



Set-Up for Conflict: Albertans' Values vs Alberta's Resources



In Alberta, many of the natural resources are owned by the provincial government (a.k.a. the Crown). This includes things like water, wildlife, oil and gas, minerals, and public lands. The provincial government also gets to decide how to manage and use these resources - much like the owner of, say, something like a car gets to decide how to take care of and use it (subject to laws like speed limits).

What is Tenure?

Just like a car owner, the provincial government may decide to sell or loan its property. And just like someone else's car, you can't use or take natural resources without permission of the provincial government. When the provincial government decides to give someone permission to use or take natural resources, this is called a disposition. When someone has a **disposition**, we say they hold **tenure**.

Why should we Care about Tenure?

Tenure can be granted for significant periods of time, and may apply to large areas of land. This means that a company has rights to enter onto land and to stay there as they extract resources. Because of this, that piece of land is subjected to industrial activities for a long time and those activities may not be compatible with other uses. There may also be lasting impacts on that land such as loss of valuable habitat, irreversible changes to landscapes, and a legacy of water, soil and air pollution.

How does someone Get Tenure?

Because natural resources are valuable, there are many rules in place designed to ensure their orderly use and extraction. Typically, each type of natural resource has its own specific set of rules (i.e. a regulatory system). This regulatory system will explain how and what kind of dispositions of tenure can be made by the provincial government. For things like oil and gas, minerals and forests, companies are given dispositions which allow them to extract and sell those resources. In exchange, the company pays a fee (called rents, royalties, stumpage fees and so on).



An **FMA** (Forest Management Agreement) is an agreement between a company and the provincial government which allows the company “to enter on forest land for the purpose of establishing, growing and harvesting timber in a manner designed to provide a yield consistent with sustainable forest management principles and practices” (section 16 of the *Forests Act*).

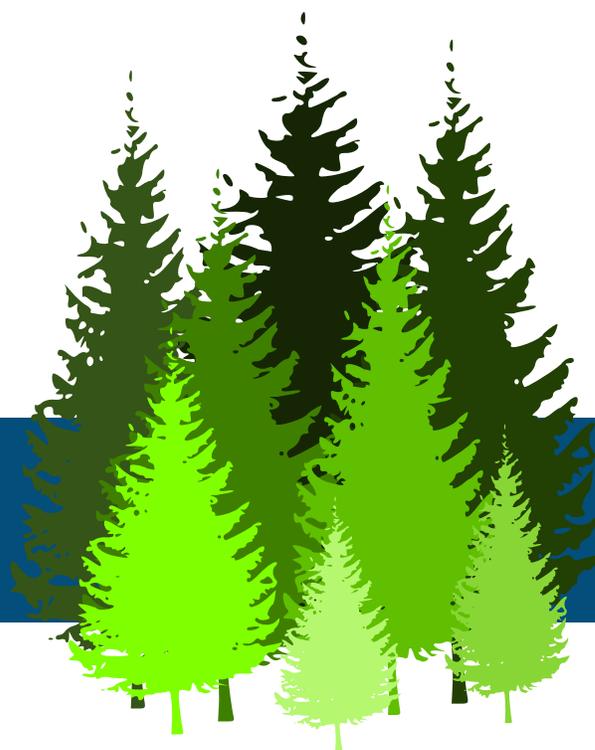
Problems with the way the provincial government makes Tenure Decisions

Firstly, there is no public participation in those decisions. The provincial government is the owner of the natural resource and there is no legislated requirement to consult the public in deciding where, when and to whom it is appropriate to grant tenure. For example, the provincial government recently renewed three forest management agreements ([Crownsnest](#), [Tolko](#) and [West Fraser Mills](#)) which granted tenure to over 708,000 hectares (1,748,506 acres) of public lands for 20 years. This was done without public consultation.

Secondly, tenure decisions are not made in a context of fulsome land use planning. Alberta does have a legal framework for land-use planning called the Alberta Land Stewardship Act. The intention is that land-use planning will be done for the whole province (divided into 7 regions). However, only 2 of 7 regional plans have been completed so far, and those plans don’t clearly state that certain activities are not allowed in specific areas. Without public participation and transparency, it is not possible to know to what extent those regional plans influence tenure decisions.

This came to a head recently with the provincial government’s decision to rescind the longstanding Coal Policy in the Eastern Slopes. Once that decision was announced, it became very clear that Albertans did not want coal mining in the Eastern Slopes. After much public consultation, the decision was reversed and it was acknowledged that regional planning needs to be completed to address coal mining activities in that region.

For more information, see our website for more posts related to this topic: www.elc.ab.ca/tenure



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