



## Alberta's Red Tape Reduction

Bill 21, the *Red Tape Reduction Statutes Amendment Act*, received Royal Assent on May 31, 2022, but hasn't been proclaimed yet. This bill is likely to threaten our parks and public lands because it amends the *Provincial Parks Act* and *Public Lands Act* in such a way that gives undue discretionary power to the Minister of Environment and Parks when it comes to decision-making about land-use regulations. Changes proposed in Bill 21 allow the Minister to adopt documents from "any government, board, agency, association or person" as legally-enforceable rules under the *Public Lands Act* and *Provincial Parks Act*. It is unlikely that these documents, which could be created by anyone, would adequately protect environmental values such as species-at-risk, wildlife habitat, biodiversity, and healthy headwaters.

The importance of land-use planning under the *Alberta Land Stewardship Act* cannot be overstated. Land-use planning involves thorough assessment of what types of activities should be allowed where, and in what quantity. Cumulative effects assessments and public and Indigenous consultation are essential to good planning. Planning that ensures the voices of all Albertans are heard and the values of Alberta's landscapes are not compromised is critical. Proper cumulative effects assessments will provide science-based disturbance thresholds that limit the amount of certain activities that can exist on a landscape. For example, linear disturbance thresholds would place a cap on how many roads, trails, and seismic lines would be permitted in an area to protect ecological values. Exceeding these thresholds will threaten the ecological integrity of our wild spaces, and have long-term negative environmental, economic, and social impacts.

"Red Tape Reduction" Acts, including Bill 21, could facilitate regulations that bypass land-use planning and allow the Minister and certain user groups to make decisions based on their own discretion without considering the long-term or cumulative effects of these decisions in combination with other activities that occur on the landscape. This is not a transparent or inclusive enough process when it comes to protected areas and public lands, and does not protect the best interests of all Albertans.

The changes proposed in Bill 21 are an echo of other red tape legislation that made changes to *The Oil Sands Conservation Act*, the *Mines and Minerals Act*, and the *Forests Act*, among others. Changes to each of these acts in 2019-2021 allow the Minister to enter into contracts or agreements with companies without approval by Cabinet. In the case of the *Oil Sands Conservation Act*, the red tape legislation allows the government to approve or suspend projects without approval from Cabinet. While reducing the potential for the public to voice opposition to projects and agreements, this also gives a lot of discretionary power to the Minister to make decisions about public resources. These decisions often have long-lasting, far-reaching impacts, and should require a 'whole-of-government' approach rather than the discretion of one Minister. In the case of the *Forests Act*, changes were made in 2019 to allow the Minister to enter into Forest Management Agreements with forestry companies without oversight from Cabinet. Forest Management Agreements are generally 20-year-long renewable agreements that allow the forestry company to manage lands for the purposes of extracting timber. There should be thorough public and Indigenous consultation going into the decision to enter into an FMA or renew an FMA because of the potential long-term impacts of logging on the environment and on the livelihood of Indigenous peoples relying on these lands.





It is important to note that Bill 21 and Red Tape Reduction are not the only recent legislative changes that increase the discretionary power of Ministers and reduce science-based decision-making when it comes to our environment. The [Trails Act](#), which received Royal Assent on December 8, 2021, allows the Minister of Environment and Parks the authority to designate trails on public lands, and designate an organization or person as a trail manager. The decision to designate trails should be based on thorough assessments of cumulative effects through sub-regional land-use planning, not the discretion of the Minister of Environment and Parks or recreation groups such as off-highway vehicle users that may not have environmental protection as a top priority. As a case in point, a ministerial order under the *Trails Act* came out on April 26<sup>th</sup>, 2022, designating new trails on public lands without any assessment of the impacts of these trails on wildlife, species-at-risk, biodiversity, or water quality.

AWA is very concerned about this ongoing pattern of provincial government decisions that erode assurance and transparency of environmental stewardship of our parks and public lands. This was evident when the provincial government made the decision to [rescind the 1976 Coal Policy](#) (a policy that protected much of our beloved eastern slopes from open-pit coal mining), and in the so-called [“Optimize Alberta Parks” decision](#), where the government planned to de-list and remove protections from 164 parks and protected areas in Alberta. In both cases, the Alberta government made harmful environmental decisions resulting in widespread public outcry.

AWA is concerned that Bill 21 gives far greater regulatory discretion to a Minister to remove important environmental protections under the radar, so the public isn’t aware of what’s going on and doesn’t have a say in it. “Red Tape Reduction” implies that the only changes that are being made are to remove unnecessary rules. Instead, these bills remove important safeguards for protected areas and public lands regulatory development, and may result in a regulatory patchwork that is more difficult and confusing for Albertans.

