



**Miistakis  
Institute**

# **ALSA Tools and Municipalities**

*An informational webinar series*

*Conservation Offsets*

*Dave Poulton*



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# Conservation Offsets

## An Introduction for Alberta Municipalities

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# Outline

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- Conservation Offsetting:
  - Concept
  - Variations
- Policy and Practice Outside Alberta
- State of Alberta Policy
- Key Issues in Offsetting
- Considerations for Alberta Municipalities

# CONSERVATION OFFSETS

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*“[M]easurable conservation **outcomes** resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken.”*

Business and Biodiversity  
Offset Programme, 2009

- AKA “Biodiversity Offsets”, “Habitat Compensation”, “Compensatory Mitigation”, “Conservation Allowance”

# CONSERVATION OFFSETS

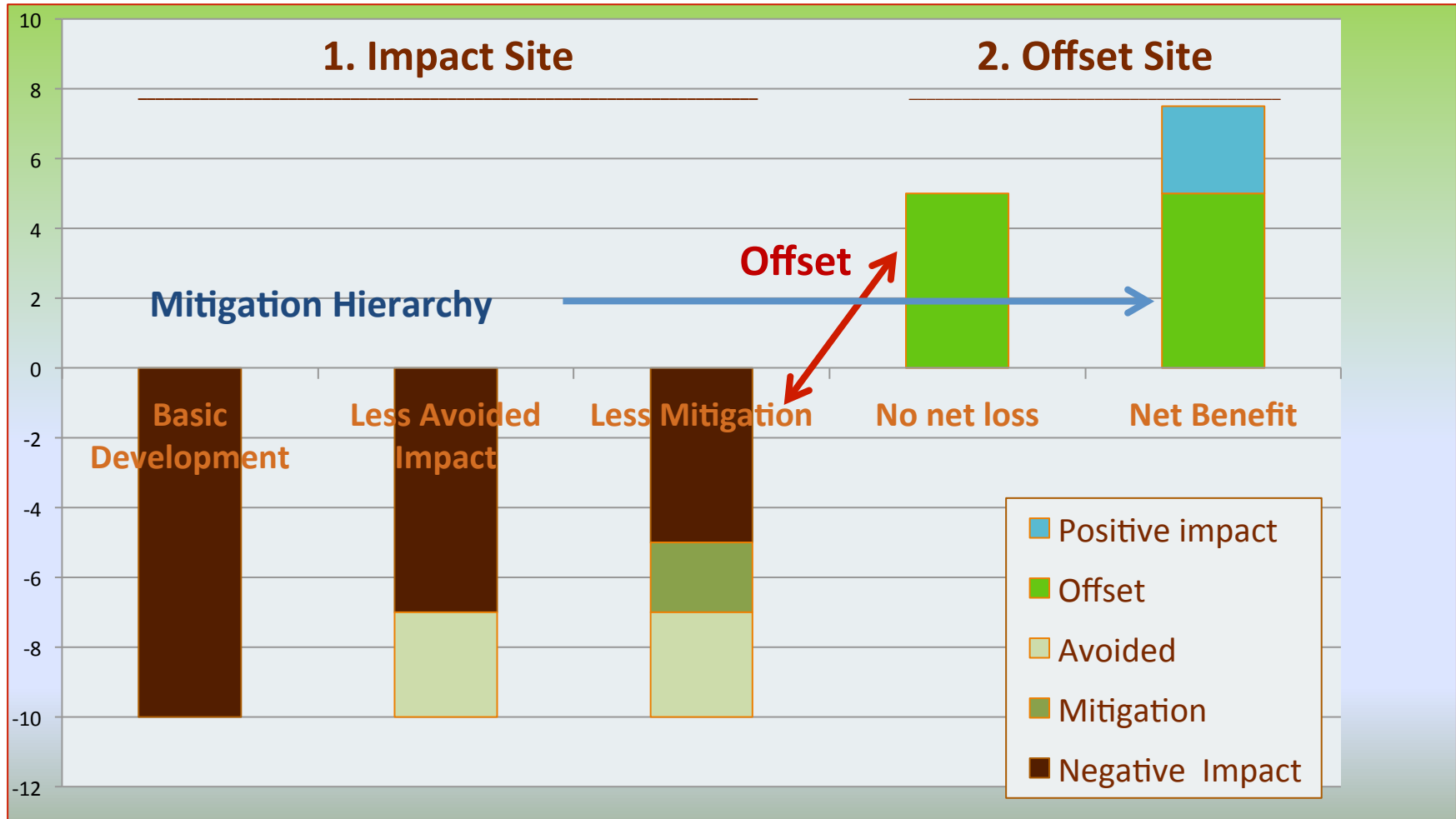




Photo:

<http://www.cosia.ca/caribou-habitat-restoration>

Commons

# Conservation Offsets

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What they are NOT:

- Conventional mitigation
- Justification for bad development project
- Applicable in all circumstances
- Comprehensive environmental protection
- A panacea

# Conservation Offsets - Variations

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## Drivers

- Voluntary
- Permit conditions by regulators
- Required by law or policy

## Offset Supply Mechanisms

- Project-specific (AKA permittee-responsible, bespoke)
- Banking
- Fees in-lieu



# Conservation Offsets

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## Regulatory Conditions

- NEB 2010 – 2012: 3 decisions on NGTL pipeline proposals in Horne River area: caribou habitat offsets
- JRP 2011: Total Joslyn oilsands mine: offsets for species at risk
- JRP 2013: Shell Jackpine oilsands mine: wide range of offsets recommendations
- NEB 2013: Enbridge Northern Gateway pipeline conditions: 10 conditions for 4 different types of offsets (wetlands, freshwater fish habitat, marine habitat, caribou habitat).
- NEB 2016: Kinder Morgan Trans Mountain Expansion: caribou habitat, spotted owl, rare plant communities, grasslands, old growth management areas, wetlands, riparian,

# International Context

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- 45 offset programs worldwide, 27 under development (Madsen et al, 2011)
- Research into offsets supported by parties to UN Convention on Biological Diversity
- IUCN: Policy adopted Sept 2016
- International Financial Corporation (World Bank) Performance Standard 6
  - No net loss in natural habitat
  - Net gain in critical habitat
- Equator Principles

# Federal Policy

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- Fish habitat (s 35(2) of *Fisheries Act*)
  - Both freshwater and marine
- Federal wetlands policy
  - No net loss policy
- Species at Risk Act
- *Operational Framework for Use of Conservation Allowances* (2012)

# Other Provincial Policies

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## British Columbia

- *Environmental Mitigation Policy (2014)* – voluntary and regulatory guidance

## Ontario

- *Endangered Species Act*
- Wetland policy under development

## New Brunswick

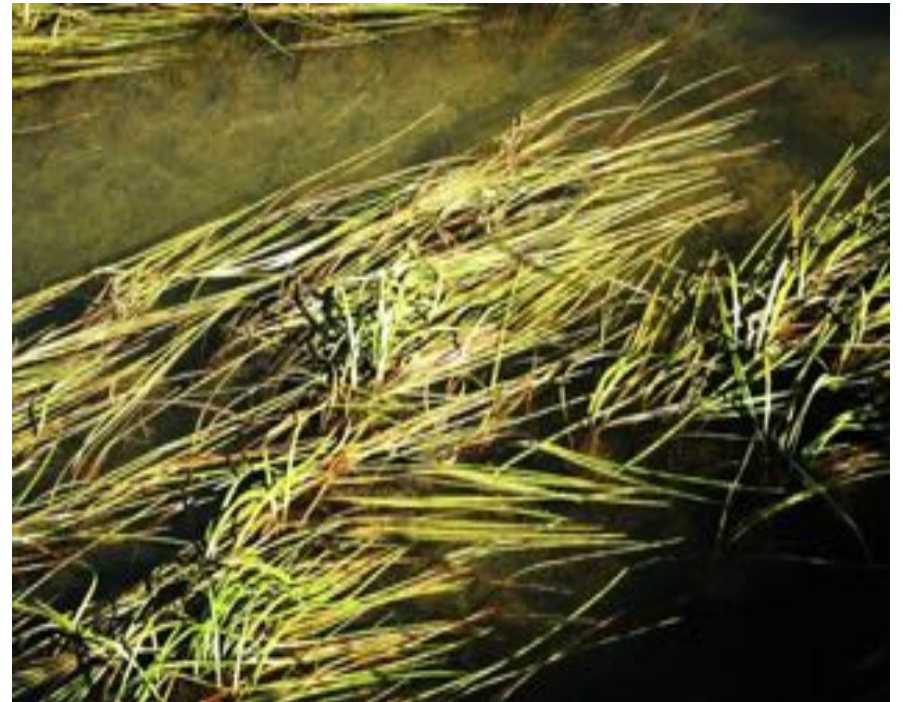
- *Wetland Policy*

## Nova Scotia

- *Wetland Policy*

## Saskatchewan

- Policy under development



# Conservation Offsets: State of Alberta Policy



## ➤ **Alberta Land Stewardship Act**

- s 45-47 provide for exchange to be established dealing in “stewardship units” to “counterbalance” adverse effects of activity on the land

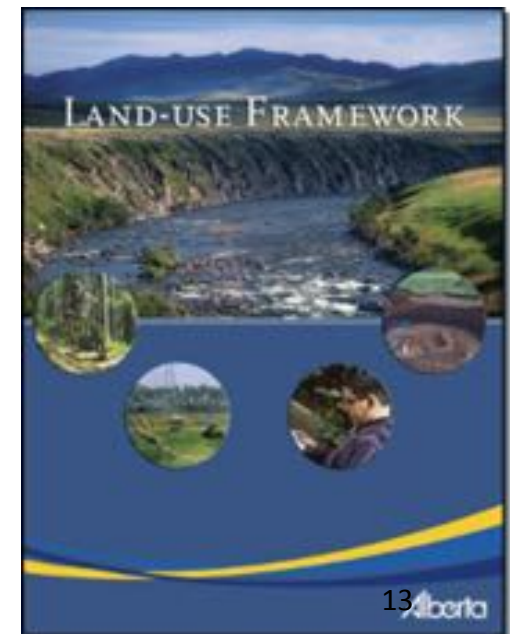
## ➤ **References:**

- *Alberta Land-Use Framework*
- *Responsible Action* (Alberta Oilsands Strategy)
- *A Woodland Caribou Policy for Alberta*
- *Lower Athabasca Regional Plan*
- *South Saskatchewan Regional Plan*

## ➤ **Pilot program carried out in SE Alberta**

## ➤ **Alberta Wetland Policy (2013)**

## ➤ **Draft framework circulated informally for comment**



# Alberta Wetland Policy

- Goal: “to conserve, restore, protect, and manage Albert’s wetlands to sustain the benefits they provide to the environment, society, and economy.”
- Came into effect in white zone 2015, green zone 2016
- Provides option of “restorative replacement” or “non-restorative replacement”

		The Wetland Replacement Matrix			
		Value of Replacement Wetland			
		D	C	B	A
Value of Lost Wetland	A	8:1	4:1	2:1	1:1
	B	4:1	2:1	1:1	0.5:1
	C	2:1	1:1	0.5:1	0.25:1
	D	1:1	0.5:1	0.25:1	0.125:1

\*Ratios are expressed as hectares of wetland

# CONSERVATION OFFSETS IN ALBERTA

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## ➤ Where likely to be applied?

- **Currently:** wetlands (2013 policy now being implemented)



## In the future (maybe):

- Caribou range restoration
- Native grasslands
- Linear disturbance (grizzly bear habitat)
- Water quality.

# CONSERVATION OFFSETS

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## Key Issues

- Equivalency, fungibility and currency
- Additionality
- Timing and duration
- Uncertainty and risk management
- Oversight



# Considerations for Alberta Municipalities

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## 1. Can Offsetting be Required by a Municipality?

- Very likely as condition of development permit so long as:
  - Relevant to amelioration of the impacts of the development
  - Within a valid municipal purpose
    - *Keller v. Rockyview* (Alta QB, 2010)
    - Scope of purpose re: environmental stewardship may be expanded (Bill 21)
- Example: City of Calgary *Wetland Conservation Plan* (2004)
- Limited circumstances where municipality can require securing offset with a conservation easement

# Considerations for Alberta Municipalities

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## 2. Equity Issues re: Provincial and Federal Offset Programs

- If permitted development occurs within region, where might the offset project be undertaken?
- If provincial policy imposes an in-lieu fee for development within municipal boundary, what is expectation that those funds will be spent within municipality, or even region?

## 3. Role of municipality in permitting offset projects?

- If conflict between municipal and provincial program goals? (Under regional plan? Otherwise?)



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Questions?

Comments?

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