

Behind the Scenes of “Potatogate”



By Nigel Douglas, AWA Conservation Specialist

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An AWA application under the provincial *Freedom of Information and Protection of Privacy (FOIP) Act* to see documents and correspondence behind the sordid “Potatogate” saga has been both revealing and frustrating. AWA was hoping for a window into the secretive process that very nearly allowed 16,000 acres of public land – scarce native grassland, home to numerous endangered species – to be sold off to a private individual to be ploughed up to grow potatoes. The window turned out to be a cracked and a grimy one, mostly obscured by carefully drawn curtains, yet it did still reveal a few nuggets of important information.

AWA broke the Potatogate story in September 2010 when we revealed that, in a behind-closed-doors process, the Alberta government had deemed 25 sections of native prairie near Bow Island to be “surplus to requirements.” Despite the fact the land was known to be habitat for a number of species listed under the federal *Species at Risk Act* (including burrowing owl, ferruginous hawk, and Sprague’s pipit) the plan was to plough the land up to grow potatoes (see *WLA* October 2010).

After an unprecedented outpouring of public opposition – from conservationists, hunters, ranchers and a wide range of other interests – the attempt to buy the public land was withdrawn. This particular piece of land received a temporary reprieve, but the process that allows for these sorts of sales to be approved behind closed doors,

with no public input, remains unchanged. (The fact that the Alberta government subsequently transferred 84,000 acres of tax recovery land to municipalities in southern Alberta, again with not a whiff of public consultation, suggests that the message is not getting through).

Recreating the Dinosaur

Trying to make sense out of documents received through a FOIP application is somewhat akin to trying to recreate the appearance of a giant dinosaur skeleton from an odd tooth and a scrap of a toe bone. The majority of the useful and enlightening information appears to have been withheld. No correspondence involving ministers or deputy ministers was included in the response to our request. One is left with strings of email correspondence, where one person sent an email to another person on a certain date, but the entire contents of the email have been deleted. If the contents of the email messages have been retained, then they often refer to attached documents which have themselves been deleted from the information supplied by the government. Freedom of information indeed!

The provincial *Freedom of Information and Protection of Privacy Act*, grand as it may sound, allows an enormous amount of discretion in what information may be passed on and what may be withheld. For example, the Act states:

“The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal...

(b) consultations or deliberations involving
(i) officers or employees of a public body...”

The Ministry of Sustainable Resource Development is such a “public body”,

and so effectively the ministry can withhold any information that involves one of its employees. Not particularly illuminating is it? Of the 912 pages of potential information received through AWA’s Potatogate FOIP request, 194 were subject to “partial severing” or were “severed in their entirety.” One has to work all the way through to page two – yes, all the way to page two – to find the first *entirely severed* page. Soon after one finds a *partially severed* email message which reads “The answers are as follows.” The rest of the email has been deleted.

Science vs. Politics

One of the most striking impressions from reading the Potatogate FOIP material is just how strong the opposition to the land sale was within the Ministry of Sustainable Resource Development (SRD). Senior staff from the Rangeland and Fish and Wildlife Divisions made it abundantly clear that the application should be rejected, but their opinions were evidently overruled. The Fish and Wildlife division recommended “against the sale of this land due to its high value for species at risk and wildlife, and high ecological value as a large contiguous block of native grassland, a relatively limited resource.” Similarly, a report from SRD’s Rangeland division emphasized: “the land requested is not surplus to our needs as it is currently being used for grazing and recreation. The landscape has high wildlife values and contributes to ecological goods and services of the community... The land is environmentally sensitive and best left in its native state. Taking such a large acreage out of the public land base would have a profound effect on the people who rely on this resource and all the values it provides. (The) recommendation is **not** to sell it.”

The points raised by SRD staff

throughout the Potatogate discussions, from what we can see from the blinkered view of the record we were provided with, were in many ways similar to those raised by AWA in objection to the proposed land sale. SRD senior staff comments included:

- “The lands in question are high quality habitat for species listed as *Endangered* and *Threatened* in Alberta’s *Wildlife Act* and Canada’s *Species at Risk Act*.” Fish and Wildlife reports list thirteen such species confirmed as using the area “for critical life stages,” including burrowing owl, ferruginous hawk and Sprague’s pipit. They also note that: “Land sale and subsequent cultivation could lead to the possibility of legal challenges from third parties under the federal *Species at Risk Act*.”
- “There are considerable and major benefits of retaining this relatively large block of intact native grass, a very limited resource, in public ownership. Retaining these lands as public lands in native grassland condition would benefit species at risk and wildlife habitat and populations, provide ongoing grazing benefits, public recreation, hunting and nature appreciation, as well as many environmental services such as carbon sequestration and overall biodiversity value.”
- “The native prairie component of the Prairies Area has slowly decreased, over time, to where it is only 31% of the total landscape.”
- “Significant portions of the land under consideration are rated as having National Environmental Significance.”
- “Biodiversity on native prairie landscapes is wide and complex providing high values for wildlife habitat including species at risk. Three quarters of Alberta’s species at risk are found in this corner of the province in association with Mixedgrass and Dry Mixedgrass prairie.”

Interestingly, SRD staff comments also echo AWA’s assertions that any land sale would preempt the province’s own Land-Use Framework process, which is currently working to provide planning

guidelines in the South Saskatchewan region: “One of the main considerations of the (South Saskatchewan Regional Plan) planning efforts is to minimize the effects of cumulative effects on native grasslands. Direct sale of large acreages of native prairie, that we know will go to cultivation, is likely not in step with that direction.”

As well as being unpopular with environmentalists, hunters and recreationists, the proposed Potatogate deal was also opposed by the local grazing association. Some of the land in question is leased directly by the applicant; another portion is leased to the Bow Island Grazing Association which did not support the land sale. SRD Rangeland staff wrote at the time: “Removal of the lands applied for from Bow Island Provincial Grazing Reserve without the Association’s consent would reduce PGR (Provincial Grazing Reserve – Nigel Douglas) Association/ patron confidence in the program province wide...Further the 1100 existing PGR patron families could view their current investment in Provincial Grazing Reserves at risk.”

Science vs. Dollars

Perhaps the strongest insight into why the Alberta government continued to entertain the proposal to buy up public land, despite the clear opposition of its own staff, comes in an innocently-titled report, *Economic Considerations in the Irrigation Development*. The report was apparently commissioned by SRD to study the economic benefits of the proposed land deal, but it comes across as entirely one-sided. Despite the title, the primary objective of this report is “to estimate the economic benefits to the province from the irrigation development of the Crown lands in terms of the jobs, GDP and taxes that would result from the

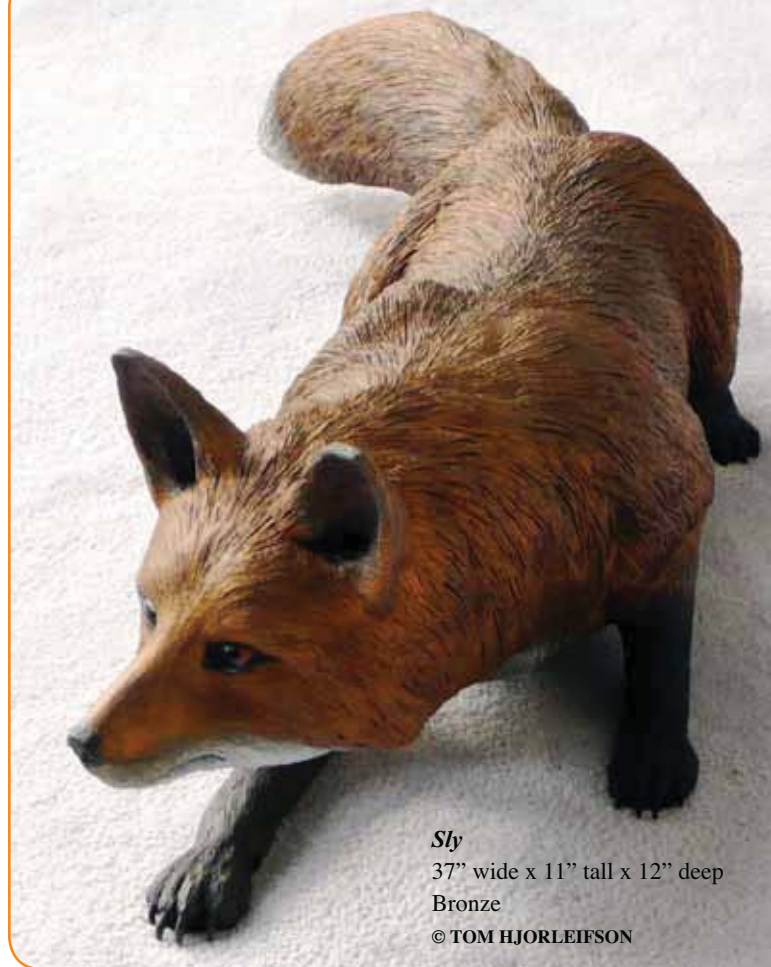
production of potatoes and other crops.”

Unfortunately, the “economic considerations” seem to focus on the economic benefits of the proposed development without looking at either the economic **costs** or the economic benefits of keeping the land in its natural state. Rather than comparing the potential benefits **and** the potential costs of ploughing up native prairie to grow potatoes, the report focuses on how to make more money out of a given piece of land. The focus is short-term economic benefits with no consideration of any of the ecosystem services provided by native grasslands, including wildlife habitat, production of clean water, carbon storage and recreation.

But of course, the fact that the Potatogate land exchange came perilously close to being approved would suggest that one-sided economic arguments held considerable sway over the Alberta government.

Potatogate: Lessons Learned

The lasting impression from reviewing the Potatogate FOIP materials is of knowledgeable and dedicated government staff trying their best



Sly
37” wide x 11” tall x 12” deep
Bronze
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to do the right thing. Reading the correspondence, one would assume that the proposal to buy the large block of public land would have been turned down out of hand. Government management staff from the Rangeland and Fish and Wildlife Divisions, who reviewed the proposal, made no bones about their opposition. And yet their recommendations were ignored.

This is, presumably, where the political decision-making process comes in and, unfortunately, materials released under FOIP legislation do not include any correspondence involving ministers or deputy ministers. Much as one would love to have been a fly on the wall when some of the discussions were taking place, there are enormous gaps in the evidence available to the Alberta public. Somewhere up the line, the recommendations from senior staff were overruled and the Alberta government continued to work behind closed doors towards approving the land sale. It was only after loud and widespread opposition from Albertans erupted that the proposal to buy the land was finally withdrawn. Incredibly, the government never did turn down the proposal; it was ultimately withdrawn by the applicant.

The good news of course is that, however much the Alberta government ignored its own staff, it could not ignore Albertans. When we do all choose to stand up and be counted, then Albertans do have the power to make our politicians sit up and pay attention. But it is important to remember that the process which allows for public land sales to take place in secret, with no public involvement, remains in place; there is nothing to prevent more “Potatogates” from happening in future. “There’s nothing secretive about this,” SRD Minister Mel Knight protested to the *Calgary Herald* in one breath. “We do not hold public consultations currently in the province of Alberta to sell land for agricultural purposes,” he said in another.

The last word goes to SRD senior staff who wrote: “I suggest that we are able to manage Public Lands in Alberta because we have both the legislated authority and the social license to do so... how we do business is what lets us continue to do business.” AWA heartily agrees with this sentiment: now it is time for the SRD Minister himself to pay attention! 🐦