



'Potatogate' Victory: People Power Does Work!

By Nigel Douglas, AWA Conservation Specialist

The recent collapse of the proposed 'Potatogate' public land sale is a valuable lesson that, if enough of us care about our precious natural environment, and are prepared to speak out loud and clear, then we really can make a difference.

In the October *Wild Lands Advocate* article, "Alberta for Sale. Public Land Sale to Turn Endangered Species Habitat into Potato Chips," we described the secretive deal, where 16,000 acres of public land – scarce native grassland near Bow Island, known to be habitat for a number of endangered species – was due to be sold off to a private company. If the sale went ahead, the irreplaceable prairie would be ploughed up and turned into a low value potato crop. Before AWA blew the whistle, the proposed deal was set to go ahead with no public input whatsoever. Fortunately, an unprecedented public outcry began about the proposed deal. AWA supporters, particularly members of our Wilderness and Wildlife Defenders listserve, came out in droves to write letters and emails, and call their MLAs to protest this shabby deal to sell off our valuable public land with no public process.

The proposed deal was finally called off, largely because of the sheer volume of public outrage. AWA owes a huge debt of gratitude to all those people who took the time to speak out: it was truly inspiring to be reminded that we really can make a difference.

But although this specific piece of land has received a temporary reprieve, there is still a great deal of work to be done. The fundamentally flawed system, whereby valuable public land can be sold off on a political whim, with no requirement for any public involvement, is still very much in place. Without comprehensive changes to government regulations and practices, there may

be many more 'Potatogates' and we will have to keep on fighting these unnecessary battles.

Proposed changes to the regulations of the *Public Lands Act* are still working their way through the legislative process. While this would be a perfect opportunity to develop a fully-accountable process to allow future public land sales and dispositions to be discussed in the public domain, the proposed regulations in fact do nothing of the sort: they still allow for a minister to put public land up for sale with no requirement for a public process.

So AWA has put together a series of recommended guidelines which, if adopted, would help put the public back into public land sales. The full guidelines, endorsed by Alberta Native Plant Council and Nature Alberta, are available on AWA's website; extracts from these recommendations are reproduced below.

AWA's Wilderness and Wildlife Defenders

Please let us know if you would like to be added to AWA's Wilderness and Wildlife Defenders list, so you too can learn about specific opportunities such as this to speak out about issues affecting Alberta's wilderness. You can sign up online at AlbertaWilderness.ca, (click on 'Act Now') or call us at 403-283-2025.

Sale of Public Land in Alberta Recommendations for Improving Regulation, Policy and Procedure

The recent application to government to purchase 25 sections of public land that would see native prairie turned into irrigated potato fields was a lightning rod for public outrage over shortcomings in how government deals with public land sales. Information about the proposed sale emerged through media reports and interviews, and was often incomplete

and inaccurate. The lack of an open, transparent and fair public process was a major concern for many Albertans. Standard procedures regarding sale of public land were not followed.

If the application had not been withdrawn, the Minister of Sustainable Resource Development was poised to approve the sale of a large block of native prairie assessed as of national environmental significance and providing habitat for several federally and provincially listed species at risk. The proposed deal also had implications for aquatic ecosystem health in the stressed lower Bow River and for soil conservation given that the suitability of the land for irrigation was uncertain. Given that expansion of potato production is not being encouraged, any positive contribution of the project to the regional economy was questionable. Current uses of the public land for sustainable livestock production and outdoor recreation would have been lost.

Alberta Wilderness Association (AWA) is fundamentally opposed to the sale of public land in Alberta, with the exception of trading small cultivated parcels that have little ecological value to obtain more important habitat on private land.

In an attempt to learn from this experience, this document has been prepared to promote discussion about improvements that are needed in regulation, policy and procedures regarding sale and acquisition of public land. The focus is on public lands in the Prairie and Parkland of southern Alberta where land use pressures are greatest.

Value of Public Lands

Public lands support most of the remaining native ecosystems in southern Alberta. Native ecosystems are a key

Albertans truly appreciate our native grasslands. This was made abundantly clear by the hundreds of people who spoke out against the proposed "Potatogate" deal.

PHOTO: C. OLSON



component of biodiversity and essential habitat for wildlife. They perform important ecological functions such as air purification, watershed protection (water capture, soil stability) and carbon storage.

Healthy native ecosystems are essential for a sustainable ranching industry. Extensive blocks of public land may be important to cultivation agriculture by providing buffers against disease, pathogens and as habitat for pollinators.

Extensive blocks of public land provide space, a key element not only for biodiversity retention but also for the human spirit. The open space and aesthetics of native landscapes contribute to high quality recreation opportunities and tourism. As well, resource extraction activities (e.g. oil and gas development) occur on public lands with management oversight to maintain ecosystem health.

Suggestions to Improve Regulations, Policies and Procedures Regarding Public Land Sales

The following are suggestions to improve regulations, policies and procedures regarding public land sales:

1 Identify and Designate Areas of High Conservation Value Where Public Lands will be Retained

Regional plans developed under the Land-Use Framework provide a mechanism to identify public lands that should be retained and managed for protection and maintenance of biodiversity and species at risk and the other ecological goods and services that native ecosystems provide. In general the long-term interest of all Albertans is best served by retaining public lands as a trust held by government for conservation purposes.

The Prairie Conservation Forum input to the Regional Advisory Council for the South Saskatchewan Region (SSRP) (August 2009) indicates that the large majority of public land remaining in the SSRP area is of high value for retaining biological diversity and ecosystem function. Included in this is a large amount of tax recovery land, some of which was settled or cultivated historically but has since reverted to native prairie. The only public lands remaining that may be suitable for sale are isolated parcels under cultivation or tame pasture or lands adjacent to large

urban centres that are required for orderly urban expansion.

Areas that are zoned for conservation purposes at the regional level may include both public and private lands. One way of flagging public lands within these zones is through protective notations (PNT), reservations that identify land and resources that are managed to achieve particular conservation objectives. Protective notations show allowable land uses. Public lands under PNT are not considered for sale.

In general, protective notations would be applied to public lands in large contiguous blocks of prairie identified through the Grassland Vegetation Inventory, significant connecting corridors between these blocks (including possible regeneration connections), Environmentally Significant Areas and other important habitat areas for at risk species (PCF 2009).

2 Use Conservation Easements

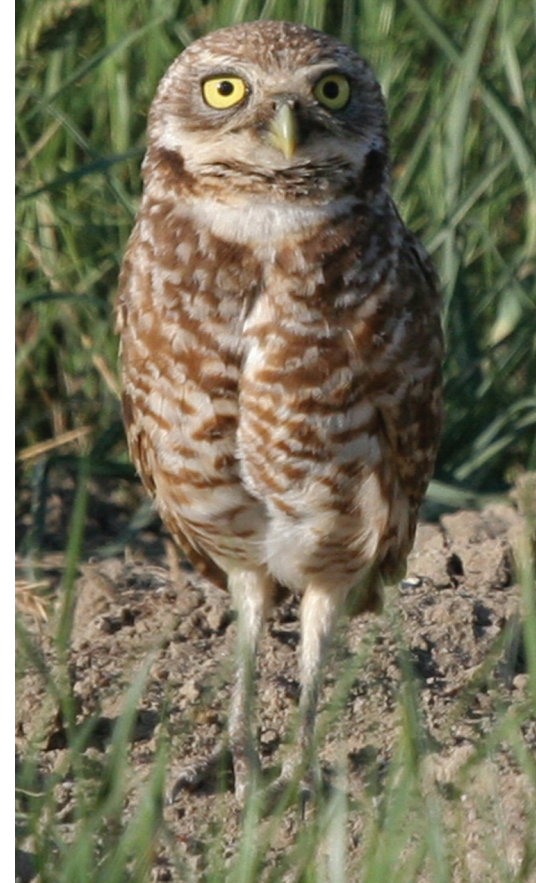
Cooperation between managers of public and private land may be needed to achieve conservation objectives identified in regional plans, especially in areas where there is a mix of public and private lands. Private lands of high importance for conservation may be secured by private land trusts through outright purchase, land donation or conservation agreement. Conservation easements are legal documents in which a landowner agrees to the imposition of restrictions on activities that would threaten the environmental value of the land.

This tool may be especially important to use in situations where tax recovery lands have been transferred to a municipality who then chooses to sell the land. One of the requirements of sale would be to place a conservation easement on the land prior to sale. A conservation agreement allows the owner to remain on the land and make compatible use of the land while ensuring its protection from future development.

3 Create Regulations Regarding Public Land Sale/Trade

Regulations are needed that clearly codify procedures to be used for public land sale/trade and that require public notice and consultation. These regulations would stipulate:

a. Criteria that would guide determining



Burrowing owls nesting on the "Potatogate" land received a temporary reprieve when the proposed land sale fell through but their future is by no means assured.

PHOTO: C. WALLIS

if public land is "surplus to public needs" or "suitable for sale/trade" including:

- Value for protecting and maintaining biodiversity and species at risk
- Impact on other resource values (e.g. recreation)
- Conformity with land-use policies and plans (e.g. regional plans)
- Availability of private land for uses of economic or social importance

b. Who may make an application and how. Canadian citizens, corporations or municipalities who currently hold a disposition or have the consent of the current disposition holder would submit an application to Public Lands.

c. Procedure for sale/trade – The application is considered by Public Lands and through internal referral by other government agencies with an interest. If the land is determined to be suitable for sale or trade, public notice is given and opportunity for public input is provided. If there is not significant public concern about the proposed sale, then the land would be sold in a public auction or tender. 🐦