABERCB 9, 2013 CarswellAlta 918 (ERCB).

to “proceed within the framework of current legislation and current regulations,”¹⁴¹ even if other government policy had put another project on hold.¹⁴²

The AUC has also taken note of compliance of projects with the SSRP,¹⁴³ providing “[t]he site is within the South Saskatchewan Regional Plan, and the proposed project is being developed in accordance with the plan.”¹⁴⁴

The MGB has acknowledged the role of the SSRP in a number of subdivision appeals, noting as a matter of course that proposals must comply with the regional plan under ALSA, the *Municipal Government Act*,¹⁴⁵ the relevant *Regulation*,¹⁴⁶ and land use bylaws, as well as in some cases AEP policy and municipal development planning. No matters have yet turned on compliance with the SSRP alone. Matters have either complied¹⁴⁷ or not complied¹⁴⁸ with requirements under the above, in cases where the SSRP applies.¹⁴⁹ Discussions revolve around the efficient use of land, fragmentation and conversion of agricultural lands, and flood mitigation. A recurring form of paragraph among these cases is as follows:

In all cases, the legislation requires the MGB to address whether a proposed subdivision complies with the Act, Regulation, the applicable *Alberta Land Stewardship Act* (ALSA) regional plan – in

¹⁴¹ *Petro-Canada, Re*, 2010 CarswellAlta 1552, [2010] AWLD 4064 (ERCB) at para 527.

¹⁴² *Shell Canada Ltd, Re*, 2013 ABERCB 9, 2013 CarswellAlta 918 (ERCB) at para 62. The ERCB declined to defer a decision on the applications until the government approved the SSRP, noting however that “although the Government of Alberta has put the final two phases of regional logging on hold until the SSRP is implemented, the pipelines do not have a comparable ecological impact.”

¹⁴³ *Medicine Hat (City), Re*, AUC Decision #3498-D01-2015, 2015 CarswellAlta 196, [2015] AWLD 1474 (AUC); *Alberta Electric System Operator, Re*, AUC Decision #20200-D01-2015, 2015 CarswellAlta 1152, [2015] AWLD 3295 (AUC).

¹⁴⁴ *Medicine Hat (City), Re*, AUC Decision #3498-D01-2015, 2015 CarswellAlta 196, [2015] AWLD 1474 (AUC) at para 15. *Alberta Electric System Operator, Re*, AUC Decision# 20200-D01-2015, 2015 CarswellAlta 1152, [2015] AWLD 3295 (AUC) contains a similar paragraph at para 16.

¹⁴⁵ *Municipal Government Act*, RSA 2000, c M-26.

¹⁴⁶ In cases reviewed, this is the *Subdivision and Development Regulation*, Alta Reg 43/2002.

¹⁴⁷ E.g. *Rhodes v Vulcan County (Subdivision Authority)*, 2015 ABMGB 9, CarswellAlta 1659; *Rand-Mar Management & Farm Ltd v Municipal District of Bighorn No 8 (Subdivision Authority)*, 2015 ABMGB 8, 2015 CarswellAlta 1061; *Littlewood v Rocky View County (Subdivision Authority)*, 2015 ABMGB 6, 2015 CarswellAlta 338.

¹⁴⁸ E.g. *Gugins v Municipal District of Foothills No 31*, 2015 ABMGB 39, 2015 Carswell Alta 1747; *313639 Alberta Ltd v Municipal District of Foothills No 31*, 2015 ABMGB 38, 2015 CarswellAlta 1656 (although in that case “the provisions of the SSRP do not specifically address the circumstances of the subject appeal.” (para 33); *Bell v Municipal District of Foothills No 31 (Subdivision Authority)*, 2015 ABMGB 37, 2015 CarswellAlta 1655; *Lochridge v Municipal District of Foothills (Subdivision Authority)*, 2015 ABMGB 34, 2015 CarswellAlta 1652; *Robinson v Municipal District of Foothills No 31 (Subdivision Authority)*, 2015 ABMGB 30, 2015 CarswellAlta 1651; *Bandstra v Lethbridge County (Subdivision Authority)*, 2015 ABMGB 20, 2015 CarswellAlta 1646; *Curry v Vulcan County (Subdivision Authority)*, 2014 ABMGB 46, 2014 CarswellAlta 2650.

¹⁴⁹ *Wheatland County v Kneehill County*, 2015 ABMGB 16, 2015 CarswellAlta 1645 determined that the SSRP does not apply to the project due to boundaries despite access routes being subject to the SSRP.

this case the South Saskatchewan Regional Plan (SSRP), uses of land as prescribed in the Land Use Bylaw (LUB), standards and requirements in the LUB, and requirements set out in any statutory plans (see section 680(2) and 654).¹⁵⁰

The findings in that case included:

The SA conducted a review of the SSRP and highlighted three sections. Although the SSRP does not explicitly address the subdivision of land it provides strategic directions which include:

- Promoting the efficient use of land (SSRP p.40)
- Reducing the fragmentation and conversion of agricultural lands (SSRP p.44)
- Limit the fragmentation of agricultural lands (SSRP p.109)¹⁵¹

The Environmental Law Centre has commented that “[t]he SSRP is a complex document whose practical effect depends on future action during the “implementation phase,”¹⁵² a “modest first step in several regards”¹⁵³ and a “plan to plan.”¹⁵⁴ They describe the LUF as “basically an unenforceable policy about making policies” whose “wording is open to conflicting interpretations about whether ‘hard choices’ are required or whether Albertans can still have it all.”¹⁵⁵

SSRP does now exist to the public view. The government has set up a website at <http://landuse.alberta.ca> with links to all relevant policy, legislation, issues, public consultation information, issues including cumulative effects management, and information sheets, for the LUF including all regional plans including SSRP. Alberta now has the ability to represent to the world that it has adopted these policies and principles. As Barretto noted, “ALSA [may] have environmental benefits – regional environment limits could be touted by the oil and gas industry in the face of increased international scrutiny,”¹⁵⁶ and the SSRP assists in this role as well.

5. Evaluation of the SSRP

a. Original Controversy

There was a lengthy consultation period leading to the creation of SSRP and a wide variety of stakeholders.¹⁵⁷ The concerns and frustrations about inadequate land use

¹⁵⁰ *Rand-Mar Management & Farm Ltd v Municipal District of Bighorn No 8 (Subdivision Authority)*, 2015 AMBGB 8, 2015 CarswellAlta 1061 at para 9.

¹⁵¹ *Ibid* at paras 15 & 27.

¹⁵² ELC Ghost, *supra* note 82 at 1.

¹⁵³ *Ibid* at 5.

¹⁵⁴ *Ibid* at 12.

¹⁵⁵ *Ibid* at 2.

¹⁵⁶ Barretto, *supra* note 120.

¹⁵⁷ A full discussion of the issues surrounding the consultations leading up to and response to the draft SSRP is outside the scope of this paper.

planning are articulated artfully by David McIntyre in this stakeholder perspective lamenting inadequate headwaters and wilderness protection in the SSR:

Chaos calls the shots. [...] Proponents of this brand of chaos are vocal, and they chant a repetitive demand for “Mountain Freedom.” It’s each person’s unassailable right to do anything he (or she) wants on an anything-goes landscape. [...] It’s your land, yours to destroy *any* way you see fit. [...] Alberta is open for business... *any business, any time, anywhere*. And no business needs to be in the best interest of the public. No business needs to be evaluated based on its true cost to society. [...]

I’ve brought you to the Headwaters Wilderness just in time for a *High Noon* showdown. [...] Everyone faces-off at a four-way intersection under the hot, harsh light of mid-day. The motorized lineup includes logging trucks, cattle liners, two drilling rigs, dozens of pickup trucks, a fleet of SUVs and a darting, lurching, ever-frenetic army of off-road ATV riders and dirt bikers. [...] [T]he rule of the wilderness prevails: The biggest rig goes first!¹⁵⁸

Certainly the SSRP is part of a policy system designed to curb these concerns, but its success and criteria for success remains contentious.

Concerns raised regarding the SSRP (and the LUF/ALSA more generally) have involved property rights, balancing local land use with environmental conservation, and compensation. During the planning stages, two types of concerns became apparent: “government violation of property rights, and [the] balance [of] local land-use objectives with environmental conservation.”¹⁵⁹ Barretto writes that compensation was “the flashpoint of opposition to ALSA but the issue in fact involves the ‘three Cs’: consultation, compensation, and access to courts. [...] Compensation is limited to compensable takings, which are defined as the diminution of property rights that gives rise to compensation in law,”¹⁶⁰ and disputes resolved by the Land Compensation Board.

As a result of concerns about property rights, ALSA was amended in 2011, and the Property Rights Advocate Office was established. The government notes:

In spring of 2011, *ALSA* was amended to clarify the original intent of the legislation – to plan for the future needs of Albertans and to manage growth while respecting existing property rights.

Amendments included a clear statement that government must respect the property and other rights of individuals. Others said that *ALSA* respects all existing appeal provisions in Alberta

¹⁵⁸ David McIntyre, “Embracing the South Saskatchewan Regional Plan”, David Swann: Blog (19 August 2014), online: <<http://www.davidswann.ca/blog/2014/08/19/embracing-the-south-saskatchewan-regional-plan/>>. McIntyre was writing about frustrations with the final SSRP but I use this quote to illustrate his perspective rather than specific criticism.

¹⁵⁹ Barretto, *supra* note 120.

¹⁶⁰ *Ibid.*

legislation and does not limit existing rights to compensation. And, public consultation is required before regional plans and amendments to these plans are made.¹⁶¹

As mentioned above, Alberta's regional planning commissions were dismantled in 1995 to cut costs and to "address concerns that cities were hindering development in rural municipalities."¹⁶² However, in their absence, "the environment and infrastructure [had] suffered and a mishmash of development [had] sprouted."¹⁶³ Echoes of this concern remain as recently as September 2014 with the Wildrose party articulating concerns about centralized planning and intrusion into private property rights.¹⁶⁴

b. Strengths and Weaknesses

Response to the SSRP has been mixed. The SSRP has been praised for clarity and criticised for ambiguity. It has been praised for environmental protection but criticized for shortcomings in that area. Structurally, the SSRP and its regime are largely criticized for their involvement of excessive discretion. Concerns remain about property rights, the impact on industry including oil and gas, logging, agriculture, and environmental protection.

Clarity

Response to the release of the SSRP was largely favourable from the oil and gas industry. Brad Herald, director of operations for the Canadian Association of Petroleum Producers, praised the plan for "much-needed clarity for future negotiations. [...] [I]t certainly does provide certainty and predictability, and that makes a major contribution towards resolving conflicts."¹⁶⁵ In particular, Herald noted the clarity regarding rights for existing tenure holders and future developments, and surface expression.¹⁶⁶ Herald "believes the province did a good job allowing robust stakeholder engagement, encouraging a balanced, trade-off discussion that resulted in the [SSRP]."¹⁶⁷

Neil Watson, spokesperson for ESRD said the "SSRP would increase certainty for industry to access sub-surface resources, providing clear direction to all land-use decision

¹⁶¹ Alberta Environment and Parks, "Property Rights", online: <<https://landuse.alberta.ca/PropertyRights/Pages/default.aspx>>.

¹⁶² *The Calgary Herald*, *supra* note 37.

¹⁶³ *Ibid.*, quoting Byron Miller, who specializes in urban studies at the University of Calgary.

¹⁶⁴ David Feil, "SSRP land-use framework questioned", *Cochrane Times* (30 July 2014), online: <<http://www.cochranetimes.com/2014/07/30/ssrp-land-use-framework-questioned>>.

¹⁶⁵ Carter Haydu, "Alberta's New SSRP Brings Clarity To Industry, Protected Areas", *Daily Oil Bulletin* (24 July 2014) *Daily Oil Bulletin*, online: <<http://www.dailyoilbulletin.com/headlines/2014-07-24>>.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

makers, supporting use of monitoring to achieve long-term, desired outcomes for the air and surface water management frameworks.”¹⁶⁸ Watson is quoted as saying

Regional planning in any part of the province is about striking the correct balance between ensuring long-term opportunities for industry in all sectors, and certainly for resource development, while making sure we are setting aside areas of sufficient size for conservation purposes.¹⁶⁹

Ambiguity

Concerns have also been raised about ambiguity. Writing about procedural fairness in the planning process, Parastoo Emami notes of her findings, “[a]lthough the draft of SSRP provides more strategies for achieving the plan outcomes about water, public web documents and key informants still believed that the process was overly general and ambiguous. As a result, there will be challenges in implementing the plan’s strategies.”¹⁷⁰

Environmental Response

Environmental groups have praised SSRP’s potential but criticized its shortcomings in regard to environmental protection. The Alberta Wilderness Association praised the creation and expansion of Wildland Provincial Parks, and promises of watershed and headwaters protection, with forest management being the highest priority. Unfortunately, they consider the SSRP to be “filled with ambiguous language as it tries to allow everyone to do everything in the same place, at the same time,”¹⁷¹ it lacks key conservation pieces¹⁷² in order to address cumulative management, and concerns remained about shortcomings of protection in the Castle area, which has since been expanded. Of particular concern is inadequate grassland and species at risk protection. Verbeek writes, “[t]o the provincial government’s credit, the plan acknowledges the importance of wildlife connectivity, and key guidelines and projects that will contribute to developing wildlife corridors in the Bow Valley and Crowsnest area,”¹⁷³ although protection is inadequate. Ultimately, “[t]he bottom line is that protection of high value ecosystems continues to wait while the economic development train continues apace.”¹⁷⁴ She notes that much-needed “[p]ieces of the plan that will help with headwaters security,

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ Parastoo Emami, *Evaluating Procedural Justice in Regional Planning Process: Lessons from Alberta’s Regional Plans* (MA Thesis, University of Lethbridge Department of Geography, 2014) [unpublished] at 131.

¹⁷¹ Verbeek, *supra* note 118.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

¹⁷⁴ *Ibid.*

wetlands protection, and biodiversity protection outside of the conservation areas will not be finished for another year or more.”¹⁷⁵

The Canadian Parks and Wilderness Society, Southern Alberta Chapter (CPAWS-SAB) similarly commended the SSRP’s potential and goals, but criticized its failures to meet these goals.

Applying land use planning best practices to limit cumulative effects and conserve environmentally significant areas and corridors protects Alberta’s landscapes and ecosystems. If done right, regional planning can also set a clear path forward, protecting Alberta’s outdoor way of life, strengthening our economy and building a healthier environment as we grow and manage our resources.

Unfortunately the final SSRP did not create this balance and failed to make the necessary commitments to ensure we maintain the important natural functions of this region. Some of the main disappointments in the plan were the lack of clear on-the-ground actions to protect headwaters and that the new protected areas were largely above treeline, leaving the lowland forests, streams and riparian areas unprotected.¹⁷⁶

The Environmental Law Centre (ELC) has provided a structural analysis, noting the SSRP depends on future implementation and reform. It endorses the SSRP in including environmental outcomes and addressing cumulative effects, recognizing planning needs, and using existing tools. However, the plan has weaknesses including “little that would coordinate decision makers, little guidance for use of the new tools, and has no legal weight in any way that would alter business as usual in the land use industries.”¹⁷⁷

The ELC evaluated the SSRP in terms of the LUF, rather than with respect to specific environmental objectives.¹⁷⁸ They describe it as a “modest first step,” establishing environmental outcomes, aims at cumulative effects management, and intention to address linear disturbance and recreation management, also building on the Eastern Slopes Policy in headwaters protection and additional protection for grasslands.¹⁷⁹ However, SSRP contains “two types of failings:” first, “the vagueness of the Land Use Framework and the broad discretion provided by ALSA,”¹⁸⁰ and second, in not using ALSA to its potential: not fully using the new tools, avoiding private land and providing weak and non-binding direction to municipalities. “The SSRP simply includes nothing

¹⁷⁵ Alberta Wilderness Association, News Release, “South Saskatchewan Regional Plan: A Missed Opportunity for Protection of Important Natural Landscapes” (23 July 2014), online: <<https://albertawilderness.ca/2014-07-23-awa-news-release-south-saskatchewan-regional-plan-a-missed-opportunity-for-protection-of-important-natural-landscapes/>>.

¹⁷⁶ Canadian Parks and Wilderness Society (CPAWS), Southern Alberta Chapter, online: <<http://cpaws-southernalberta.org/campaigns/the-south-saskatchewan-regional-plan-ssrp>>.

¹⁷⁷ Adam Driedzic, “The Regional ‘Plan to Plan’”, Environmental Law Centre (Alberta) (26 January 2015), online: <<https://environmentallawcentre.wordpress.com/2015/01/26/the-regional-plan-to-plan/>>.

¹⁷⁸ ELC Ghost, *supra* note 82.

¹⁷⁹ *Ibid* at 5.

¹⁸⁰ *Ibid* at 6.

that only ALSA can do. [...] The new rules must come into play before the SSRP can be said to advance the Land Use Framework in any substantive way.”¹⁸¹ The ELC commented, “the one certainty of the Land Use Framework might be the challenge of showing leadership on land use in Alberta.”¹⁸²

The ELC further noted “In most cases the Alberta Energy Regulator will receive no clear direction from the SSRP on the exercise of its new authority over environmental permitting and surface access. By way of silence SSRP makes energy development the land use most apt to be anywhere anytime.”¹⁸³ The environmental advocacy group identifies a policy gap regarding recreational use of public land.

The SSRP is indeed a complex document, binding at the discretion of the provincial Executive when it is binding at all. However, as an instrument of LUF, the Plan exists to direct policy, rather than protect any particular stakeholder interest: this openness and flexibility is to some extent necessary by nature at the same time as serving as a structural weakness, as will be discussed further below. It is flexible at the same time as it sets parameters with the potential to be significantly strengthened over time.

Political Positions

If political discretion is likely to determine the future of SSRP (as further discussed below), a quick sampling of the current provincial political parties’ positions is informative. These positions are general and likely to evolve. Notably, the SSRP as well as the LUF and ALSA were created under Progressive Conservative leadership, and implementation continues under the NDP.

The NDP Platform discusses “strengthen[ing] environmental standards, inspection, monitoring and enforcement to protect Alberta’s water, land and air”¹⁸⁴ as well as leadership on climate change including a renewable energy strategy, banning gas drilling in urban areas, and protecting the Castle Wilderness Area.¹⁸⁵

The current PC Alberta Statement of Principles says “[s]ustaining the quality of our air, water, soil, wildlife, and natural environment is important to Albertans. We must ensure that our activities, growth and development take place in an environmentally sensitive manner for the benefit of current and future generations.”¹⁸⁶

¹⁸¹ *Ibid* at 6.

¹⁸² *Ibid* at 1.

¹⁸³ *Ibid* at 6.

¹⁸⁴ Alberta NDP Platform 2015, s 5.12, online: <<http://www.albertandp.ca/platform>>.

¹⁸⁵ *Ibid*, ss 5.13-5.15.

¹⁸⁶ PC Alberta, “Statement of Principles”, online: <<https://www.pcalberta.org/CMSArticle?name=Statement+Of+Principles>>.

The Liberal party's 2015 Policy Book includes a direction to amend the LARP and SSRP "to slow forest degradation and fragmentation, and support legal protection of intact forests and prohibit further fragmentation under any new Land Use Regional Plans."¹⁸⁷

A 2012 questionnaire response by the Alberta Party indicated it supported land use planning, but had concerns about executive discretion within ALSA, and expressed (at that time) commitment to repealing ALSA and replacing it with legislation centred on local communities and stakeholders, without tearing down existing satisfactory plans but "revising the overarching implementation of land use planning."¹⁸⁸

The Wildrose party expressed concern about SSRP's effect on property rights and centralized planning on its release.¹⁸⁹

The Green Party, in an April 2015 media release from Janet Keeping, President, acknowledged positive elements of the SSRP, but criticized its environmental planning and regulation. "Like pregnancy, ecological integrity is an either/or proposition. You either have that integrity or you don't. [...] this is the fox guarding the hen-house [...] this is fake, not authentic, regulation and thus an insult to the intelligence, dignity and trusting nature of Albertans"¹⁹⁰

c. Legal Critiques of ALSA

Bankes, Mascher and Olszynski¹⁹¹ have evaluated ALSA and concluded its failings lie in excessive discretionary nature. "Our overall conclusion is that there remains a significant gap between ambition and implementation. [...] ALSA's ambition is dependent on the executive's exercise of excessively discretionary powers."¹⁹² They note the significance of ALSA in terms of an instrument of comprehensive land-use policy under LUF, and

¹⁸⁷ Alberta Liberal Party, *2015 Policy Book: Comprehensive List of Approved Policies of the Alberta Liberal Party* (Edmonton: Alberta Liberal Party, 2015) at 9, online: <<http://www.albertaliberal.com/issues>>.

¹⁸⁸ City of Calgary, "Asking federal politicians about our cities", online: <<http://www.citiesmatter.ca/2012/04/alberta-party-response-to-question-07.html>>, a more recent position on this subject was not readily discernible.

¹⁸⁹ David Feil, "SSRP land-use framework questioned", *Cochrane Times* (30 July 2014), online: <<http://www.cochranetimes.com/2014/07/30/ssrp-land-use-framework-questioned>>. The Wildrose party does not currently have an active website that might indicate policy positions.

¹⁹⁰ Green Party of Alberta, Media Release, #1, "Election 2015: Media release #1 – Environmental regulation by the Alberta government: at best – lame, at worst – fake. Both from the planning and regulatory points of view, the PC government has failed to protect the environment that Albertans treasure by Janet Keeping, President of the Green Party of Alberta" (8 April 2015), online: <<http://greenpartyofalberta.ca/election-2015-media-release-1-environmental-regulation-by-the-alberta-government-at-best-lame-at-worst-fake-both-from-the-planning-and-regulatory-points-of-view-the-pc/>>.

¹⁹¹ Bankes, Mascher & Olszynski, *supra* note 53.

¹⁹² *Ibid* at 6026.

note economic drivers of resource development as well as agriculture and forestry, as well as the strategy of cumulative effects management.

Bankes et al note that ALSA's "legislative translation [of LUF] is steeped in unconstrained discretion. For example, the creation of both land-use regions and regional land-use plans is completely discretionary and the legislation does not incorporate the timelines included in the Framework."¹⁹³ In regards to regional plans, the following are discretionary: terms of reference, public and stakeholder consultation, consideration of economic, environmental and social issues, in addition to powers to exempt decision-makers from application of the SSRP, the regional plan's content, thresholds, indicators and policies relating to cumulative effects management, as well as responses to contravention of SSRP provisions.¹⁹⁴

Bankes et al observe that "so far, from a process perspective, it is possible to suggest that the 'fears associated with such broad discretionary authority appear to be overstated.'"¹⁹⁵ They conclude,

Full implementation [of ALSA] depends on the continued exercise of Executive discretion in a manner that remains faithful to the Framework's stated goals and the Act's purposes. [...] However, if ALSA does fail to fulfill its environmental promise, the root cause may well be traced back to the decision of the legislature to afford excessive discretion to the executive to implement this progressive legislation, with little room available to the courts to constrain the exercise of this discretion or oversee ALSA's implementation.¹⁹⁶

Roth and Howie concluded in 2011 that despite uncertainty, ALSA retains potential for improvement over past land use planning models.

Although the ALSA creates some uncertainty concerning existing rights and interests, notwithstanding Bill 10, it holds the prospect of making the regulatory process more efficient and the results more certain than was historically the case, when land-use plans were subject to a complex hierarchy of local and provincial decision-makers. Even though such plans may not be binding, they could affect regulatory outcomes.¹⁹⁷

Giorilyn Bruno notes shortcomings of regional plans as functions of an incomplete IRMS.

Why is the *Lower Athabasca Regional Plan* currently not comprehensive or sufficient to address cumulative impacts? The short answer is because the IRMS is not fully functioning yet.

¹⁹³ *Ibid* at 6027.

¹⁹⁴ *Ibid* at 6027-6028, noting limited potential for affected persons to request review.

¹⁹⁵ *Ibid*, referencing LARP which was in place at the time while SSRP was not, citing Harvie & Mercier, *supra* note 33.

¹⁹⁶ *Ibid* at 6030.

¹⁹⁷ Roth & Howie, *supra* note 55 at 498.

[...] The relationship existing among the players of the IRMS does not in itself sustain integration. Similarly, it has been noted that “the creation of regional plans does not, in and of itself, mean that the environmental goals of ALSA will be delivered” (see here¹⁹⁸), as the *Lower Athabasca Regional Plan* indeed confirms. The IRMS has the potential to achieve sustainable development and address cumulative impacts, but it is a very complex approach to resource management. While the province is moving in the right direction, considerable effort is still required to fully implement this new system.¹⁹⁹

Bruno also notes the potential for the regional plan’s success, but subject to implementation. Within analysis specifically of aquatic ecosystem management, she writes,

Regional plans established under the *Alberta Land Stewardship Act* might have the potential to address multi sector issues and achieve significant steps forward in the protection of aquatic ecosystems. However, their success depends on the clarification of the roles and responsibilities of the numerous institutions currently involved in planning, on the extent to which the planners will be required to pursue concrete ecological objectives, and on the extent to which the plans developed will be binding on decision makers.²⁰⁰

Kennett Evaluation

Steven Kennett, formerly of CIRL and later of the Pembina Institute, has been an early advocate for integrated landscape management (ILM), the essence of which is “the ability to set and achieve landscape-scale objectives over appropriate spatial and temporal scales.”²⁰¹ “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. Both of these functions require integration at various stages of decision-making.”²⁰²

Kennett described the twofold need for ILM in Alberta in 2008, with specific attention to oilsands development: “an inappropriate focus on short-term economic growth [and] a management philosophy and decision-making infrastructure incapable of managing expanding land uses on a finite land base. We lack the tools needed for integrated planning, managing cumulative impacts and dealing with trade-off decisions. [...] As a result, the future of Alberta’s landscapes, watershed and airsheds is largely determined by incremental decisions on individual projects and activities that are made within

¹⁹⁸ Citing Bankes, Mascher & Olszynski, *supra* note 53, no specific quote.

¹⁹⁹ Bruno IRMS, *supra* note 56.

²⁰⁰ Giorilyn Bruno, “Planning for the Future of Albertans: Healthy Aquatic Ecosystems and Environmental Flows Protection” (2014) 26 J Env L & Prac 157 at 194-195, citing Danielle Droitsch, Steven Kennett & Dan Woynillowicz, “Curing Environmental Dis-Integration, A Prescription for Integrating the Government of Alberta’s Strategic Initiatives” (2008) The Pembina Institute, Water Matters Society of Alberta at 17, 19-21, online: Water Matters <<http://www.water-matters.org/>>.

²⁰¹ Steven A Kennett, *Integrated Landscape Management in Canada: Getting from Here to There*, CIRL Occasional Paper #17 (Calgary: Canadian Institute of Resources Law, 2006) at 4 [Kennett, “Here to There”], online: <<http://ciril.ca/publications/occasional-papers/>>.

²⁰² *Ibid* at 4-5.

departmental silos.”²⁰³ He provided a blueprint for an effective land-use framework, along with guiding principles.

Kennett and Schneider prepared a checklist, endorsed by numerous environmental organizations, by which to evaluate the LUF in its draft form.²⁰⁴

- Five guiding principles:
 - Ensure genuine progress
 - Define genuine progress indicators through public engagement
 - Our land base is finite
 - Achieve landscape-scale management across sectors
 - Correct market failures.²⁰⁵
- Two fundamental questions
 - “Does the LUF identify and address the root causes of unsustainable development and declining quality of life that are embedded in Alberta’s existing system for land and resource management?”
 - “Does the LUF provide sufficient detail regarding implementation (eg, a specific path forward, a legal foundation, decision-making processes, financial resources, timelines and accountability)?”²⁰⁶
- LUF checklist: 28 key elements in categories: for each category, ask “is it included in the LUF?” And “is there sufficient detail regarding implementation?”
 - Policy direction
 - Legal foundation
 - Roles, responsibilities and integrated decision-making
 - Planning process
 - Cumulative impact management
 - Implementation of the land-use framework²⁰⁷

Kennett further provided a checklist-based evaluation of the draft LUF in 2008. He noted:

[t]he overall policy direction is positive. There is clear acknowledgement that Alberta’s current system for land and resource management is broken. Many of the proposed reforms are directed at the root causes of the unsustainable development and the decline in important quality of life indicators that many Albertans are experiencing. The commitment to using integrated regional

²⁰³ Steven A Kennett & Richard R Schneider, *Alberta by Design: Blueprint for an Effective Land-Use Framework* (Calgary: The Pembina Institute & CPAWS Northern Alberta, February 2008) at Executive Summary p v, online: <http://www.pembina.org/reports/Alberta-by-Design_LUF-Report.pdf>.

²⁰⁴ Steven A Kennett & Richard R Schneider, *Land-Use Framework Report Card: A Checklist-Based Evaluation of Alberta’s Draft Land-Use Framework* (Calgary: The Pembina Institute & CPAWS Northern Alberta, 12 June 2008), online: <https://www.pembina.org/reports/LUF_Report_Card.pdf> and Kennett, LUF Checklist, *infra* note 207.

²⁰⁵ *Ibid* at 4-5.

²⁰⁶ *Ibid* at 5.

²⁰⁷ *Ibid* at 5-6.

planning to set objectives for Alberta's landscapes and to manage cumulative impacts is particularly noteworthy.²⁰⁸

However, several checklist items were missing or inadequate from the draft LUF:

- Clear commitment to objectives and principles of LUF
- Clear about specific outcomes. Triple bottom line to be translated into measurable outcomes.
- Roadmap for “integration with existing and proposed strategies for land, water and resource use, notably the Water for Life Strategy, the Clean Air Strategy, the forthcoming Comprehensive Energy Strategy and other emerging initiatives, such as the Plan for Parks and Biodiversity Strategy.”
- Increased public input in provincial and regional levels of governance structure
- Interim measures for land use during planning process.²⁰⁹

In 2009, Kennett discussed lessons from the ultimate failures of past initiatives.²¹⁰ Particularly, deficiencies revolved around absences of legal mechanisms to promote integration, statutory framework for land-use planning, legislation capable of addressing trade-offs, legal accountability, and “sufficiently clear legal and policy direction to multistakeholder processes to enable them to work constructively towards meaningful changes to ‘business as usual’ decision making.”²¹¹

Many of these criteria have been successfully dealt with by implementation of the LUF and ALSA and do not directly apply to the SSRP as a vehicle created under ALSA. Some concerns, however, regarding lack of detail and direction in implementation, remain with the SSRP, as discussed above.

Some broad concerns about “meaningless platitudes” by government were articulated in a July 2014 editorial in the Rocky Mountain Outlook, following a negative report by the Auditor General on the Alberta Climate Change Strategy:

So an issue as urgent and important as climate change has received nothing but meaningless platitudes through a strategy drafted and then never followed, measured or reported on. Is there any reason to believe this attitude, obviously set out to placate those of us concerned with the state of our natural environment, isn't going to be repeated in the South Saskatchewan Regional Plan?

²⁰⁸ Steven A Kennett & Richard R Schneider, *Land-Use Framework Report Card: A Checklist-Based Evaluation of Alberta's Draft Land-Use Framework* (Calgary: The Pembina Institute & CPAWS Northern Alberta, 12 June 2008) at p 2 Executive Summary [Kennett, LUF Checklist], online: <https://www.pembina.org/reports/LUF_Report_Card.pdf>.

²⁰⁹ *Ibid.*

²¹⁰ Steven A Kennett, *The Law of the Land: A Legal Foundation for Alberta's Land-Use Framework* (Drayton Valley: The Pembina Institute, 2009) at 2.2.1, online: The Pembina Institute <<http://pubs.pembina.org/reports/law-of-the-land-report.pdf>>.

²¹¹ *Ibid.*

[...] Time will tell, but we certainly don't have our fingers crossed and hope the auditor general will track the SSRP as well and report back to Albertans in the future.²¹²

d. Analysis

The value of the existence of the SSRP under a system of ILM is well defended, and has few detractors. Certain characteristics of the SSRP and its governing frameworks are more controversial, including the lack of direction and excessive executive discretion.

Some vagueness is inevitable and appropriate, especially in a first step in comprehensive land use planning: in the context of evolution and change and broad stakeholder interests. A delicate balance is sought and potentially reached to the extent possible in this new and innovative mechanism. As Harvie and Mercier note, “[a] management program as complex and comprehensive as that envisioned for the regional plans requires flexible amendment procedure to adapt to changing circumstances.”²¹³ The SSRP itself describes the regional planning system under LUF as “dynamic and adaptive as necessary to reflect new information and knowledge and it is also collaborative.”²¹⁴ The ELC describes the SSRP as “more of an enabler of future exercises – a “plan to plan”, or a “to do list” – than something with direct effect.”²¹⁵ while being a laudable statutory articulation of objectives, its shortcomings lie in vagueness, discretion, and focus on planning over implementation.²¹⁶

SSRP is to survive an unknown future of implementation of differing regimes’ policies, and changing circumstances, amid diverse stakeholder perspectives and goals. The SSRP must remain flexible in order to survive changes in political governance and social and cultural developments. Recent developments should be considered in light of the vintage of the LUF, ALSA and SSRP, which remains incomplete. Since ALSA was enacted in 2009, there have been three Alberta PC Premiers plus an interim PC leader (ie Ed Stelmach, Alison Redford, Dave Hancock, and Jim Prentice), and NDP Premier Rachel Notley. Major flooding occurred in 2013, and there is ongoing climate change and public awareness of climate change in the context of developing national and global decision-making, including international agreement about reducing greenhouse gas emission in Paris in the fall of 2015.²¹⁷ Alberta has seen effects of a global recession in 2009-10, changes in commodity prices, brighter economic times, and more recently the effects of a significant drop in the price of oil in 2015 as a result of global oversupply. Future technological developments, continued population growth, demands in land uses and

²¹² “Auditor report reason to doubt province on SSRP”, Editorial, *Rocky Mountain Outlook* (17 July 2014) A16, online: <<http://www.rmoutlook.com/Auditor-report-reason-to-doubt-province-on-SSRP-20140716>>.

²¹³ Harvie & Mercier, *supra* note 33 at 309.

²¹⁴ SSRP, *supra* note 7 at 1.

²¹⁵ ELC Ghost, *supra* note 82 at 12.

²¹⁶ *Ibid.*

²¹⁷ The 2015 Paris Agreement, under the United Nations Framework Convention on Climate Change, implications yet to be determined.

shifts in priorities, will also be factors that affect how the future implementation of the SSRP will evolve, and a functional and effective SSRP must accommodate these factors, over the ten years before the SSRP's first review, and over the 40 years contemplated after that.

The evaluation of the SSRP lies in the balance of necessary flexibility and excessive discretion (flexibility). At this point, that the SSRP will survive its own development in order to clarify this balance is a major step forward in the development of ILM in Alberta, which is not to say that more shouldn't be asked of it. The future will reveal more complete evaluation after implementation and circumstance progress. For now, a paragraph from the Eastern Slopes Policy seems relevant.

The policy is not the final plan or end product in integrated resource planning for the Eastern Slopes. It is not a prescription of land use that is unreceptive to new information and changing conditions: rather than the document that constrains resource management, it is the positive response leading to better resource management in this special region.²¹⁸

6. Conclusions

The SSRP's implementation is ongoing since its effective date September 1, 2014. It exists under ALSA and the LUF as a part of a comprehensive land use management framework, under the broader umbrella IRMS system. Structured as a Regulation largely containing non-binding policy direction, it outlines considerations and outcomes for land use in the populated, diverse and dry region. Its legal implications have yet to be fully encountered. It exists alongside and with the role of aligning numerous other policies and legislative instruments.

Alberta's history of land use planning initiatives, including the Eastern Slopes Policy, has led to this more comprehensive and powerful framework of which SSRP is a part, applying to private and public property. Early controversies have resulted in clarifications and strengthening of property rights. The SSRP itself increased some wilderness and parks areas and affected grazing leases and some clarifications about fragmentation of agricultural land.

As of the writing of this paper, implementation of the SSRP is incomplete. There are Management Frameworks still missing but scheduled to be completed. Compliance by decision-makers and local governments is still being confirmed. However, the SSRP is in force and has been acknowledged by decision makers and regulators.

Reception to the SSRP in Alberta has been mixed: the aims of a successful land-use planning system are common, but concerns have arisen about its overly discretionary and ambiguous nature, at the same time as some parties have praised areas of clarity. More

²¹⁸ Eastern Slopes Policy, *supra* note 43 at 17.

practically, concerns have been raised about inadequate environmental protection, inadequate delineation of land uses, inadequate use of conservation tools under ALSA, and therefore limited effectiveness on private lands, and ongoing concerns about property rights.

The effectiveness of the SSRP in advancing the LUF and promoting integrated landscape management, managing cumulative effects, and promoting clear direction for land use in a manner acceptable to environmental, industrial, and other stakeholders, lies in the balance of necessary flexibility and excessive discretion (flexibility). At this point, that the SSRP will survive its own development in order to clarify this balance is a major step forward in the development of ILM in Alberta, which is not to say that more shouldn't be asked of it. Its potential exceeds its current use. We will continue to monitor this important regional land use plan in the province.

Appendix A: Related Regulatory and Non-regulatory Management: From Management Frameworks

(Not to be taken as an exhaustive list of management relating to the SSRP)

Table 1: Regulatory and Non-regulatory Management of Air Emissions and Effects in the South Saskatchewan Region²¹⁹

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

²¹⁹ Government of Alberta, *South Saskatchewan Region Air Quality Framework: For Nitrogen Dioxide (NO₂), Ozone (O₃) and Fine Particulate Matters (PM_{2.5})*, supra note 124 at 14.

Table 1: Key Legislation and Policy for Managing Surface Water Quality in the South Saskatchewan Region²²⁰

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 Water Quality Agreement	Inter-Provincial
Boundary Waters Treaty	International
Federal Acts	
Canadian Environmental Protection Act	Canada
Fisheries Act	Canada

²²⁰ Government of Alberta, *South Saskatchewan Region – Surface Water Quality Framework: For the Mainstem Bow, Milk, Oldman, and South Saskatchewan Rivers (Alberta)*, *supra* note 126.

Table 1. Key Components of Management of Biodiversity in the South Saskatchewan Region²²¹

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

²²¹ Government of Alberta, *Draft South Saskatchewan Region Biodiversity Management Framework: v.1.0 November 20, 2015* (2015) [unpublished] at 16

Programs	
Aquatic Invasive Species Program	Alberta
Environmental Flows Program	Alberta
Habitat Stewardship Program for Species at Risk	National
Species at Risk Program	Alberta

Table 1a. Key Partnerships and Non-Profit Organizations²²²

Partnerships and Organizations
Alberta Conservation Association
Alberta Fish and Game Association
Alberta Native Plant Council
Alberta Wilderness Association
Canadian Parks and Wilderness Society
Cows and Fish (the Alberta Riparian Habitat Management Society)
Ducks Unlimited Canada
Federation of Alberta Naturalists
Multiple Species at Risk (MULTISAR) Program
Nature Alberta
Nature Conservancy of Canada
Operation Grassland Community
Prairie Conservation Forum
Society of Grassland Naturalists
Watershed Planning and Advisory Councils and Watershed Stewardship Groups and Land Trusts

8.1.4. Regulatory Agencies

“Environment and Parks, Agriculture and Forestry, the Alberta Energy Regulator (AER) and other provincial departments and agencies have responsibilities for delivery of regulatory requirements associated with the implementation of the framework. The AER is authorized to make decisions on applications for energy development, monitoring for compliance assurance, decommissioning of developments, and all other aspects of energy resource activities (activities that must have an approval under one of the six provincial energy statutes). This authority extends to approvals under the public lands and environment statutes that relate to energy resource activities.

“Environment and Parks will continue to work closely with federal regulatory agencies including Environment Canada and Fisheries and Oceans Canada. Environment Canada administers the *Species at Risk Act* which is one of the federal government’s main

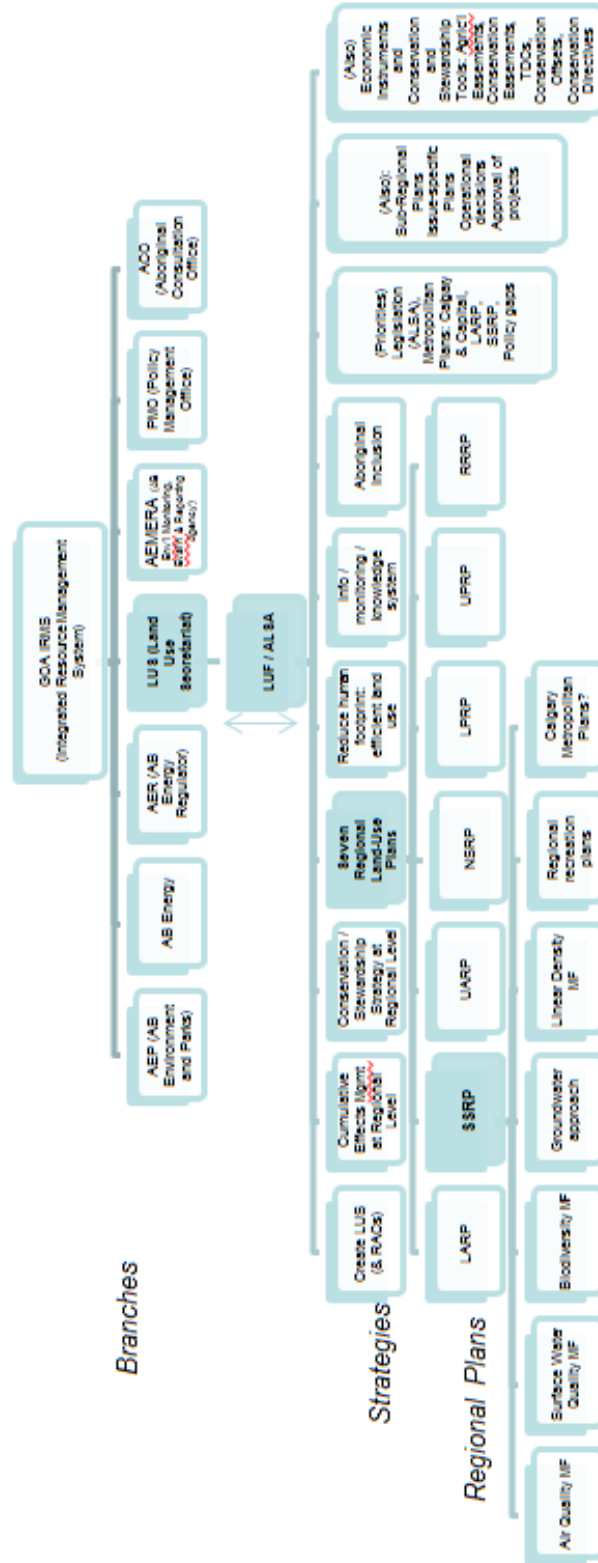
²²² *Ibid* at 17.

conservation tools to protect species at risk. Environment Canada also administers the pollution prevention provisions of the *Fisheries Act*. Fisheries and Oceans Canada manages and protects fish habitat from harm.”²²³

²²³ *Ibid* at 56.

Appendix B

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. (see tables in appendices)

Note: while LUF / ALSA / RPs exist as vehicles of resource management, they exist independently and also govern recreation, tourism, infrastructure, environmental protection, etc.

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