

## Lower Athabasca Regional Plan 10-Year Review Part 2: Alberta’s Regional Plan Development

By: David Laidlaw

**Matter Commented on:** [Lower Athabasca Regional Plan](#)

In the development of regional plans, Alberta appoints selected stakeholders to provide advice in the form of a Regional Advisory Council (RAC) in conjunction with opportunities for public consultation, with the provincial Cabinet making the final regional plan, as set out in Part 1 of this post.

In Alberta, there are limited opportunities for public consultation on policy, legislation, and decision making (see e.g., Monique Passelac-Ross and Adam Zelner, “[Public Consultation Conference Handbook](#)” (2009) at 8; Rebeca Macias, [Public Participation in Energy and Natural Resources Development: A Theory and Criteria for Evaluation](#), CIRL Occasion Paper #34, (Calgary: Canadian Institute of Resources Law, 2010) and Shaun Fluker, "The Right to Public Participation in Resources and Environmental Decision-Making in Alberta" (2015), 52(3) *Alta L Rev* 567. Inasmuch as the development of regional plans and their associated consultations are structured in the Alberta Land Stewardship Act, [SA 2009, c A-26.8](#) (ALSA) as advice to cabinet, that advice is protected by cabinet secrecy.

### Lower Athabasca Regional Plan (LARP)

LARP, which encompassed the majority of oil sands deposits, was the first regional plan promulgated under ALSA and became effective September 1, 2012. The oil sands priority for development was reflected in Alberta’s provincial energy strategy, [Launching Albert’s Energy Future: Provincial Energy Strategy](#) (2009) at 15, which said “[f]or Alberta in the coming 30 years, no other activities will have the scale or impact of energy development. Agriculture and other sectors are important to Alberta and diversification is good for us, but energy’s impact is pervasive. It is, and will be, our province’s dominant economic engine.” Further, Alberta’s [Responsible Actions: A Plan for Alberta Oil Sands](#) (2009) said at 8, “Alberta’s long-term vision for the oil sands forms the foundation for this strategic plan and is directly linked to the *Provincial Energy Strategy*”.

Chapter 7 in Alan J. MacFadyen and G. Campbell Watkins, [Petropolitics: Petroleum Development, Markets and Regulations, Alberta as an Illustrative History](#) (Calgary: U of C Press, 2014) provides a fuller history of the oil sands and Alberta’s investment in, and regulation of, the oilsands, as does Nickie Vlavianos, [The Legislative and Regulatory Framework for Oil Sands Development in Alberta: A Detailed Review and Analysis](#), CIRL Occasional Paper #21

(Calgary: Canadian Institute of Resources Law, 2007) and the recently updated version: “Mapping the Legal Framework for Oil Sands Development in Alberta” (2022) 60:1 Alta L Rev 67.

The only other finalized Regional Plan, namely the current consolidated [South Saskatchewan Regional Plan \(2014\)](#) (SSRP), came into effect on [July 23, 2014](#). The SSRP has been [amended](#) twice: first, in [February 16, 2017](#) to establish the Castle Provincial Park and expand the Castle Wildland Provincial Park in the Castle area; and second in [May 31, 2018](#), to reflect the creation of the Livingstone and Porcupine Hills Public Land Use Zones, the regulation of motorized access limits, as well as update ministry names and address clerical errors. The SSRP was intended, among other things, to address water shortage pressures in the region, as elaborated in Sara L. Jaremko, [A Critical Exploration of the South Saskatchewan Regional Plan in Alberta](#), (2016), CIRL Occasional Paper #54 (Calgary: Canadian Institute of Resources Law, 2016), and David K. Laidlaw, “[Global Warming and Indigenous Water Rights in Alberta](#)” in Jim Ellis, ed, *Water Rites: Reimagining Water in the West* (Calgary: U of C Press, 2018) at 70-73. The [South Saskatchewan Regional Plan 5-Year Evaluation Report \(2020\)](#), (SSRP 5 Year Review) notes that the SSRP has for the most part corrected the issues identified in the LARP 5 Year Review, as discussed in Part 1 of this post, but not all of them:

[f]or two of the four purposes statements, the Committee found that the SSRP was in full alignment with the purpose statement. However, the Committee found that the SSRP fell short of fully delivering on Section 1(2)(a) and 1(2)(c) of the *ALSA*, raising concerns with delays in releasing Progress Reports, the effective monitoring and tracking of the implementation of objectives and strategies in the SSRP, and meeting reporting requirements included in the Regulatory Details. (at 5)

It should be noted that the same consultant was appointed to conduct these reviews and similar methodologies were used. Reference to them is important, as they are limited to comparing the regional plans to *ALSA*’s purpose provisions and consistency.

## **LARP Development**

The development of LARP was tightly controlled by the Albert government in [a three phased consultation process](#).

### **Phase 1 – Regional Advisory Council (RAC)**

Alberta had selected stakeholders propose members for the Regional Advisory Council (RAC) and subsequently appointed [a small 17 person RAC](#) on December 16, 2008. The RAC’s [first meeting](#) was on [January 28 to 29, 2009](#) where RAC was provided, among other things, the government’s Draft Team Charter, which was described as being edited in real time with a time limited input from the RAC (~2 hours according to the Agenda). RAC’s [second meeting](#) was on [March 4 to 5, 2009](#), which included, among other things, finalizing the Draft Team Charter with time limited input (~20 minutes according to the Agenda); presenting the government’s Draft Regional Profile; and the RAC requesting that its Terms of Reference be provided at the next

meeting. The RAC's [third meeting](#) was on [May 6 to 7, 2009](#), which included, among other things:

- [Team Charter \(April, 2009\)](#), which limited RAC's advice to a provincial Regional Planning Team (RPT), and a Confidentiality Undertaking extending cabinet confidentiality to their deliberations finalized on the basis that the RAC "[a]gree that it is time to move on," implying that there remained issues for one or more RAC members;
- Draft Terms of Reference, subject to Cabinet approval provided to the RAC with RAC's documented input in the ~1/2 hour, according to the Agenda, limited to: "Page 9, paragraph 3 – question the use of 'potentially consulted,' Page 11 – suggestion that there needs to be clarification between 'Land must be managed' and 'Land use must be managed' [and] Page 18 – amend Lakeland County to Lac La Biche County;" and
- Alberta would be preparing for "[p]ublic and stakeholder awareness sessions planned for June in the region. RAC attendance at [these] sessions is voluntary."

Alberta arranged RAC Awareness Sessions, summarized in a government document ([Phase 1 Consultation LARP \(July 2009\)](#)) that consisting of 14 meetings from May 20, 2009 to June 18, 2009 with invited stakeholders and the public (consultation with Indigenous peoples was conducted separately) with approximately 271 participants, ranging from "a high of 38 people in Fort McMurray to fewer than 10 in remote communities." (at 5)

In the interim, RAC's [fourth meeting](#) was held on [June 2 to 4, 2009](#), which included, in accordance with the Draft Terms of Reference, government directed: consideration of the draft Vision and Outcomes of LARP; transportation corridors; Aboriginal rights recognized by Alberta; economics of low, mid and high output of oilsands bitumen; forestry and social modelling; and others.

RAC's [fifth meeting](#) was held on [July 8 to 9, 2009](#), which included, in accordance with the Draft Terms of Reference: finalization of the Vision and Outcomes of LARP, which was described as being edited in real time with a time limited input from the RAC (~2 hours according to the Agenda); presentation of the [Phase 1 Consultation LARP \(July 2009\)](#) document; notification that the RAC's Terms of Reference (July 2009) would be approved by Cabinet on July 21, 2009, as well as the finalized the [Regional Profile \(July 2009\)](#).

### **RAC's Terms of Reference (2009)**

[RAC's Terms of Reference \(July 2009\)](#) provided that:

Cabinet [of Alberta] will provide guidance to the RAC regarding the economic, environmental and social expectations for the region in the context of the entire province. This will ensure that the regional plan is consistent with the Alberta government's vision, objectives and priorities for the province. (at 5)

Further, at 6 to 7, that Cabinet guidance:

...will be provided in stages, framing the work of the RAC as it progressively narrows its focus from broad to specific questions and issues ... [this] Cabinet guidance will include three major aspects of land-use:

### The Balance Between Development and the Environment

Economic development is important for creating jobs and prosperity for Albertans. But development must be balanced with protection of airsheds, watersheds and landscapes and healthy ecosystems. The RAC will be given guidance about how to strike this balance in the region.

### Assessment and Allocation of Resources

Resources such as air, water and land have finite carrying capacity. Assessing and allocating these resources for different land-use activities (e.g., conservation, recreation, agriculture) will be an aspect of the RAC's work.

### Policy Alignment

The RAC will be asked to identify policy gaps or conflicts that must be addressed in order to align provincial policies with the regional plan.

It continued, at 13, saying "resource development in the Lower Athabasca Region will remain a key economic driver for Alberta. Accordingly, the land base should be managed to support economic development opportunities as the primary but not sole priority." RAC was to consider three scenarios for oil sands development: i) the current 1.5-2 million barrels per day (mbd); ii) mid-range 4-4.5 mbd (Alberta said the mid-range was achievable with bitumen production increasing at a rate of 20 per cent each year, and this was the government's goal); and ii) high range 6+ mbd.

As to new conservation areas, one of the RAC's mandate specified these as areas with little industrial activity, ideal terrain, and connectivity i.e. wildlife corridors. While the existing level of conservation areas was 6% in the region, an additional 10% could be added without conflicting with oil sands tenures, but a direction was included to test a 20% conservation area provided that "minimizing and limiting any negative impacts, including mineral tenure and fiscal implications," all subject to obtaining the stated economic objectives (at 13 - 17).

Cabinet guidance was forthcoming through the Chair (a Deputy Minister in the Government), a Ministerial Working Group (MWG), and the provincial Regional Planning Team (RPT). The agenda and presentations to RAC were primarily limited to government presentations. The RAC process was to take government presented information, as informed by their stakeholders' understandings, and make recommendations to the RPT who would process them and provide comments to RAC, and once finalized be presented to the MWG for another round of comments and discussion.

The RAC met with the province for additional meetings with the [sixth meeting](#) on [August 4 to 6, 2009](#); [seventh](#) on [September 2 to 3, 2009](#); [eighth](#) on [October 7 to 8, 2009](#); [ninth](#) on [November 4](#)

to 5, 2009; tenth on [December 2 to 3, 2009](#); eleventh on [January 6 to 7, 2010](#); the twelfth on February 10 to 11, 2010 and the thirteenth on March 3 to 4, 2010, with these last two meetings being described as ‘Working Sessions’ with no notes being produced. RAC provided its advice to the government by way of confidential Advice Sheets and a “version 11” of the Lower Athabasca Regional Plan (LARP) Vision Document, including Draft Land Use Map and Land Use Classifications at the thirteenth meeting, thus concluding its mandate. These RAC proceedings were the critical stage in developing LARP.

## **Phase 2 – Input on the Regional Advisory Council Advice – September 2010**

The Alberta government released to the public, a 39-page [Lower Athabasca Regional Advisory Council’s Advice to the Government of Alberta Regarding a Vision for the Lower Athabasca Region](#) (August 2010) with a draft map of the planning region and inviting [public comment](#). These sessions were held over 12 days in September, 2011 with a total of 490 people attending public open house sessions in the morning, and with government summaries provided in the [Phase 2 Public Consultation Summary LARP](#) (December 2010). [In the afternoons of these meeting](#) 270 invited stakeholders attended Stakeholder Workshops with government summaries [Phase 2 Stakeholder Consultation Summary LARP](#) (December 2010), and a government prepared workbook was distributed at the meetings, and posted on a website for two months. These were summarized in the [Phase 2 Public Workbook Summary LARP](#) (December 2010).

## **Phase 3 – Feedback on the Draft Regional Plan – 2011**

The Alberta government prepared the [Draft Lower Athabasca Integrated Regional Plan](#) (April 5, 2011) with [Draft Proposed Lower Athabasca Integrated Regional Plan Regulations](#) (March 2011) (collectively the Draft LARP). The government’s Draft LARP differed in many ways, for example ignoring RAC’s advice to implement a 32% conservation protection area in the planning region, reducing it to 16% additional protected areas together with the existing 6% of protected areas, for a total of 22%, and changing the location of the additional conservation areas, breaking the wildlife corridors which were part of the RAC’s Terms of Reference.

Public and stakeholder consultations on the Draft LARP were held for one month on fifteen occasions from April 18 to May 19, 2011 with a total of 460 people attending Public Open House sessions in the late afternoon as summarized by the government [Phase 3 Public Consultation Summary LARP](#) (August 2011); 320 Stakeholders attended Stakeholder Workshops in the mornings and early afternoon as summarized in the [Phase 3 Stakeholder Consultation Summary LARP](#) (August 2011); and a workbook distributed at the meetings and posted on a website for two months summarized in the [Phase 3 Workbook Summary LARP](#) (August 2011) (it should be noted that both the Phase 2 and Phase 3 Workbooks are qualified saying “[t]his workbook input does not constitute a random sample and as such, the results cannot be statistically generalized to the overall population”). The deadline for public comment was extended on [December 16, 2011](#) to April 30, 2012 to allow for the completion of a Property Review, prompted by Opposition parties concerns over section 19 of *ALSA*, which was consequently amended, however the results of the extended comment period are not public.



As to consultation with First Nations and Métis communities, the government in all of its documents reassured the public that Aboriginal consultations for input into the regional plan were ongoing. Indeed, First Nations and Métis Communities had been submitting input on the LUF since the mid-2000's, (see e.g. the Alberta Aboriginal Affairs and Northern Development's [Summary Report: Aboriginal Input on the Provincial Land Use Framework Initiative](#) (November, 2006) and [Government of Alberta's Response to Aboriginal Consultation on the Draft Alberta Land-use Framework 2008 \(2009\)](#); the RAC Vision, for example [Athabasca Chipewyan First Nation Advice to the Government of Alberta Regarding the Lower Athabasca Regional Plan](#) (November 22, 2010), and the Draft LARP (see also generally Monique Passelac-Ross and Karin Buss, [Water Stewardship in the Lower Athabasca River: Is the Alberta Government Paying Attention to Aboriginal Rights to Water?](#), CIRL Occasional Paper #35 (Calgary: Canadian Institute of Resources Law, 2011) at 37- 40 in particular). The *First Nation Consultation Plan for the Lower Athabasca Region* (2009), which does not appear to be publicly available, had promised that each First Nation having a reserve or traditional land uses in the region would be consulted separately on the LARP at each step. However, unlike the other consultation summaries, that input would be published after the LARP was finalized – this meant that unlike other Albertans, they had no ability to ascertain what input was being accepted in each draft and adjust accordingly. Alberta's summary of Aboriginal consultation, the [Response to Aboriginal Consultation on the Lower Athabasca Regional Plan](#) (2013), (*Aboriginal Consultation Response*) was made public after LARP became effective. The thrust of First Nations' and Métis community's input that the Lower Athabasca region was their traditional territories and their constitutionally protected treaty and Aboriginal rights mandated protection was ignored and the *Aboriginal Consultation Response* simply said that “taking into account and balancing the economic, environmental, and social needs of all residents of the region and all Albertans, it is not possible to address or accommodate all concerns in the manner proposed by a First Nation or Métis organization” (at 20, emphasis added).

Likewise, the finalized LARP differed from the Draft LARP both in the conservation areas and impact on oil-sands tenure. The finalized LARP was approved by the Lieutenant-Governor in Council, on August 22, 2012, and came into effect on September 1, 2012.

This development of LARP was criticized at every stage, i.e., LUF, RAC Vision, Draft LARP, etc. For examples, see Monique Passelac-Ross, “[Public Participation in Alberta's Land-Use Planning Process](#)” (2011), 112-2011 CIRL Resources. The most comprehensive analysis of the LARP development process is Parastoo Emami's 2014 Masters' dissertation entitled, [Evaluating Procedural Justice in Regional Planning Process: Lessons From Alberta's Regional Plans](#), (MA Thesis: University of Lethbridge, 2014) (Emami), noting at 132 that “Alberta's regional planning processes are designed based on a top down management approach. Therefore, the public has no direct role in making the final decisions.”

## **LARP – Application**

LARP rules of application are found in the *Regulatory Details Plan*, which consists of the following parts:

- Part 1, General, (at 5 – 11), with section 1 defining the terms in LARP, with section 1(e) defining the *Regulatory Details Plan* to incorporate Part 1 General;

- Part 2 Conservation Areas (at 43);
- Part 3 Conserved Land (at 44);
- Part 4 Air Quality (at 48 - 50);
- Part 5 Surface Water Quality (at 52 - 54);
- Part 6 Groundwater (at 57);
- Part 7 Recreation and Tourism (at 61 -62); and
- Part 8 Monitoring and Reporting (at 67) (collectively *Regulatory Details Plan*)

Subsequent references in this section are to the *Regulatory Details Plan* unless otherwise noted.

Section 1(c) defines the *LARP Implementation Plan* as including:

- LARP Tables and Schedules but not the interspersed *Regulatory Details Plan*, thus the LARP Implementation Plan consists of
  - Strategy & Outcome 1: Economic Potential of Oil Sands Resource is Optimized; Outcome 2: The Region’s Economy is Diversified; and Outcome 3: Landscapes are Managed to Maintain Ecosystem Function (at 35 – 42)
  - Air and Water are Managed to Support Human and Ecosystem Needs (at 45 – 47)
  - Surface Water Quality (at 51)
  - Groundwater Quality and Quantity (at 55 – 56)
  - Outcome 5: Infrastructure Development Supports Economic and Population Growth and Outcome 6: The Quality of Life of Residents is Enhanced Through Increased Opportunities and Recreation and Active Living (at 58 – 60)
  - Outcome 6: Inclusion of Aboriginal Peoples in Land Use Planning; and Monitoring, Evaluation and Reporting (at 63 – 66), and
  - Tables 1 & 2 and Schedules A to F (at 68 – 92).

Section 1(d) defines the LARP Introduction as pages 1 to 5. Section 1(f) defines the LARP Strategic Plans as page 13 to 34; and section 1(g) defines the “planning region” as the *Lower Athabasca Planning Region* in the digital shapefile detailing which is represented in the attached Schedule G.

LARP applies in section 2(1) to the Crown, provincial decision-makers, local government bodies and other private persons not having a valid variance under *ALSA* (collectively the Bound Parties) in respect of land, activities, effects, the environment, species, and thresholds in the planning region.

Section 3 says the LARP Introduction is not intended to have binding legal effect, but rather consists of statements of provincial policy to inform the Bound Parties. The following sub-regional plans were referred to in the LARP Introduction at 4:

- [Cold Lake Sub-Regional – Integrated Regional Plan \(1996\)](#);
- [Fort McMurray Athabasca Oil Sands Sub-Regional – Integrated Resource Plan \(2002\)](#);
- and
- [Lakeland Sub-Regional – Integrated Resource Plan \(1985\)](#).

Section 4 says the LARP Strategic Plan, except as otherwise provided in *Regulatory Details Plan*, is not intended to have binding legal effect, and are statements of provincial policy to inform Bound Parties as to: (a) identifying the objectives of the Province of Alberta; (b) planning for the future; (c) managing activities to meet the reasonably foreseeable needs of current and future generations of Albertans, including Aboriginal peoples; (d) considering future proposals for land use and development; (e) setting priorities in the co-ordination of decisions by decision makers and local government bodies; (f) monitoring the cumulative effect of human endeavour and other events; (g) responding to the cumulative effect of human endeavour and other events; (h) generally in respect of carrying out their respective powers, duties, and responsibilities.

Section 5 says the LARP Implementation Plan, except as otherwise provided in the *Regulatory Details Plan*, is not intended to have binding legal effect, and are statements of policy to guide the Crown, decision-makers and local government bodies for (a) managing activities to meet the reasonably foreseeable needs of current and future generations of Albertans, including Aboriginal peoples; (b) enforcing compliance with any provision of this *Regulatory Details Plan* or any other enactment; (c) setting priorities in the co-ordination of decisions by decision-makers and local government bodies; (d) monitoring the cumulative effect of human endeavour and other events; (e) responding to the cumulative effect of human endeavour and other events; (f) generally in respect of carrying out their respective powers, duties, and responsibilities. activities in the region.

Section 6 restates for clarity that the *Regulatory Details Plan* is enforceable as law, despite the interspersed presentation in LARP, and binds the Crown, decision-makers, local government bodies, and, absent a successful variance application under *ALSA*, all other persons.

Section 7(1) requires a decision-making body (defined in *ALSA* section 2(1)(f) as a public organization established by a statute if all or a majority of members are described by name or office in that statute or appointed by government) and in section 7(2) a local government body (defined *ALSA* section 2(1)(q) that includes, among others, municipal governments, Métis governments but not Water Commissions) before carrying out any part of their powers in the planning region to consider the LARP Strategic Plan and the LARP Implementation Plan.

Crucially, section 7(3) states that a decision-maker or local government body:

must not adjourn, defer, deny, refuse, or reject any application, proceeding or decision-making process before it by reason only of (a) the Crown's non-compliance with a provision of either the LARP Strategic Plan or LARP Implementation Plan, or (b) the incompleteness by the Crown or any body of any direction or commitment made in a provision of either the LARP Strategic Plan or LARP Implementation Plan.

This makes the LARP binding despite any incomplete aspects or missing frameworks. Furthermore, while the LARP is binding on the Crown, there is no easy way to enforce any violations of LARP against Alberta, for example failing to designate promised conservation areas or completing missing frameworks as *ALSA*, as noted above in Part I of this post, exempts the government from any Court action by any person with respect to final regional plans, aside from complaints to the Stewardship Commissioner.



The province has delayed a number of management frameworks in LARP, notably the Biodiversity Management Framework and Landscape Management Framework promised for completion in 2013 (LARP at 28 and 46) which remain to be started. Under LARP section 7(3), this is allowed and leaves decision-makers such as the AER making decision without guidance from missing frameworks (see *Prosper Petroleum Ltd. Regulatory Appeal of 24 Well Licences and a Letter of Authority Undefined Field*, [2014 ABAER 013](#) at para 9, 58, and 59).

Section 8, in accordance with ALSA's wide mandate, says that the Designated Minister responsible for any part of LARP, may by order establish designated bodies or delegate to established bodies, any part of their authority as directed by the order. The [Alberta Order-in-Council database](#) does not disclose any designations. The Designated Minister is described in other parts of the *Regulatory Details Plan* below.

Section 9, requires the Designated Minister to report on programs for the effectiveness of:

- Conservation Areas in meeting the LARP Implementation Plan (at section 17);
- the ratio of Conserved Lands (at section 20);
- the ambient air quality (at section 20(b)) and effectiveness of the frameworks in meeting the air quality objective in the LARP Implementation Plan (at section 20(c));
- the water quality of the Lower Athabasca River (at section 31(b)) and effectiveness of the frameworks in meeting the water quality objective in the LARP Implementation Plan (at section 31(c));
- the ground water quantity and quality in the planning region (at section 37);
- effectiveness of the public areas for recreation and tourism *or* provincial recreation areas in meeting the objectives in the LARP Implementation Plan (at section 45),
- and the Designated Minister in Table 1 and 2 as to the status of the supporting indicators and the effectiveness of the associated strategy in both a hard copy and electronic copy on request and posted on the [LUS website](#).

Section 10 requires a decision-maker to review; make changes to policies and regulatory instruments; and consider any new initiatives to reach compliance with LARP within 2 years. Local government bodies were given 5 years.

Section 11 says the LARP applies to all applications for statutory consents and if a pre-existing statutory consent for an activity does not comply with the LARP that statutory consent continues to exist. However, after the LARP comes into effect, an application may only be granted if the decision-maker believes it is incidental to that statutory consent, and in that the decision-maker shall consider the LARP Strategic Plan, but not the LARP Implementation Plan. A renewal of the statutory consent is not incidental to an existing statutory consent and must be considered anew.

Section 12 proclaims that the LARP will come into force on September 1, 2012. All of this despite missing frameworks, public consultation not effecting the resultant LARP, dismissal of First Nation and Métis community's input, and government directed development of the LARP. In short, many view the LARP as a government blueprint for the rapid expansion of the oils sands industry at the expense of the environment and Indigenous rights. The AER, amongst other

decision-making bodies acts on this basis see: Teck Resources Limited, Application for Oil Sands Evaluation Well Licences Undefined Field, [2013 ABAER 017](#), October 21, 2013:

The AER accepts that LARP reflects government policy on land development as set out in the plan and that bitumen resource development is a priority use for the Lower Athabasca region, which includes the area of the applications. (at para 63)

### **LARP Management Frameworks**

LARP incorporates management frameworks for regional impacts on the environment and persons residing in the region. They are in addition to existing legislation, as modified by LARP. Management frameworks are supposed to be a model of adaptive regulation wherein regulatory action in existing legislation or other directions undertaken by Designated Ministers (*measures*) will be implemented in response to regional impact *indicators* that exceed *trigger levels* as included in the management frameworks or LARP, with ongoing regional monitoring and reporting as to the effectiveness of those *measures*. Some, but not all *measures* are elaborated in the management frameworks.

Management frameworks are thus dependent on the selection of *indicators*, *trigger levels* and *measures* chosen by bureaucrats in the absolute discretion of the Designated Ministries as *measures* are staged, for example from the [Air Quality Management Framework for LARP](#) (September 1, 2012) at 24:



Thus, until the Investigation Stages are complete, any regulatory or LARP direction will be chosen in the Oversight/Delivery of Management Actions Stage.

This is in contrast to statutory limits enforceable by Designated Ministries – who may have discretion in laying charges, but that decision is at the least open to political challenge. Alberta

has a poor record in enforcing environmental protections, see: Chilenye Nwapi, [A Review of the Environmental Enforcement Culture in Alberta in Relation to the Oil Sands](#), Occasional Paper #40 (Calgary: Canadian Institute of Resources Law, 2013).

In an ideal world, accountability would be assured the by monitoring and reporting requirements in LARP. Although legal supervision by the courts is limited to complaints to, and at the discretion of, the Stewardship Commissioner to bring court proceedings under *ALSA*, as noted in Part 1 of this ABlawg post.

What then does the LARP frameworks say about the region's *indicators*, *trigger levels*, and *measures* in the past 10 years? The answers will be discussed in Part 3 of this series.

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