

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

**Integrated Resource Management  
in Alberta: Past, Present and  
Benchmarks for the Future**

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Canadian Institute of Resources Law

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## Executive Summary

Integrated resource management (IRM) is currently being promoted in Alberta in response to resource-use conflicts and the challenges relating to cumulative environmental effects. The Alberta government's ongoing IRM initiative was launched in 1999. An important component of that initiative has been the development of "regional strategies" in two areas of the province. The release in January 2002 of a draft provincial framework for regional strategies marks an important advance for IRM. If approved and implemented, this framework will lead to additional regional strategies across Alberta.

IRM also has support outside of government. There is growing recognition in Alberta that sectoral fragmentation and incremental decision making in environmental and resource management make it difficult, if not impossible, to reconcile competing demands and achieve long-term objectives at a landscape level. Furthermore, scientific and technological advances are enhancing the information base and analytical capacity of decision makers and other interested parties as they address competing resource uses and cumulative effects. For these reasons, conditions have never been better to make IRM a reality.

This paper argues that the history of IRM in Alberta provides some important lessons that are directly relevant to the current IRM initiative. The paper begins with a brief review of Alberta's experience with IRM, the origins of which can be traced to the creation of the Eastern Rockies Forest Conservation Board in 1947. The integrative potential of this Board was, however, progressively eroded by the development of Alberta's resource management regime. In the 1970s, the province embarked upon a major IRM initiative that included the Eastern Slopes Policy and the integrated resource planning (IRP) process. By the 1990s, however, it was evident that IRM and the IRP process had failed to achieve integration in environmental and resource management. Furthermore, the IRP process was clearly inadequate to address resource-use conflicts and cumulative environmental effects. This outcome is significant, since the latest IRM initiative includes a commitment to principles and planning processes that resemble in important respects those that were promoted by the Alberta government from the 1970s to the 1990s.

Although a variety of factors contributed to the demise of IRM and the IRP process by the early 1990s, this paper argues that two important features of this initiative are particularly relevant to understanding its outcome. First, IRM was implemented through a commitment to general principles, regional planning and coordination mechanisms, but did not penetrate to the structural level of policies, legislation, institutional arrangements and decision-making processes. Second, the land-use planning process at the heart of IRM was never entrenched in law. These features contributed to the ultimate failure of IRM by reducing its ability to achieve effective integration and by increasing its vulnerability to ideological opposition and funding cuts.

This analysis sets the stage for the paper's review of the current IRM initiative. The discussion focuses on the 'prototype' regional strategy in the northern east slopes region (the NES Strategy) and the draft provincial framework for regional strategies. While it is premature to draw final conclusions about the NES Strategy, structural obstacles to IRM and the formalization of land-use planning have already emerged as important issues. The draft

framework provides a basis for progress in each of these areas. It includes a commitment by the Alberta government to review the entire legislative and policy context for resource and environmental decision making from the perspective of IRM. In addition, it lays out in some detail a set of procedures and substantive outcomes to guide the development of regional strategies. While these components of the draft framework are commendable, the Alberta government has yet to commit itself to either a specific agenda for structural reform or to the legal entrenchment of land-use planning. These two areas are therefore important benchmarks for IRM.

In the area of structural reform, the first step is to establish a credible process for the promised legislative and policy review. Elements of such a process would include high-level political and inter-departmental support, clear and far-reaching terms of reference, a systematic and detailed review of issues and options, and the development of effective mechanisms for stakeholder involvement and information dissemination. The substantive steps towards structural integration include the alignment of policies, legislation, institutional arrangements and decision-making processes with the principles and operational requirements of IRM. Changes to mandates and management objectives that have narrow sectoral orientations are likely to be required. A range of other policies, such as the rigid commitment to 'honouring' existing resource dispositions, should also be reconsidered.

A primary objective of structural reform is to overcome sectoral fragmentation in resource and environmental management. Revisions to sectoral mandates and effective land-use planning may go some way to addressing this problem. Sectoral integration may, however, require far-reaching changes to institutions and decision-making processes. For example, a single agency could be given responsibility for allocating resource rights, including forest management agreements and quotas, oil and gas leases, and surface leases. Similarly, the Energy and Utilities Board and the Natural Resources Conservation Board could be brought within a broader project-review and regulatory agency responsible for overseeing both energy and non-energy development. Ultimately, structural integration should make it possible to answer the fundamental institutional question for IRM: Who is the land manager? At the present time in Alberta, there is no simple answer to this question.

The second benchmark for IRM is the formalization of land-use planning. The paper argues that progress in this area requires legal entrenchment of the planning process and the establishment of direct linkages between planning and other stages of decision making. Measures are identified in four areas. First, planning should be undertaken pursuant to a clearly defined statutory mandate that establishes procedural requirements and accountability mechanisms. Second, the legal basis for land-use planning should require the development of specific management objectives, indicators and thresholds. In this way, it will provide some assurance that planning in Alberta will move beyond vague 'multiple-use' objectives. Third, regional strategies should be situated within a clear and relatively simple planning hierarchy. Finally, measures should be taken to strengthen the linkages between land-use planning and resource dispositions, project review processes and regulatory decisions. The paper argues that approved land-use plans should have some 'teeth' to direct and constrain subsequent decision making.

The paper concludes by recalling the old adage that ‘those who ignore history are doomed to repeat it’. Despite the evidence of progress at the policy level since the launching of the Alberta government’s latest IRM initiative in 1999, important benchmarks remain to be achieved. Specific measures to address structural issues and to legally entrench land-use planning would signal a strong commitment to IRM and would significantly increase the likelihood that the current initiative will yield significant and durable changes to resource and environmental management. These changes are essential to provide Alberta with the tools that are urgently required to address resource-use conflicts and manage cumulative environmental effects.



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## 1.0 Introduction

Resource-use conflicts and concerns with cumulative environmental effects have led to renewed interest in integrated resource management<sup>1</sup> (IRM) in Alberta over the past several years. The Government of Alberta identified IRM as a key component of its overall vision of sustainable development in a 1999 policy document entitled *Alberta's Commitment to Sustainable Resource and Environmental Management*.<sup>2</sup> The Integrated Resource Management Division in Alberta Environment was also established in 1999 to lead an IRM initiative that has included stakeholder workshops, publications describing the development and implementation of IRM within Alberta, and pilot “regional strategies” in the Northern East Slopes and Athabasca Oil Sands areas of the province.<sup>3</sup> A draft provincial framework for regional strategies was released in January 2002, signaling the government’s intention to move forward with a more detailed and far-reaching IRM strategy.<sup>4</sup>

IRM has also been promoted by major industry associations in Alberta, notably through the Integrated Landscape Management program of the Alberta Chamber of Resources.<sup>5</sup> While the primary focus of this program is inter-industry cooperation to reduce the ecological footprint of operations, it will also address the need for a more integrated policy response to land-use issues and cumulative environmental effects. Leaders in the agricultural community, concerned with the implications of increasing competition for scarce land and resources, have also identified the need for better integration of decision making through a provincial land-use strategy.<sup>6</sup> Environmental organizations, while for the most part skeptical of current government initiatives, have repeatedly called for changes in environmental and resource management in order to address cumulative

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<sup>1</sup> For a discussion of integrated environmental and resource management, see: Steven A. Kennett, “New Directions for Public Land Law” (1998) 8 *Journal of Environmental Law and Practice* 1. Principles of IRM are set out in government policy statements cited below at notes 4 and 39.

<sup>2</sup> Government of Alberta, *Alberta's Commitment to Sustainable Resource and Environmental Management* (Edmonton: March 1999).

<sup>3</sup> The IRM initiative is described in the reports and newsletters issued by the Integrated Resource Management Division, available at [www3.gov.ab.ca/env/irm.html](http://www3.gov.ab.ca/env/irm.html).

<sup>4</sup> Government of Alberta, *Regional Strategies for Resource and Environmental Management – an Alberta Framework*, Release 1, January 2002.

<sup>5</sup> See: [http://acr-alberta.com/Projects/integrated\\_landscape\\_management.htm](http://acr-alberta.com/Projects/integrated_landscape_management.htm).

<sup>6</sup> Land Use Core Action Team, *Towards the Development of a Provincial Land Use Strategy for Alberta*, Discussion Paper (December 2001). IRM and related issues featured prominently on the agenda at: “The Land Supports Us All” Land Use Conference, Edmonton, Alberta, January 14-16, 2002, hosted by the Rural Education and Development Association ([www.landuse.ab.ca](http://www.landuse.ab.ca)).

environmental effects and protect ecological values.<sup>7</sup> Some of the changes advocated by environmentalists refer specifically to IRM or are consistent with its principles.

Increasing pressures on Alberta's land and resource base provide the backdrop for current interest in IRM. Across northern Alberta, the ecological implications of industrial development on the boreal forest have been highlighted in scientific papers,<sup>8</sup> government reports,<sup>9</sup> and studies conducted by environmentalists.<sup>10</sup> The intensity of development in this region has also led to inter-sectoral conflict, as forest companies recognize that timber losses resulting from oil and gas operations and other activities may adversely affect the long-term sustainability of their operations and their ability to implement ecosystem-based forest management.<sup>11</sup> The implications of resource development for the rights and traditional land-based activities of Aboriginal people raise a further set of important and contentious issues.<sup>12</sup>

In southern Alberta, population growth and resource development have fueled multiple land-use conflicts. Added to the long-standing disagreements between resource industries, government and environmental groups are a growing number of conflicts involving other interests.<sup>13</sup> Contentious issues include wilderness protection, wildlife management, competition among instream and extractive water uses, the subdivision of ranch land, access management, and the effects of oil and gas operations on agricultural operations and rural quality of life. The

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<sup>7</sup> See, for example: Gail MacCrimmon & Thomas Marr-Laing, *Patchwork Policy, Fragmented Forests: In-situ oil sands, industrial development, and the ecological integrity of Alberta's boreal forest* (Drayton Valley, Alberta: Pembina Institute for Appropriate Development, 2000); Alberta Wilderness Association, Albertans for a Wild Chinchaga, Canadian Parks and Wilderness Society – Edmonton Chapter, and the Federation of Alberta Naturalists, *Structural Impediments to FSC Certification in Alberta: Overcoming Barriers to Well-Managed Forests* (November 2001) (available at: [www.borealcentre.ca](http://www.borealcentre.ca)).

<sup>8</sup> See, for example: David W. Schindler, "A Dim Future for Boreal Waters and Landscapes: Cumulative effects of climatic warming, stratospheric ozone depletion, acid precipitation, and other human activities" (1998) 48(3) *BioScience* 157; David W. Schindler, "Sustaining Aquatic Ecosystems in Boreal Regions" (1998) 2(2) *Conservation Ecology* [online] article 18 (available at: [www.consecol.org/vol12/iss2/art18](http://www.consecol.org/vol12/iss2/art18)).

<sup>9</sup> Government of Alberta, *The Boreal Forest Natural Region of Alberta*, Report prepared for the Special Places 2000 Provincial Coordinating Committee (Edmonton: Alberta Environmental Protection, April 1998); Government of Canada, *Competing Realities: The Boreal Forest at Risk*, Report of the Subcommittee on the Boreal Forest of the Standing Senate Committee on Agriculture and Forestry (Ottawa: June 1999).

<sup>10</sup> *Supra*, note 7. See also: Wynet Smith & Peter Lee (managing editors), *Canada's Forests at a Crossroads: An Assessment in the Year 2000*, A Global Forest Watch Canada Report (Washington, D.C.: World Resources Institute, 2000).

<sup>11</sup> Monique M. Ross, *Legal and Institutional Responses to Conflicts Involving the Oil and Gas and Forestry Sectors*, CIRL Occasional Paper #10 (Calgary: Canadian Institute of Resources Law, January 2002) at 2-11.

<sup>12</sup> Monique M. Ross & Cheryl Y. Sharvit, "Forest Management in Alberta and Rights to Hunt, Trap and Fish Under Treaty 8" (1998) 36 *Alberta Law Review* 645.

<sup>13</sup> For a recent overview of these conflicts, see: Andrew Nikiforuk, "Laying Down The Land" *Alberta Venture*, (December 2001) at 92.

political and economic context for these issues is shaped, of course, by the fact that resource development, agriculture and tourism are pillars of Alberta's economy and important sources of government revenue.

While many of these issues are not new, the current pace and intensity of development have increased their urgency. Furthermore, scientific and technological advances have made the implications of this development easier to understand – and more difficult to ignore. These implications are clearly shown by the ALCES model – A Landscape Cumulative Effects Simulator – developed by Dr. Brad Stelfox of Forem Technologies.<sup>14</sup> This model has been widely used by industry and government in Alberta<sup>15</sup> and represents a significant advance in the ability of land and resource managers to identify, predict, explain and, presumably, address cumulative environmental effects across what Stelfox refers to as “meaningful space and meaningful time”.<sup>16</sup> An Industrial Research Chair in Integrated Landscape Management, held by Dr. Stan Boutin, has been created at the University of Alberta with support from industry and government.<sup>17</sup> There is now an unprecedented alignment of scientific knowledge and stakeholder interests in support of a more integrated approach to environmental and resource management in Alberta.

Amid the current enthusiasm for IRM, it is worth noting that this concept is not new. Basic principles of IRM were clearly articulated in the 1970s and 1980s,<sup>18</sup> and have been periodically reiterated in publications and policy statements since then.<sup>19</sup> The Government of Alberta's latest IRM policy has important similarities with earlier initiatives that yielded disappointing results. An examination of Alberta's past experience with IRM and its current IRM strategy is therefore timely, since it may suggest ways to increase the likelihood of achieving improved integration of decision making ‘on the ground’.

This paper argues that IRM initiatives in Alberta have been characterized by two key weaknesses. First, they have not addressed the structural obstacles to integration that are rooted in the underlying policies, legislation, institutional arrangements and decision-making processes that govern land and resource use in the province. Second, the principal instruments of IRM – notably land-use planning – have been entirely policy-based, without any substantive or procedural requirements established in law. As a result of these two weaknesses, IRM has been unable to

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<sup>14</sup> See: [www.foremtech.com](http://www.foremtech.com).

<sup>15</sup> Government of Alberta, *Highlights of Integrated Resource Management In Alberta – Year 2000* (Edmonton: Alberta Environment, n.d.) at 21-22.

<sup>16</sup> Quoted in Nikiforuk, *supra*, note 13, at 94.

<sup>17</sup> See: [www.biology.ualberta.ca/boutin.hp/boutin.html](http://www.biology.ualberta.ca/boutin.hp/boutin.html). This Chair is linked to the Alberta Chamber of Resources Integrated Landscape Management program, *supra*, note 5.

<sup>18</sup> See, for example: Reg Lang, ed., *Integrated Approaches to Resource Planning and Management* (Calgary: University of Calgary Press, 1986), notably the paper by Bruce Mitchell, “The Evolution of Integrated Resource Management” at 13.

<sup>19</sup> Several of these policy statements are reviewed below in Section 2.

establish itself as a guiding principle for environmental and resource management in Alberta. The success of IRM in the future, it is argued, will depend in large measure on the government's willingness to address underlying structural issues and give some legal force to land-use planning as an integrative mechanism.

The paper is organized as follows. Following these introductory comments, Section 2 reviews briefly the history of IRM policy in Alberta and comments on the reasons for its disappointing results. The current IRM initiative is examined in Section 3, focusing particularly on the 'prototype' IRM regional strategy in the Northern East Slopes and the draft provincial framework for regional strategies. Section 4 then turns to benchmarks for IRM. Concluding comments are found in Section 5.

## 2.0 A Brief History of IRM in Alberta

Alberta's history with IRM extends over several decades. This section reviews the principal IRM initiatives during this period and considers the extent to which they achieved the intended results. It also comments on the reasons for the disappointing record of IRM policy in Alberta and considers the implications of this experience.

### 2.1 The Eastern Rockies Forest Conservation Board

The origins of IRM in Alberta can be traced to 1947 when the governments of Alberta and Canada signed a 25-year agreement that established the Eastern Rockies Forest Conservation Board.<sup>20</sup> The general intent was "to protect and develop these lands with the object of maintaining the most desirable conditions for watershed management."<sup>21</sup> In particular, the agreement was a response to the environmental degradation and consequent risks of flooding that resulted from uncoordinated logging in the Eastern Slopes. The Eastern Rockies Forest Conservation Board has been characterized as an early IRM initiative because: "(a) it had a clear goal that guided and coordinated all of its activities, (b) its structure was based on a team approach, and (c) it developed comprehensive resource management guides and [the] first zoning systems for the whole area."<sup>22</sup>

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<sup>20</sup> W.R. Hanson, *History of the Eastern Rockies Forest Conservation Board* (Calgary: Eastern Rockies Forest Conservation Board, 1974).

<sup>21</sup> Eastern Rockies Conservation Board, *Annual Report*, (1951) at 2, quoted in Pierre Walther, "Against Idealistic Beliefs in the Problem-Solving Capacities of Integrated Resource Management" (1987) 11(4) *Environmental Management* 439 at 440.

<sup>22</sup> Walther, *ibid.*, at 440-441. The importance of IRM to the Board's mandate was also noted by Hanson, *supra*, note 20.

The integrative potential of this initiative was, however, undercut as the Alberta government exercised increasing control over resource development.<sup>23</sup> Key steps in dismantling integration included the subdivision of public lands into forest management units under the control of the Alberta Forest Service, the removal of the Board's authority to issue resource use dispositions, and the reduction of its overall role to informal tasks of setting policies and coordinating research relating to watershed monitoring.<sup>24</sup> Over time, various zoning arrangements, resource allocation and management regimes, and sector-specific policies and agencies were developed for the Eastern Slopes region. The result, according to one commentator, is that the period between 1956 and 1973 in Alberta provides "a unique model of how integration in resource management was defeated due to increased situational complexity, resource use demands, and bureaucracy."<sup>25</sup>

## 2.2 IRM and Integrated Resource Planning

By the early 1970s, the results of sectoral fragmentation in resource management were evident as development pressures steadily increased and significant land-use conflicts emerged. The Environment Conservation Authority undertook public hearings and research regarding land use in the Eastern Slopes region and provided recommendations to the Government of Alberta in 1974.<sup>26</sup> Its report concluded that there was inadequate coordination in provincial resource management, planning was being undertaken by specialized agencies, and there was an urgent need for strong and effective land-use policies. In response, the government initiated the integrated resource planning (IRP) process for public lands in Alberta and established the Eastern Slopes Policy.<sup>27</sup> It also created the Resource Evaluation and Planning Division within the Department of Energy and Natural Resources to implement the IRP process.<sup>28</sup>

These initiatives established IRM as government policy and led to the preparation of integrated resource plans (IRPs) for some areas of public land, notably in the Eastern Slopes. Even in the early days of the IRP process, however, the government's ability to address resource-use conflicts was in doubt given its multiple-use philosophy,<sup>29</sup> the lack of integration in

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<sup>23</sup> Walther, *ibid.*, at 441.

<sup>24</sup> *Ibid.*, at 441.

<sup>25</sup> *Ibid.*, at 441. Walther notes that Eastern Rockies Forest Conservation Board was critical of these trends.

<sup>26</sup> Environment Conservation Authority, *Land Use and Resource Development in the Eastern Slopes: Report and Recommendations* (Edmonton: 1974), discussed in Walther, *ibid.*, at 441.

<sup>27</sup> Government of Alberta, *A Policy for Resource Management of the Eastern Slopes* (Edmonton: Alberta Energy and Natural Resources, 1977 – revised 1984).

<sup>28</sup> Walther, *supra*, note 21, at 441.

<sup>29</sup> Problems with the multiple-use approach to land management are discussed in Kennett, *supra*, note 1, at 11-17.

environmental and resource management, and the sectoral growth mandates that guided its approach to natural resource development. The Environment Council of Alberta (ECA) released a report in 1979 that questioned the province's multiple-use policy and highlighted, in particular, "the substantial impairment of other resources" resulting from oil and gas operations in the Green Area (forested public lands) of Alberta.<sup>30</sup> The ECA concluded that:

"Solutions to the problems discussed throughout this report and the wise planning and management of our renewable resources depend upon co-ordination and cooperation of those who administer them. It was evident to the Council that such co-operation was difficult or lacking under the present system of multiple departments, each with its separate organization, procedures, and priorities. For the good of the resources and the benefit of the people of Alberta, the agencies responsible must be brought together."<sup>31</sup>

The ECA therefore recommended the creation of a Resources Department to develop comprehensive inventories of resources and assign management priorities for the Green Area. A principal task of the proposed department would be "to minimize and resolve conflicts between renewable resource management and non-renewable resource extraction."<sup>32</sup> During the 1980s and early 1990s, however, Alberta dramatically increasing resource development on public lands without establishing effective means to address resource-use conflicts.<sup>33</sup> Although some administrative integration was attempted, it proved to be insufficient and was not accompanied by fundamental changes in the legislative, planning or regulatory regimes for forestry, oil and gas operations and other activities.<sup>34</sup>

The Alberta government continued to promote IRM throughout this period as a cornerstone of environmental and resource management. IRM principles were unequivocally endorsed in policy statements and the IRP process was described in detail. A document entitled *Alberta Public Lands*, published by Alberta Forestry, Lands and Wildlife in 1988, stated that "Integrated resource management has been established as the fundamental approach to decision-making for the public lands and resources of Alberta."<sup>35</sup> The key features of this IRM philosophy were the maximization of benefits to Albertans through wise land and resource management,

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<sup>30</sup> Environment Council of Alberta, *The Environmental Effects of Forestry Operations in Alberta: Report and Recommendations* (Edmonton: 1979) at 6, 85-86, 130, 154.

<sup>31</sup> *Ibid.*, at 156.

<sup>32</sup> *Ibid.*, at 154.

<sup>33</sup> For a discussion of the provincial government's expansion of forestry operations during this period, see: Larry Pratt & Ian Urquhart, *The Last Great Forest: Japanese Multinationals and Alberta's Northern Forests* (Edmonton: NeWest Publishers Ltd., 1994).

<sup>34</sup> For a brief discussion of administrative changes up to 1985, see: Arthur R. Petch, *Planning Integrated Resource Management in Alberta*, Working Paper No. 43 (Ottawa: Environment Canada, 1985) at 11-16.

<sup>35</sup> Alberta Forestry, Lands and Wildlife, *Alberta Public Lands* (Edmonton: 1988) at 25.

meaningful consultation with affected parties during decision making, and consideration of present and future needs. In this way, it was asserted, “conflicts can be resolved and opportunities can be identified.”<sup>36</sup> IRPs were central to IRM, and the 1988 document confirmed the government’s commitment that “integrated resource plans will eventually apply to all public lands and resources in Alberta.”<sup>37</sup> The IRP process and the plans themselves were not, however, given legal force; the description of this process served notice that “planning occurs within the framework of existing government policy and legislation.”<sup>38</sup>

A more detailed discussion of the IRP process was released in 1991 by the Resource Planning Branch of Alberta Forestry, Lands and Wildlife.<sup>39</sup> This document – which has striking similarities with the framework for regional strategies issued in January 2002 – restated the government’s general IRM philosophy and explained the key role of IRPs. It then identified the purpose<sup>40</sup> and principles<sup>41</sup> of the IRP process and described its stages, from resource inventories and initiation, through the development and approval processes, to final implementation and monitoring. In particular:

“Integrated resource planning involves gathering information on resources and activities, and considering the views of interested government departments, municipal authorities, planning commissions, the federal government, industry, aboriginal peoples, interest groups and the public in making decisions for public land and resource management. Although this planning process has not been formally legislated, it is enabled under the *Public Lands Act* ..., and the plans act as policy frameworks to guide the management, allocation and use of public land and resources.”<sup>42</sup>

Roles and responsibilities within the planning process were defined, from the regional level to Cabinet. The document concluded by observing that “Alberta’s integrated resource planning

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<sup>36</sup> *Ibid.*, at 25.

<sup>37</sup> *Ibid.*, at 25.

<sup>38</sup> *Ibid.*, at 25.

<sup>39</sup> Alberta Forestry, Lands and Wildlife, *Integrated Resource Planning in Alberta* (Edmonton: Resource Planning Branch, 1991).

<sup>40</sup> *Ibid.*, at 5. These purposes are to ensure “a balance among resource protection, conservation and development” and “the maintenance of public land and resources for the future”.

<sup>41</sup> *Ibid.*, at 6-7. These principles include: procedural fairness, open communication, and shared decision making with a view to reaching consensus. Integrated resource planning is to be rational, comprehensive, dynamic and flexible. Many of these principles are also included in the draft framework for regional strategies, released in January 2002, *supra*, note 4, at 2.

<sup>42</sup> *Ibid.*, at 1. This document reiterates the last point at page 5, noting that: “Although integrated resource plans typically apply only to public land and resources and have no legal status, they do represent government policy.”

process is recognized by both government agencies and the public as being an effective decision-making mechanism for the management of public land and resources.”<sup>43</sup>

This optimistic assessment was not, however, borne out by the reality of environmental and resource management in Alberta throughout the rest of the 1990s. The IRP process lost political support and momentum, and was eventually starved of resources.<sup>44</sup> IRPs were not systematically updated and their coverage was never extended, as had been promised, to all public lands in the province. The Resource Planning Branch disappeared in a series of departmental reorganizations that continually destabilized environmental management within the Alberta government. In fact, land-use planning was for a time effectively removed from the environmental and resource management lexicon in Alberta in response to an ideology of deregulation and government ‘down-sizing’.<sup>45</sup> Furthermore, it became increasingly evident that IRPs in Alberta reflected the classic ‘multiple-use’ philosophy of resource management that promised all things to all people but lacked detailed attention to the mechanisms of integrated decision making and the inevitability of trade-offs between competing land and resource uses.<sup>46</sup>

### 2.3 The Failure of IRM and the IRP Process

By the mid-1990s, there was clear evidence that the Alberta government’s IRM philosophy and the IRP process were failing to meet their own objectives and address the increasing pressures on Alberta’s land and resource base. The 1995 report of the blue-ribbon Future Environmental Directions for Alberta Task Force identified “the need for sustainable land and resource management policies as the most urgent issue facing Alberta”.<sup>47</sup> In particular, the Task Force noted that: “Without updating and clarifying land-use policy, including determining the relationships among the policy elements, conflict will continue – *valley by valley and hill by hill*.”<sup>48</sup> The Task Force identified specific concerns with IRPs and recommended the implementation of local coordinated resource planning “within an established policy framework

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<sup>43</sup> *Ibid.*, at 21.

<sup>44</sup> For commentary on the IRP process, see: Environment Council of Alberta, Policy Advisory Committee, *Our Dynamic Forests: The Challenge of Management*, A Discussion Paper Prepared for the Alberta Conservation Strategy Project (Edmonton: December 1990) at 48; Roger Creasey, *Cumulative Effects and the Wellsite Approval Process*, Thesis submitted to the Faculty of Graduate Studies in partial fulfillment of the requirements for the degree of Master of Science, Resources and the Environment Program, University of Calgary, December 1998, at 78-80, 155-157; Steven A. Kennett & Monique Ross, “In Search of Public Land Law in Alberta” (1998) 8 *Journal of Environmental Law and Practice* 131 at 151-159.

<sup>45</sup> Confidential interviews with officials from the Alberta government.

<sup>46</sup> Creasey, *supra*, note 44, at 78-79; Kennett, *supra*, note 1, at 11-17.

<sup>47</sup> *Ensuring Prosperity – Implementing Sustainable Development*, The Report of the Future Environmental Directions for Alberta Task Force (Edmonton: March 1995) at 52.

<sup>48</sup> *Ibid.*, at 52 (emphasis in original).

... to provide for provincial interests and a necessary degree of consistency, and to ensure that strong planning standards are maintained.”<sup>49</sup> It also supported the adoption of an “ecosystem-based resource management approach” and argued that the province’s policy framework for land and resource management, including IRPs, should be revised and updated in order “to clarify the relationships among policies, guidelines and procedures, and to identify which has primacy.”<sup>50</sup>

Concerns with the lack of integration in environmental and resource management were also central to the final report of the Northern River Basins Study (NRBS) in 1996.<sup>51</sup> This report reiterated the need for integrated watershed planning, a recurring theme in reports and recommendations dealing with Alberta’s northern ecosystems since the closing of the Bennett Dam in the late 1960s.<sup>52</sup> A key objective identified by the NRBS was to ensure “that land use planning and water planning are sufficiently integrated so as to ensure wise long term management of the natural resources of the northern river basins.”<sup>53</sup> The report stated, however, that: “Surprisingly, the solitudes of land use management and water use management persist despite widespread awareness of their interdependence.”<sup>54</sup> Noting that “legislation to ensure integration and coordination of land use management planning and water management planning is not in place for the northern river basins”, the NRBS report recommended the establishment of formal mechanisms to achieve this objective.<sup>55</sup> In the joint government response to this report, the Government of Alberta affirmed its commitment “to integrating its natural resource management decision-making” and cited provisions in the *Alberta Water Act* as providing a basis for the integration of land-use and water-use planning.<sup>56</sup>

The need for improved integration in resource management was also highlighted in the *Alberta Forest Conservation Strategy*, released in 1997 following an extensive public process.<sup>57</sup> This document noted that “Practices affecting all resources and benefits of the forest need to be modified to meet the principles and directions of the Strategy.”<sup>58</sup> In particular, it referred to

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<sup>49</sup> *Ibid.*, at 52, 54.

<sup>50</sup> *Ibid.*, at 54.

<sup>51</sup> Northern River Basins Study, *Report to Ministers*, 1996.

<sup>52</sup> Steven A. Kennett, “Integrated Watershed Planning for the Northern River Basins: Thirty Years and Counting” (2001) 26(3) *Canadian Water Resources Journal* 325.

<sup>53</sup> NRBS, *supra*, note 51, at 161.

<sup>54</sup> *Ibid.*, at 161.

<sup>55</sup> *Ibid.*, at 161-162.

<sup>56</sup> *Canada-Alberta-Northwest Territories Response to the Northern River Basins Study Report to Ministers*, 1997, at 12-13.

<sup>57</sup> Alberta Forest Conservation Strategy Steering Committee, *Alberta Forest Conservation Strategy – A New Perspective on Sustaining Alberta’s Forests*, June 1997 (available at: [www.borealcentre.ca/reports/afcs.html](http://www.borealcentre.ca/reports/afcs.html)).

<sup>58</sup> *Ibid.*, at 10.

changes in oil and gas operations, forest-based tourism, planning and allocation for grazing, and access management. The need for industrial and commercial users to collaborate on joint management plans was also noted:

“At present, the various industries operating in the forest employ different planning processes. For instance, oil and gas exploration and development programs are largely driven by market conditions and have relatively short planning horizons. This issue must be addressed if the process of collaborative, long-term planning is to succeed.”<sup>59</sup>

The *Alberta Forest Conservation Strategy* included a specific recommendation for improving forest planning, emphasizing the need to “plan over ecologically meaningful landscapes and time frames” and to “integrate all forest values and uses”.<sup>60</sup> The Strategy concluded that the “initial requirements” for its implementation include “revised policies, laws and programs” and “improvements to planning and decision-making processes”.<sup>61</sup>

A series of decisions by the agencies responsible for reviewing both energy and non-energy projects in Alberta also highlighted the deficiencies of Alberta’s approach to IRM and its IRP process. In the early 1990s the Natural Resources Conservation Board (NRCB) issued important decisions on the Three Sisters<sup>62</sup> and West Castle<sup>63</sup> applications that included extensive discussions of broad land-use issues and the land-use planning and resource management arrangements in place to address cumulative environmental effects. The West Castle decision contained the following assessment of IRM in Alberta:

“The Board is concerned that the concept of integrated resource management set out in the *Eastern Slopes Policy* and other public lands planning and policy documents may create unrealistic expectations by the public that we can ‘have it all,’ particularly where relatively small geographical areas are concerned. ... the Board believes that it must be recognized that sustainable development may not be achievable unless integrated resource management is understood to mean that uses

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<sup>59</sup> *Ibid.*, at 11.

<sup>60</sup> *Ibid.*, at 12.

<sup>61</sup> *Ibid.*, at 22. The government’s response to the *Alberta Forest Conservation Strategy* was a short policy statement entitled *The Alberta Forest Legacy*. This statement endorsed the vision, goal and principles of the Strategy but did not set out a detailed plan for implementing it.

<sup>62</sup> NRCB, *Application to Construct a Recreational and Tourism Project in the Town of Canmore, Alberta*, Decision Report, Application #9103 - Three Sisters Golf Resorts Inc., November 1992.

<sup>63</sup> NRCB, *Application to Construct Recreational and Tourism Facilities in the West Castle Valley, near Pincher Creek, Alberta*, Decision Report Application #9201 - Vacation Alberta Corporation, December 1993. For a commentary on this decision, see: Steven A. Kennett, “The NRCB’s West Castle Decision: Sustainable Development Decision-Making in Practice” (1994) 46 *Resources* 1.

may be permitted, but in more discrete areas than have been available in the past.”<sup>64</sup>

In both decisions, the Board recommended measures to improve integration in decision making and implement an ecosystem-based approach to land and resource management.

The Energy and Utilities Board (EUB) also commented on land-use issues and cumulative effects on several occasions. In a decision on applications for sour gas development in south-western Alberta that was issued in 2000, the EUB noted its past reliance “on the regional IRP for guidance as to acceptable forms of activity and development, particularly on Crown lands.”<sup>65</sup> The Board concluded, however, that “the publicly available planning tools for the region may now be outdated and inadequate to address the current level of development.”<sup>66</sup> The absence of ecological thresholds for development was noted as a particular problem. The Board therefore recommended “an updated integrated resource management strategy” or “strategies to address the future cumulative effects of human activities, including energy development, in the Castle Crown region”.<sup>67</sup> These measures were necessary, it said, to ensure the environmental acceptability of future energy development in the region.

Several of the EUB’s decisions on oil sands applications in the Fort McMurray region commented pointedly on the difficulty of addressing cumulative effects issues through project-specific processes in the absence of integrated regional planning.<sup>68</sup> The report of the joint EUB-Canadian Environmental Assessment Agency (CEAA) review of the Cheviot coal project also called for IRM as a response to cumulative effects issues.<sup>69</sup> It is no coincidence that the pilot regional strategies for the Alberta government’s current IRM initiative are occurring in the Athabasca Oil Sands region and the Northern East Slopes. The latter process, which followed directly from the Cheviot review, is discussed in more detail below in Section 3.1.

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<sup>64</sup> NRCB, *ibid.*, at 10-11.

<sup>65</sup> EUB, *Shell Canada Ltd. Application to Drill Four Critical Sour Gas Wells and Construct and Operate Related Pipeline and Facilities, Castle River Area*, EUB Decision 2000-17, 8 March 2000, at 10.

<sup>66</sup> *Ibid.*, at 10.

<sup>67</sup> *Ibid.*, at 10.

<sup>68</sup> EUB, *Application by Syncrude for the Aurora Mine*, EUB Decision 97-13, 24 October 1997, at 28-35; EUB, *Application by Suncor Energy Inc. for Amendment of Approval No. 8101 for the Proposed Millennium Development*, Addendum B to EUB Decision 99-7, 23 July 1999, at 36-38; EUB, *Petro-Canada Oil and Gas Steam-Assisted Gravity Drainage Project, Mackay River Project, Athabasca Oil Sands Area*, EUB Decision 2000-50, at 14.

<sup>69</sup> EUB-CEAA, *Report of the EUB-CEAA Joint Review Panel, Cheviot Coal Project, Mountain Park Area, Alberta*, 1997 and 2000. For commentary on these decisions, see: Steven A. Kennett, “Cumulative Effects Assessment and the Cheviot Project: What’s Wrong with this Picture?” (1999) 68 *Resources* 1; Steven A. Kennett, “Lessons from Cheviot: Redefining Government’s Role in Cumulative Effects Assessment” in Alan J. Kennedy, ed., *Cumulative Effects Management: Tools and Approaches* (in press).

## 2.4 Explanation and Implications of the Experience with IRM and IRPs

The definitive analysis of the rise and fall of Alberta's IRP process from the mid-1970s to the 1990s has yet to be written. Nonetheless, the conclusions and recommendations of the studies and decision reports referred to above leave no doubt that the province's IRM policy was, in the end, a significant failure. IRM as implemented in Alberta did not result in integrated decision making in environmental and resource management. Furthermore, the IRP process was ultimately inadequate as an instrument for preventing and managing resource-use conflicts and cumulative environmental effects.

This failure could be explained in several ways. The flexibility needed for IRM may have been limited by contextual factors such as the province's economic dependence on resource development, the "complex network of interests" between government departments and powerful resource sectors, the extensive resource dispositions on Crown land, and the government's inflexible policy of 'honouring' those dispositions.<sup>70</sup> The disappointing record of IRM and the IRP process could also be linked to a decline in political support and leadership, reflecting the prevailing ideology of privatization and deregulation and the targeted funding cuts that were part of the government's policy of deficit elimination and debt reduction in Alberta. Finally, design flaws in IRPs – notably the simplistic multiple-use philosophy and the absence of ecological thresholds – could explain in some measure their deficiencies as instruments of cumulative effects management.<sup>71</sup> All of these factors may have contributed to the final outcome.

These explanations raise troubling questions for the current IRM initiative. Given economic and fiscal 'realities', is the Government of Alberta likely to implement IRM initiatives that may result in significant spatial or temporal restrictions on resource development – and consequent revenue losses, at least in the short term? Why was the IRM philosophy largely abandoned in practice at a time when pressures on the land and resource base were growing and cumulative environmental effects were increasingly recognized as important issues? Why did the IRP process prove so vulnerable to ideological opposition and changing funding priorities? Could the IRP process be easily modified to include ecological thresholds and principles of ecosystem management, or are there underlying obstacles to these integrative approaches to environmental and resource management? Without attention to these issues, the current IRM initiative may prove to be no more effective or durable than earlier policies. Looking at the past experience as a whole, two features are particularly relevant to understanding its outcome and evaluating the new IRM initiative.

First, IRM involved broad principles and objectives, regional planning, and coordination mechanisms, but it did not penetrate to the structural level of policies, legislation, institutional

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<sup>70</sup> Walther, *supra*, note 21, at 441-442.

<sup>71</sup> Oswald Dias & Brian Chinery, "Addressing Cumulative Effects in Alberta: The Role of Integrated Resource Planning" in Alan J. Kennedy, ed., *Cumulative Effects Assessment in Canada: From Concept to Practice* (Calgary: Alberta Association of Professional Biologists, 1994) at 312-316. For a comment on the vagueness of management direction in IRPs and its implications for project-specific decision making, see: Kennett, "Cumulative Effects Assessment and the Cheviot Project: What's Wrong with this Picture?", *supra*, note 69, at 2-3.

arrangements and decision-making processes. IRM was pursued within a pre-existing legislative and policy framework that was never systematically reviewed and amended in order to achieve structural integration.<sup>72</sup> The government's description of the IRP process, published in 1991, explained that IRM was implemented "through a variety of mechanisms, including policy development, coordination and planning".<sup>73</sup> The policy component was directed "by a series of interagency committees", the coordination component was "conducted by way of several interagency referral processes", and the planning component involved a number of mechanisms, including "the interdepartmental coordination of integrated resource plans."<sup>74</sup> IRM in Alberta was, at best, an attempt at administrative coordination that did not effectively integrate the decision-making processes and institutions responsible for environmental and resource management. These institutions, along with the core legislation and policy that established their mandates and guided their actions, were largely or entirely untouched by IRM.

This feature of IRM in Alberta has occasionally been noted by commentators. A paper by Arthur Petch in 1985 commented that:

"An interesting aspect of Alberta's integrated resource planning experience is that it is not developed in accordance with any specific legislation but in response to problems arising from an overlapping set of uncoordinated legislation. And it appears that no attempt is being made to formalize the integrated approach in any new legislation."<sup>75</sup>

Petch did not, however, explore this issue or its implications further. Pierre Walther was more prescriptive, arguing that "IRM requires power to set direction and to establish order" and that IRM initiatives in Western Canada "should be supported by major structural changes [such] as transfers of virtually all resource use decisions to its members ... or cuts in the power of ministries..."<sup>76</sup> He concluded that, in the absence of these types of structural innovations, the failure to implement effective IRM was not surprising.

The fact that IRM policy did not include structural reform provides some insight into its lack of durability. The vulnerability of IRM may be attributed, at least in part, to its weak institutional base in government. Since IRM was limited to an attempt to coordinate – not integrate – sectoral power centres, it was an 'add-on' as opposed to a core mission for key decision makers. Furthermore, this policy overlay cut, in important respects, against the institutional self-interest and sector-specific mandates of the departments and agencies whose

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<sup>72</sup> The lack of integration in Alberta's legal and policy regime for environmental and resource management is described in Kennett & Ross, *supra*, note 44.

<sup>73</sup> *Supra*, note 39, at 4.

<sup>74</sup> *Ibid.*, at 4.

<sup>75</sup> Petch, *supra*, note 34, at 149.

<sup>76</sup> Walther, *supra*, note 21, at 339, 445 (references omitted).

behaviour it was intended to modify. IRM remained an overarching ‘philosophy’ and a process that was external to the sectoral decision makers who controlled the key levers of power in environmental and resource management. Since it was not internalized in decision making through structural change and it lacked a powerful institutional champion, IRM was extremely vulnerable to ideological and fiscal pressures despite the fact that it was backed by a strong policy rationale and general statements of policy commitment.

The failure of IRM to penetrate to the structural level may also help to explain certain ‘design flaws’ in IRPs, notably the absence of precise management objectives and ecological thresholds. The generality of many IRPs is consistent with a process that is capable of aggregating, but not integrating, land-use objectives. The IRP process provided a forum to bring together various sectoral interests with a view to coordination, but apparently it lacked the integrative mechanisms needed to address cumulative effects and reconcile competing demands on land and resources within overall landscape objectives and constraints.

The key point is that the failure of the earlier IRM initiative may in large measure be the product of underlying structural factors as opposed to design characteristics of the IRP process. Walther concludes that:

“In general, IRM cannot be successfully implemented as one instrument among others. If sectoral and disintegrated decision-making power is maintained, IRM becomes nothing more than a forum for discussion and coordination of administrative activities, with little impact on major decisions.”<sup>77</sup>

This perspective highlights the considerable challenges inherent in any attempt to move beyond ‘coordinated resource management’ to achieve a significant measure of structural integration. It also provides a basis for critically assessing the Alberta government’s ongoing IRM initiative.

The second key feature of the past experience with IRM is the fact that the IRP process was never given legal status. Flexibility, not certainty, was the hallmark of land-use planning in Alberta. The entire legal foundation for the IRP process is a few words in section 10 of the *Public Lands Act* that enable the Minister to “classify public land and declare the use for which he considers different classes to be adaptable.”<sup>78</sup> Since planning requirements were never legislated, it was easy to scale down the process and allow IRPs to become outdated without triggering clear accountability mechanisms. As to their substantive impact, IRPs were simply statements of policy intended to guide decision makers as they pursued their legislative mandates and balanced competing policy objectives. Planning was not, therefore, an integrative mechanism with legal force.

The objective of preserving maximum flexibility to address changing needs and circumstances is clearly stated in the 1984 version of the Eastern Slopes Policy, which is

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<sup>77</sup> *Ibid.*, at 444.

<sup>78</sup> *Public Lands Act*, R.S.A. 1980, c. P-30, s. 10.

“intended to be a guide to resource managers, industry and publics having responsibilities or interests in the area rather than a regulatory mechanism.”<sup>79</sup> The government affirmed that the Eastern Slopes Policy is “sufficiently flexible so that all future proposals for land use and development may be considered” and “No legitimate proposals will be categorically rejected.”<sup>80</sup> This focus on the need to adapt planning decisions to new circumstances has, however, been criticized on the grounds that excessive flexibility can be dangerous in an environmental control mechanism.<sup>81</sup> In particular, their lack of legal status arguably increased the vulnerability of IRPs to pressures from sectoral interests for decisions at variance with the principles of IRM.<sup>82</sup>

The failure to address structural issues and the absence of a legal framework for land-use planning are arguably symptomatic of a lack of commitment to full implementation of IRM. They also explain, in some degree, both the relative ineffectiveness and the vulnerability of the IRP process and the IRM philosophy that underpinned it. These two characteristics thus provide useful benchmarks for assessing the current IRM initiative. The extent to which these issues are addressed provides a means for evaluating both the seriousness of the commitment to IRM and the likelihood that the proposed measures will result in meaningful changes to environmental and resource management.

### 3.0 The Current IRM Initiative

*Alberta’s Commitment to Sustainable Resource and Environmental Management* (the Commitment Document), released in March 1999, identifies IRM as one component of the government’s overall approach to sustainable development. It contains few details, however, regarding the implementation of IRM. The Sustainable Development Coordinating Council, a committee of Deputy Ministers, is to ensure the integration of “all provincial initiatives with significant implications for resource and environmental management”.<sup>83</sup> Planning processes, notably comprehensive forest and water planning, are identified as key integrative mechanisms at the level of management decisions. Furthermore, the Commitment Document states that:

“These two planning programs will be integrated through the development of comprehensive integrated plans for major river basins in Alberta. These regional plans will provide a level of detail between provincial policy and operational

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<sup>79</sup> Government of Alberta, *A Policy for Resource Management of the Eastern Slopes, Revised 1984*, *supra*, note 27, at iii. This statement is reproduced in most IRPs.

<sup>80</sup> *Ibid.*, at iii.

<sup>81</sup> Walther, *supra*, note 21, at 442.

<sup>82</sup> *Ibid.*, at 442-444.

<sup>83</sup> *Supra*, note 2, at 6.

decision-making. They will also provide a context and process for stakeholder and government decisions.”<sup>84</sup>

The Commitment Document also underlines the importance of consultation in decision making for “ensuring integrated interdepartmental review and decision-making at the regional and provincial level.”<sup>85</sup> Finally, it affirms the importance of an effective and up-to-date legislative and regulatory regime and the need to ensure that policies, laws and regulations “reflect the principles of sustainable development and integrated resource management”.<sup>86</sup>

The Commitment Document thus set the stage for the IRM initiative, but did not establish clear direction in the two key areas noted above. While recognizing the need to integrate “provincial initiatives” and incorporate IRM principles into legislation and policy, the issue of structural reform is not addressed directly. Planning is recognized as central to IRM, but here again there is no clear indication of whether or not the legislative base for planning will evolve from broad enabling provisions to a more fully elaborated framework.

As of February 2002, the direction of the IRM strategy can be most clearly seen in the development of regional strategies. The discussion that follows reviews briefly the Northern East Slopes Sustainable Resource and Environmental Management Strategy (NES Strategy), one of two regional strategies currently underway in Alberta, and then examines the draft provincial framework for regional strategies that was released in January 2002.

### 3.1 The NES Strategy

The NES Strategy was launched as a “prototype” regional strategy for IRM in the spring of 2000.<sup>87</sup> Its origins can be traced to the concerns with regional land-use issues and cumulative effects management that were identified during the joint EUB-CEAA review of the proposed Cheviot coal mine.<sup>88</sup> According to its terms of reference, the NES Strategy will produce a “regional vision with goals and indicators” and will identify, prioritize and analyze the values, issues and concerns relating to that vision.<sup>89</sup> Strategies to achieve goals and resolve issues and an

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<sup>84</sup> *Ibid.*, at 6.

<sup>85</sup> *Ibid.*, at 7.

<sup>86</sup> *Ibid.*, at 8.

<sup>87</sup> Government of Alberta News Release, “Strategy to act as prototype for Sustainable Development in province”, 14 April 2000.

<sup>88</sup> *Supra*, note 69.

<sup>89</sup> Final Terms of Reference – Northern East Slopes Sustainable Resource and Environmental Management Strategy, March 30, 2000, at 1.

ongoing monitoring and reporting process are also intended results. The process is led by a Regional Steering Group (RSG) made up of selected government and non-government members.

The following comments are based on a review of the NES Strategy undertaken during the last quarter of 2001.<sup>90</sup> At that time, the RSG was in the process of identifying and resolving a number of important issues regarding its priorities and procedures for the duration of its mandate. Considerable work remains to be accomplished before the completion of the NES Strategy, planned for sometime in 2002. It is, therefore, premature to reach any definitive conclusions regarding this process and its implications for IRM in Alberta. Nonetheless, it is already evident that several of the key issues for the NES Strategy relate directly to the role of structural integration and the entrenchment of land-use planning within the IRM initiative.

The overarching structural issue concerns the extent to which IRM can be effectively implemented through a regional initiative. Interviews suggest that RSG members are generally in agreement on the undesirable consequences of the current lack of integration in environmental and resource management. There is less certainty, however, about the root causes of these problems and the extent to which they can be addressed at the regional level. While some RSG members see considerable potential for implementing IRM through improved regional decision making, others argued that IRM cannot become a reality in Alberta without significant changes to policy, legislation, institutional arrangements and decision-making processes at the provincial level.

A number of specific structural issues were identified as concerns by RSG members. Some members argued that regional IRM strategies may be frustrated if they cannot break down the institutional barriers that lead to sectoral decision making or if they have little or no influence over the key resource disposition and project review decisions that are made elsewhere. Several RSG members identified the different treatment of oil and gas operations and the forestry sector as an impediment to IRM. Since these differences relate to requirements and time lines in areas such as planning and reclamation, leveling the playing field will require changes to legislation and policy. Issues relating to resource tenures were also raised in the interviews. In particular, the government's current approach to 'honouring existing dispositions' is seen by some RSG members as inconsistent with an adaptive approach to IRM.<sup>91</sup>

The extent to which the NES Strategy will address structural issues remains to be determined. Nonetheless, they are already casting a shadow over the RSG for two reasons. First, RSG members are unsure about the parameters for IRM, given the lack of guidance from

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<sup>90</sup> This review consisted of confidential in-depth interviews with 13 individuals, most of whom are members of the Regional Steering Group responsible for developing this strategy. Available documents relating to the NES Strategy were also reviewed.

<sup>91</sup> Concerns with the government's policy regarding existing dispositions were also noted in the summary of stakeholder consultations that is included as Appendix 3 in *The NES Strategy Interim Report*, January 2001 (released in November 2001). The summary states, at page 37, that the words "final" and "honouring existing commitments" were considered "problematic" in all meetings; many participants identified the need for a mechanism to re-negotiate existing commitments and some suggested that compensation issues should be addressed.

government on structural issues. Second, some participants in the NES Strategy are concerned that their best efforts to promote IRM at the regional level may ultimately prove futile in the absence of structural changes. The underlying question is whether or not the Alberta government will ultimately have the 'political will' to proceed with structural changes that may be required to make IRM a reality.

Formalization of the land-use planning process has also emerged as an important issue for the NES Strategy. The RSG was given the challenging task of simultaneously designing and implementing key elements of IRM at a regional level. It is, in effect, undertaking important regional planning functions without a well defined planning process. Three types of issues must therefore be addressed.

First, a process is required for reaching agreement on the values, goals, indicators and recommended actions that will make up the substance of the NES Strategy. The range of issues extends from internal procedures and public consultation protocols to broader questions regarding the scope and level of detail of the final report. Some RSG members are optimistic that the opportunity to design the process as it unfolds will capitalize on experience around the table and yield a practical approach to IRM that meets regional needs and circumstances. Others expressed concern that an already difficult task was further complicated by the lack of clear guidance in the Terms of Reference regarding the process and final product. As noted below, some of these concerns are addressed in the draft provincial framework for regional strategies.

Second, the mechanics of implementing the NES Strategy require attention. The strategy could have implications for decision making in areas such as the allocation and management of resource tenures, oil and gas exploration, forest management planning, wildlife and protected areas policy, recreation and access management, and the project review and regulatory processes that apply to industrial and commercial operations. While the NES Strategy is intended to promote integration, ultimate authority for implementation will remain in the hands of a multitude of decision makers whose mandates and organizations are not fully integrated. The Environment Resource Committee that brings together regional managers from different departments and agencies may be able to play an integrative role, but its ability to do so remains to be demonstrated and certain key decisions are not within its control. All RSG members recognize that, without effective implementation of the NES Strategy, their efforts will have been wasted. At the present time, however, the implementation process is undefined except for broad statements of policy.

The third set of issues relates to the need for an ongoing process for IRM. RSG members recognize that a 'snapshot' of current conditions, objectives and indicators cannot provide the basis for IRM over the long run. Whatever the specific results of the RSG's current mandate, there is general agreement that the NES Strategy must be a living document supported by a continuing process. What that process will look like and how IRM in the Northern East Slopes region will be kept alive are important issues that have not yet been resolved.

This review of the NES Strategy in the last quarter of 2001 yields more questions than answers about the role of regional strategies in IRM. There is no doubt, however, that structural integration and the formalization of regional planning processes are important issues. It remains

to be seen how the RSG deals with these issues in its final report and recommendations and what response is forthcoming from the Alberta government. In the meantime, some additional insights into the government's approach to IRM are provided by the draft provincial framework for regional strategies that was released in January 2002.

### 3.2 The Draft Provincial Framework

The draft document entitled *Regional Strategies for Resource and Environmental Management – an Alberta Framework* (the Draft Framework) is intended to provide “provincially consistent direction on the content of regional strategies and on the process to be used in developing them.”<sup>92</sup> Building on the Commitment Document, it sets out principles of IRM and identifies the role of regional strategies as providing a bridge between the legislation and policies that apply throughout the province and the operational plans and regulatory approvals that are the practical tools of resource and environmental management. The Draft Framework addresses a number of key issues for regional strategies, notably: the scope of strategies; deliverables; the content of regional strategy documents; the relationship between strategies and existing policies and legislation; responsibility for overseeing and developing regional strategies; the planning process; implementation through a regional management system; and the provision of adequate resources for strategy development.

It is important to underline that the Draft Framework may be subject to significant changes before it is finalized. As can be expected with the initial version of a complex policy document, it raises a multitude of specific questions regarding the design and implementation of regional strategies. The discussion that follows is therefore selective, focusing only on the treatment of structural integration and the formalization of land-use planning.

The acknowledgment of structural issues in the Draft Framework represents a significant step forward in the IRM initiative. Regional strategies are situated within a “policy and planning spectrum”, the policy end of which is established through provincial legislation and broad statements of policy on land and resource use, environmental management and related issues.<sup>93</sup> The Draft Framework lists relevant legislation and policy and then states that:

“Many of the current laws and policies were developed independently of one another for different purposes. This makes achievement of broad, integrated goals difficult and results in overly complex decision process. *The Alberta government is committed to reviewing the entire policy and legislative context for resource and environmental decision-making.* Where inconsistencies and conflict among

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<sup>92</sup> *Supra*, note 4, at 2.

<sup>93</sup> *Ibid.*, at 2.

policies and legislation surface during regional strategy development, they will be identified for resolution in the provincial process.”<sup>94</sup>

The focus of the IRM initiative is therefore to be broadened beyond regional strategies to include structural integration at the provincial level.

The Draft Framework also includes some comments on the relationship between regional strategies and the province’s legal and policy regime for environmental and resource management. It confirms that the development and implementation of regional strategies is “subject to provincial legislation and provincial policy”, but notes that these strategies may recommend legislative or policy changes when they identify barriers or opportunities at the provincial level.<sup>95</sup> As well, regional strategies “must recognize existing commitments, such as resource rights that have been granted.”<sup>96</sup> They may, however, recommend the modification of these commitments when they “conflict with strategy goals or with the overarching goal of sustainability.”<sup>97</sup> While these statements fall short of a clear commitment to legislative and policy change, they confirm that regional strategies can legitimately address structural issues and that the government will – at least in principle – be receptive to recommendations for reform.

The Draft Framework therefore provides reason for guarded optimism that the current IRM initiative will tackle directly some of the structural root causes of the current lack of integration in environmental and resource management. Important details remain to be filled in, notably regarding the provincial legislative and policy review. It is also unclear how this review and regional strategies will be brought together within the broader IRM strategy.

The coordination of the provincial review with regional strategies warrants immediate attention. On the one hand, regional strategies could provide useful input into the provincial review by identifying operational issues for IRM ‘on the ground’ and considering whether or not they are attributable to structural problems at the provincial level. On the other hand, it may be inefficient to replicate this analysis in each regional strategy if structural problems are relatively uniform province-wide. Regional strategies may also lack the resources and expertise to undertake detailed legislative and policy reviews and develop specific proposals for reform. Furthermore, as noted by some members of the NES Strategy RSG, the development of regional strategies could be simplified and focused if structural issues and options were identified at the outset and if the government gave some indication of the types of changes that it is willing to consider.

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<sup>94</sup> *Ibid.*, at 4 (emphasis added).

<sup>95</sup> *Ibid.*, at 9, 5.

<sup>96</sup> *Ibid.*, at 5.

<sup>97</sup> *Ibid.*, at 5.

One option is to link the provincial review with the initial two-year time frame for the development of regional strategies.<sup>98</sup> An interim provincial report on structural issues and options after one year could provide some direction for the finalization of regional strategies. The conclusions and recommendations from these strategies could, in turn, be incorporated into the final proposals for legislative and policy reform. This structural reform agenda would then fit into the ongoing integrated planning and management processes that will be needed if regional strategies are to make a long-term contribution to IRM.

On the second major issue – the formalization of land-use planning – the Draft Framework bears a striking resemblance to the earlier IRM initiative.<sup>99</sup> It does elaborate somewhat on the mechanics of land-use planning through regional strategies, setting out a series of steps that resemble in many ways the IRP process described in the government’s 1991 publication noted above.<sup>100</sup> Few details are provided, however, regarding the implementation of regional strategies and the ongoing planning and adaptive management processes that will be necessary for IRM.<sup>101</sup> Regional strategies, it appears, are to remain a policy-based approach to IRM, without the formal structure and accountability mechanisms that could be achieved through a set of legally defined objectives, procedural guidelines, and substantive requirements. Furthermore, the final strategy documents are to be statements of policy, intended to guide – but not ‘fetter’ – operational decision making.<sup>102</sup>

The principles, procedures and ‘deliverables’ described in the Draft Framework could, however, be given legal force in order to provide greater certainty and accountability. In its discussion of IRM principles, the Draft Framework states that the development and implementation of regional strategies will be “comprehensive and integrated”, “proactive and predictable”, “responsive and flexible”, “consultative”, “procedurally fair”, “knowledge-based”, “timely and results oriented”, “accountable”, and “clear and understandable”.<sup>103</sup> All of these principles could be grounded in law. In particular, legal guidance regarding issues of procedural fairness, appropriate consultation, and the comprehensive and integrated nature of decision making would reinforce in a tangible way the other principles of accountability, predictability and clarity in processes and products. Specific elements of the process for developing and

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<sup>98</sup> The Draft Framework, *ibid.*, at 16, states that each regional strategy should take two years to complete. It does not state when new regional strategies will be initiated across the province.

<sup>99</sup> The Draft Framework, *ibid.*, at 2, acknowledges that it is built, in part, “upon past planning experience in Alberta”.

<sup>100</sup> *Supra*, note 39.

<sup>101</sup> The Draft Framework, *supra*, note 4 at 14, states that “The role and form of a ‘regional management system’ is a work in progress.”

<sup>102</sup> The Draft Framework, *ibid.*, at 10, states that approved regional strategies are “to be directive to government staff, subject to whatever interpretation is required to avoid fettering legally defined decision-making authority.”

<sup>103</sup> *Ibid.*, at 2.

implementing regional strategies could also be set out in statutes or regulations. A legally defined planning process would increase certainty and accountability by establishing rights and obligations of interested parties that could, ultimately, be backed by legal sanction. Finally, the regional strategies themselves could be given some legal force.

The reliance on policy instruments without detailed legal underpinnings would have three implications for regional strategies.<sup>104</sup> First, interested parties would not be able to rely on specific legal requirements in the event that the proposed process for developing and implementing regional strategies is not completed or the manner in which it is carried out is contested. Second, regional strategies as integrative mechanisms would be subordinate to other legal mandates and requirements that may not fully reflect principles of IRM. There would be no legal accountability mechanism should decision makers fail to comply with them. Finally, the failure to entrench the regional strategy process and its products in legislation would increase their vulnerability to shifts in political direction and funding priorities, such as those that undercut the IRP process.

The release of the Draft Framework suggests that the evolution of IRM in Alberta is now at a critical point. There is, of course, a need to develop, refine and implement the detailed policy guidelines for regional strategies. At the same time, however, attention should focus on the legal entrenchment of regional strategies as land-use planning processes within a regime for resource and environmental management that achieves a high degree of structural integration. The next section of this paper suggests several benchmarks for assessing progress of the IRM initiative in these areas.

## **4.0 Benchmarks for IRM**

The analysis of Alberta's past and present experience with IRM suggests two key benchmarks for the future. If IRM is to bring about significant and enduring changes in environmental and resource management, it should be directed towards structural integration and the legal entrenchment of land-use planning. The Draft Framework provides a basis for action in both areas. This section outlines further measures that could be taken to reach these benchmarks.

### **4.1 Structural Integration**

The first benchmark for IRM is progress on structural integration. Implementation of the commitment in the Draft Framework to review "the entire policy and legislative context for resource and environmental decision-making" is the logical first step.<sup>105</sup> This review should be

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<sup>104</sup> For a more general discussion of the role of law in IRM, see Kennett, *supra*, note 1, at 40-46.

<sup>105</sup> *Supra*, note 94.

designed to provide a detailed and comprehensive assessment of Alberta's current regime from the perspective of IRM. Attributes of a credible review process would include:

- high-level political and inter-departmental support for the review, demonstrating clearly that structural integration is a government priority, not simply a project promoted by a single department or Minister;<sup>106</sup>
- terms of reference that establish clear and far-reaching objectives, identify roles and responsibilities in the review process, and provide the financial and human resources needed to complete the task;
- the preparation of an initial discussion paper to launch the process and a series of detailed 'issues and options' papers to provide the analytical foundation for a thorough review of structural issues;<sup>107</sup> and
- the development of effective mechanisms for involving representatives from stakeholder groups, the federal government, municipalities, First Nations, and the public at large in the review process and for ensuring effective information dissemination throughout the process.

A policy process with these elements would signal a willingness to contemplate significant structural reform in support of IRM.

The substantive steps towards structural integration involve the alignment of policies, legislation, institutional arrangements and decision-making processes with the principles and operational requirements of IRM. Identifying the specific changes that are required will, of course, be a principal function of the provincial legislative and policy review. Regional strategies will also contribute analysis and recommendations. Nonetheless, it is possible to identify at the outset some likely areas for reform.

At a general level, legislative and policy alignment begins with the establishment of IRM as a core objective for all decision makers involved in environmental and resource management. This change would require a review of mandates and management objectives in order to insert or strengthen IRM principles and implementation mechanisms. Sector-specific policies – notably growth mandates with significant implications for other sectors or land-use values – would be obvious candidates for special attention, particularly if they were formulated without due regard

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<sup>106</sup> The importance of this type of support was underlined in a paper by The Right Honourable Sir Geoffrey Palmer, principal architect of New Zealand's IRM initiative that culminated in the *Resource Management Act, 1991*. He also noted that, given the numerous statutes and departments involved in the initiative, a carefully designed decision-making structure and advisory mechanism was used "to guard against the jealous defence of bureaucratic territory and a plethora of conflicting advice that would bog down the project." See: The Right Honourable Sir Geoffrey Palmer, "Sustainability – New Zealand's Resource Management Legislation" in Monique Ross & J. Owen Saunders, eds., *Growing Demands on a Shrinking Heritage: Managing Resource-Use Conflicts* (Calgary: Canadian Institute of Resources Law, 1992) at 412-413.

<sup>107</sup> The IRM process in New Zealand adopted this approach. *Ibid.*, at 414-415.

to their overall social, economic and environmental implications when the range of competing resource uses and other activities on the landscape are taken into account. An IRM policy review should also consider provincial and national environmental objectives and obligations, notably those relating to protected areas and biodiversity. A range of other specific policies should also be examined. For example, the Alberta government's rigid policy of 'honouring' existing resource dispositions illustrates the type of specific policy that should be reconsidered. The prevailing interpretation of this policy runs counter to an adaptive approach to IRM and is problematic given the extent of dispositions that have already occurred in Alberta. Ultimately, IRM will fail if the underlying government policies that fuel resource-use conflicts and promote unsustainable development remain in place.

Structural integration also requires attention to sectoral fragmentation. Decision making on the basis of narrow sectoral mandates is the antithesis of IRM, yet is institutionally entrenched in the legal regimes and administrative arrangements that govern land and resource use in Alberta. The differences in decision-making processes and standards across industrial sectors and categories of land users are well known. For example, a recently published paper by Monique Ross of the Canadian Institute of Resources Law examines the legislative and policy regimes that govern forestry and oil and gas operations in Alberta.<sup>108</sup> This analysis shows that planning requirements, resource disposition regimes, project review processes and regulatory instruments all result in the application of different standards and time frames to activities in these two sectors, despite the fact that these activities occur on the same land base, contribute to cumulative environmental effects, and in some cases impinge directly on each other. Legislative reform is necessary to bring sectoral decision making within an integrated regime for environmental and resource management. As long as decisions are made without full accounting of other land and resource uses and according to different policy objectives and statutory mandates, IRM will be difficult – if not impossible – to achieve.

Past experience with IRM in Alberta supports the argument that effective integration requires more than interdepartmental cooperation and administrative coordination. IRM is inconsistent with the incentive structures and organizational imperatives that are rooted in sector-specific institutions and narrowly focused mandates. Integration requires breaking down organizational barriers and rearranging administrative hierarchies. The principal obstacle to IRM may be the enemy within – the bureaucratic and ministerial power centres and their client groups that stand to lose some of their decision-making authority and autonomy in any shift towards a more holistic and integrated approach to land and resource management. As noted by one commentator, power structures must be transformed in order to ensure that IRM becomes the “objective reality” for sectoral decision making.<sup>109</sup>

Various options could be considered to address sectoral fragmentation. Some progress might be achieved through clear direction and the adjustment of sectoral mandates to establish the primacy of IRM as an organizing principle and operational reality for environmental and resource

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<sup>108</sup> Ross, *supra*, note 11.

<sup>109</sup> Walther, *supra*, note 21, at 444.

management. Effective and legally entrenched land-use planning could play a positive role if it is prescriptive enough to force *de facto* integration in subsequent decision making. True structural integration, however, may require changes to legislation and to the departments and agencies responsible for key decisions. For example, a single agency with a mandate to pursue IRM could be given responsibility for all resource dispositions, including forest management agreements and quotas, oil and gas leases, and surface leases (e.g., for tourism development, grazing, etc.). Similarly, the EUB and NRCB could be brought within a broader project-review and regulatory agency responsible for overseeing both energy and non-energy development. Ultimately, structural integration should make it possible to identify a single agency with primary responsibility for public lands and resources in Alberta. Remarkably, at the present time in Alberta there is no simple answer to the fundamental institutional question for IRM: Who is the land manager?

Sectoral fragmentation at the level of policies, legislation, institutional arrangements and decision-making processes creates strong incentives that are diametrically opposed to the principles and objectives of IRM. A policy veneer that focuses only on inter-agency coordination and regional planning leaves this incentive structure essentially unaltered. For this reason, a clear and effective strategy to reduce or eliminate these structural divisions is an important benchmark for IRM if it is indeed intended to bring about significant and long-lasting changes to environmental and resource management.

## 4.2 Formalization of Land-Use Planning

The second benchmark for IRM is the legal entrenchment of land-use planning and the formalization of linkages between planning and other stages of decision making. The first steps in this direction are evident in the policy on regional strategies contained in the Draft Framework. These strategies are referred to as planning processes, reflecting both the importance of planning in the Commitment Document<sup>110</sup> and the continuous “planning cycle” that should be central to resource and environmental management.<sup>111</sup> The Draft Framework states that regional strategies are intended to serve two key integrative functions. The first is to form a “bridge” between provincial legislation and policy and the “operational plans and regulatory approvals” that govern specific activities.<sup>112</sup> The second is to “provide better integration and consistency among the various operational plans and approvals.”<sup>113</sup> These functions capture the essential role of regional planning within IRM. The entrenchment of these functions within the province’s regime for environmental and resource management would constitute a significant advance for the IRM initiative. Specific measures in four areas would promote this objective.

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<sup>110</sup> *Supra*, note 4, at 1.

<sup>111</sup> *Ibid.*, at 12-14.

<sup>112</sup> *Ibid.*, at 2.

<sup>113</sup> *Ibid.*, at 2.

First, the planning process should be undertaken pursuant to a clearly defined statutory mandate that establishes procedural requirements in areas such as the time lines for preparing and revising plans, the rights of interested parties to participate in these processes, information disclosure, and the mechanisms for amending plans and determining whether or not proposed or ongoing activities are in conformity with them. While a measure of flexibility is required, the key components of the planning process should be specified in prescriptive language, not merely based on enabling provisions that establish no clear accountability standards and permit ministers or senior officials to exercise virtually unconstrained discretion on procedural matters.

Second, tangible measures should be taken to ensure that land-use planning in Alberta moves beyond vague ‘multiple-use’ objectives and the illusion that all resource and environmental values can be accommodated simultaneously. Greater precision in management objectives and a willingness to consider trade-offs explicitly are essential if land-use planning is to make a useful contribution to addressing resource-use conflicts and managing cumulative environmental effects. The Draft Framework recognizes the need for clear direction to decision makers, stating that regional strategies should identify “goals and indicators”<sup>114</sup> and may specify “landscape objectives or environmental thresholds whose numeric values may need to be operationally adjusted as experience is gained.”<sup>115</sup> The legal and policy framework for land-use planning should strengthen the commitment to producing these types of management tools. Land-use planning could also be supported by research focusing on the identification and practical application of indicators and thresholds.

Third, a clear and relatively simple hierarchy of land-use policy and planning should be established in Alberta. Although the Draft Framework notes the bridging function of regional strategies between provincial policy and operational planning, values of certainty and accountability would be furthered by a precise and legally based definition of these relationships. Regional planning should be governed by specific provincial policies that reflect the broader public interest and that ensure a measure of consistency and fairness across these processes. Formal mechanisms should also be established to ensure that sub-regional, local and sector-specific planning is consistent with approved regional strategies. While the Draft Framework does address this issue,<sup>116</sup> its general policy statements could be reinforced by specific procedural and substantive requirements that would ensure a consistent and integrated planning hierarchy.

Finally, measures should be taken to strengthen the linkages between land-use planning, resource dispositions, project review processes, and regulatory decisions. Integration along this axis is necessary to ensure an efficient, transparent and predictable process for environmental and resource management.<sup>117</sup> It is particularly important in Alberta, where resource disposition

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<sup>114</sup> *Ibid.*, at 6.

<sup>115</sup> *Ibid.*, at 9.

<sup>116</sup> *Ibid.*, at 9.

<sup>117</sup> Kennett, *supra*, note 1, at 34-37; Steven A. Kennett, *Towards a New Paradigm for Cumulative Effects Management*, CIRL Occasional Paper #8 (Calgary: Canadian Institute of Resources Law, 1999) at 47-49.

decisions are made through highly discretionary administrative mechanisms and where the quasi-judicial decision makers at the project review and regulatory stages cannot be fettered by land-use plans that are simply policy statements with no legal status. If land-use planning is a serious attempt to define appropriate land uses in a region on the basis of an integrated and long-term perspective, one would expect it to have some ‘teeth’ in terms of subsequent decision making. Precedents for this type of integration exist in other jurisdictions.

The *Mackenzie Valley Resource Management Act*<sup>118</sup> in the NWT is a modern IRM statute based on comprehensive land claim agreements. This Act provides for integrated decision making, notably by requiring in sub-section 46(1) that first nations, government departments and agencies and other bodies “having authority under any federal or territorial law to issue licences, permits or other authorizations ... shall carry out their powers in accordance with the land use plan applicable in the settlement area.” There are, of course, mechanisms for determining the conformity of proposed activities with plans and for amending plans. Integration among stages of decision making is also established through requirements that approved recommendations from the environmental impact assessment process be incorporated into licensing and permitting decisions.

New Zealand’s *Resource Management Act* (RMA), another modern IRM statute, also establishes a legally-based hierarchy of policy and planning processes and requires that lower level decisions be consistent with higher level ones.<sup>119</sup> Permitting is, in turn, tied into the policy and planning framework under the legislative regime. In particular, the RMA provides a structure for granting permits to activities that are not allowed as of right and are not expressly prohibited under the legislation or in the relevant plan. A planning tribunal is established to resolve inconsistencies between policy and planning instruments and order changes to policy statements or plans.

Even if consistency between land-use plans and subsequent decision-making is not required by law, procedural mechanisms could be developed to promote integration. For example, decision makers at the rights disposition, project review and regulatory stages could be required to provide written explanations for any decisions that do not conform with the relevant land-use plan. Issues of conformity with land-use plans could also be referred to a formal planning body or an arm’s length review process. In this way, decisions at variance with land-use plans would be subject to greater scrutiny.

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<sup>118</sup> S.C. 1998, c. 25. For a discussion of this Act, see: John Donihee, Jeff Gilmour & Doug Burch, *Resource Development and the Mackenzie Valley Resource Management Act: The New Regime* (Calgary: Canadian Institute of Resources Law, 2000). See also: Steven A. Kennett & John Donihee, “A Framework for Environmental and Resource Management in the Northwest Territories”, Unpublished paper prepared for the Renewable Resources and Environment Directorate, Department of Indian Affairs and Northern Development, NWT Region, 30 March 2001.

<sup>119</sup> See: David Grinlinton, “Natural Resources Law Reform in New Zealand – Integrating Law, Policy and Sustainability” (1995) 2 *The Australasian Journal of Natural Resources Law and Policy* 1; Owen Furuseth & Chris Cocklin, “An Institutional Framework for Sustainable Resource Management: The New Zealand Model” (1995) 35 *Natural Resources Journal* 243.

The central place of regional strategies in the current IRM initiative reflects the widespread agreement among commentators that some form of comprehensive land-use planning is central to the proactive management of resource-use conflicts and cumulative environmental effects.<sup>120</sup> Through an appropriate mix of legal and policy mechanisms, a balance between certainty and flexibility in planning can be achieved. Legal entrenchment of planning would increase accountability and reduce the likelihood of *ad hoc* decisions that undermine the process and make IRM vulnerable to the very pressures of fragmentation and incrementalism that it is designed to counteract. The four areas discussed above offer significant opportunities to solidify the role of planning within an integrated legal and policy regime for environmental and resource management. Progress in these areas is therefore a second important benchmark for IRM.

## 5.0 Conclusion

The Alberta government's current IRM initiative brings to mind the old adage that 'those who ignore history are doomed to repeat it'. IRM has been promoted as a cornerstone of environmental and resource management in the past. The province's IRP process was initiated in the mid-1970s with principles, objectives and a planning methodology that are very similar to those set out in the Draft Framework. This paper has argued that two characteristics define the earlier experiment with IRM and the IRP process. First, it relied largely on planning and coordination mechanisms, without addressing in a comprehensive way the underlying policies, legislation, institutional arrangements and decision-making processes that constitute structural barriers to IRM. Second, it failed to entrench in law the procedural and substantive requirements for land-use planning, relying instead on bare enabling language in the *Public Lands Act* to create a planning regime defined entirely through policy.

These characteristics do not, of course, constitute a full explanation for the disappointing history of IRM and IRPs. Other factors clearly contributed to the failure of these policies as means of addressing resource-use conflicts and managing cumulative effects. Nonetheless, these two characteristics are significant both as indicators of a lack of commitment to IRM and as contributing factors to its inability to achieve significant and durable integration in environmental and resource management in Alberta.

The current IRM initiative is still in its formative stages, so it is too early to know if it will repeat past mistakes. Undeniably, there has been significant progress on the policy front since the Commitment Document was released in 1999. The Draft Framework, if approved, will launch regional policy and planning exercises that could make a useful contribution to achieving IRM. It provides a solid basis for elaborating and formalizing a regional land-use planning process. The Draft Framework also promises a comprehensive review of provincial legislation and policy as part of the IRM initiative, although no details or time lines are given. While the Draft Framework

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<sup>120</sup> The role of planning in addressing these issues is discussed in Kennett, *supra*, note 1, at 25-33 and Kennett, *supra*, note 117, at 29-32.

thus provides a basis for moving forward on key issues, the Alberta government has yet to commit itself to specific actions.

As of February 2002, it is unclear whether or not the IRM initiative will include a significant agenda for structural reform. In addition, there is no commitment to the legal entrenchment of regional land-use planning within an integrated regime for environmental and resource management. These two areas provide the critical benchmarks for the next stages of Alberta's IRM initiative. If these benchmarks are reached, IRM could open the door to a more sustainable future by providing the tools that are urgently needed to manage resource-use conflicts and cumulative environmental effects. If they prove to be unattainable, the current IRM initiative runs a significant risk of falling victim to the same obstacles and pressures that led to the demise of the earlier attempts at integrated decision making and comprehensive land-use planning.



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