

Land Management Program Agreement

Between:

Alberta Sustainable Resource Development
(ASRD)

-and-

Alberta Conservation Association
(ACA)

This agreement is made pursuant to the Wildlife Regulation, AR 143/97 and the Memorandum of Understanding between ASRD and ACA dated December 8, 2006.

Program Description

The Land Management Program involves the effective management of wildlife and fisheries habitat resources (on public and private lands) for conservation, protection, and enhancement. This Program Agreement applies to the acquisition, stewardship, and divestiture of properties under the management of the Alberta Conservation Association (ACA). Activities relating to specific species and their habitat located on these properties are governed by the Wildlife Program Agreement and/or the Fisheries Program Agreement.

The Land Management Program includes the activities required to manage important wildlife and/or fisheries habitat resources on public and private land. The purpose of such activities is to conserve, protect, enhance, and provide access to these habitat resources. Such activities include clearly defining which lands the ACA has management responsibility, and establishing the most effective mechanisms for fulfilling those responsibilities (e.g., direct purchase, conservation easements, donations, term leases, reservation, notation, etc). As part of this program, ACA has and may in the future secure both public lands and private lands via the Habitat Securement Fund. These lands are managed in accordance with the objectives set out in jointly developed land management plans. In addition, the program includes activities for the development and promotion of public stewardship for important habitat resources on public and private land, and ensuring opportunities for access and recreation are recognized, developed, and enhanced in appropriate areas.

Outcomes

The following outcomes from the Land Management Program Agreement have been identified. These outcomes arise from the activities identified as occurring under the Land Management Program Agreement and provide a basis for tracking the success of these activities.

- Objectives for management of ACA lands are being met
 - Effective and efficient management of habitat resources by the ACA
- ACA has a set of lands in which it has an active management interest
 - Tenable land for recreational access
 - Sound landowner/resource-user relationships.
 - Sound stewardship of conservation-rich habitat.
- Land management plans are in place for ACA managed lands

Roles and Responsibilities

To ensure clarity among respective staff’s overall roles and responsibilities, the land manager for land use activities on provincial Crown Land remains with the Minister responsible for the Lands Division of SRD, and the fish and wildlife resource manager is the ACA as delegated by the Minister. The overall intent for the management of Crown Lands defined in the Land Management Program Agreement is as fish and wildlife habitat. Other land use activities on these lands considered for approval by SRD will be consistent with the outcomes identified in this Agreement and the objectives agreed to in a land management plan associated with those Crown lands.

The following broad categories of activities have been identified as taking place within the framework of the Land Management Program Agreement. For each category of activities roles and responsibilities have been identified for ACA and SRD. The roles for SRD have been provided only to the extent that SRD provides a critical input to an ACA activity. As a result, the roles for SRD should not be considered exhaustive.

<p>Activity: Develop a consolidated list of public and private lands, physical structures, and water withdrawals for which ACA has management responsibility</p>	
<p>Description – To develop a process to ensure consistency and clarity in determining and reporting which lands, structures, and water withdrawals ACA has a vested interest in and management responsibility.</p>	
<p>ACA Roles and Responsibilities</p> <ul style="list-style-type: none"> • Provides an updated list (2006) of: <ul style="list-style-type: none"> ○ Buck for Wildlife lands in its records ○ 3rd party stream bank fencing ○ water control structures 	<p>SRD Roles and Responsibilities</p> <ul style="list-style-type: none"> • The GoA provides an updated list (2006) of lands and structures with BFW designation and all other Crown lands and structures used by ACA as fish and wildlife habitat • Acquires list of licensed structures and water withdrawals from Alberta Environment

<ul style="list-style-type: none"> • Compares GoA list with internal list to develop a consolidated inventory • Identifies criteria and standards for assessing ACA interest in BFW and other Crown lands. • Reviews consolidated inventory and identifies lands where ACA has a management interest. • Provide sign off on the consolidated list and a list of BFW lands and other Crown lands where ACA has an interest. 	<ul style="list-style-type: none"> • Identifies land owner agreement files • Reviews ACA criteria and standards and provides input. • Reviews list and provides input. • Obtains legal direction on lands not identified as having management interest and provides to ACA. • Provide sign off on the consolidated list and a list of BFW lands where ACA has an interest.
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Activity: Reassignment and divestiture of properties and agreements

Description – To develop a plan for divestiture of properties and agreements ACA no longer has an interest in managing.

ACA Roles and Responsibilities	SRD Roles and Responsibilities
<p>Confirm – where ACA wishes to dispose of interests related to private land, discussions between SRD and ACA will take place. It may result in neither party interested in managing the property and the interest will be terminated.</p> <p>If private landowner consent is required, ACA will make reasonable efforts to assist in obtaining consent</p>	<ul style="list-style-type: none"> • Fish and Wildlife reviews list of BFW properties for reassignment and provides a list to the Lands Division of properties to be given a different coding • The Lands Division, SRD recodes in departmental records. • Fish and Wildlife reviews list of water licenses for reassignment and provides a list to Alberta Environment of properties to be given a different coding • Alberta Environment recodes • The crown accepts all responsibility for any transferred properties, including both private and Crown lands • For private land agreements, ACA assigns its interest in existing agreement to SRD, who then communicates the divestiture of interest in lands to private land holder.

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| <ul style="list-style-type: none"> • ACA provides the Lands Division of SRD an updated list of lands the ACA has a management interest in. | <ul style="list-style-type: none"> • SRD has an annual obligation to update departmental records and provide ACA with a list of public lands for which ACA has agreed to manage. ACA has no management responsibility or liability for public lands not contained on this list. |
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Activity: Disposition Options for ACA managed public lands	
<p>Description – Identification of the manner in which ACA’s interest on managed lands will be legally defined. This may include leases, license of occupation, title, etc.</p>	
ACA Roles and Responsibilities	SRD Roles and Responsibilities
<ul style="list-style-type: none"> • Ongoing responsibility to review and lead the process to determine their interest in public lands • Makes a request for desired disposition of public lands to SRD. • Accept and agree to disposition type. 	<ul style="list-style-type: none"> • SRD will exercise their right to waive any fees associated with the disposition of lands to the ACA. • Provides disposition options to ACA. For each option, SRD identifies ramification for management, liability, and legal authority. • Consults and provides information to ACA in selecting preferred disposition option. • Reviews ACA requested disposition and makes recommendations/requests for revisions • Accept and agree to disposition type. • Issues dispositions and legal documents

Activity: Management Plans	
<p>Description - A management plan is required to be developed for each parcel of Crown land that ACA manages for fish and wildlife habitat.</p>	
ACA Roles and Responsibilities	SRD Roles and Responsibilities
<ul style="list-style-type: none"> • With the support of Lands Division, SRD, define the terms of reference for writing management plans • Leads the development of management plans • Consults and provides drafts of the plan to Lands Division, SRD for review and to offer recommendations 	<ul style="list-style-type: none"> • Support ACA to define the terms of reference for writing management plans • When agreement is reached, Lands Division, SRD provides sign off on the plan

<ul style="list-style-type: none"> • Develop operational plans and provide resources required to meet the objectives set out in the management plan 	<ul style="list-style-type: none"> • Places approved plan into LSAS • Manage referrals on public lands as specified in a management plan
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Activity: Referrals

Description - To ensure ACA is included in the referral process and is notified of potential activity on public land on which ACA has management interest.

ACA Roles and Responsibilities	SRD Roles and Responsibilities
<ul style="list-style-type: none"> • Conform to guidelines set by SRD • ACA provides SRD with geo-administrative boundaries and referral office contacts for responding to referrals. 	<ul style="list-style-type: none"> • Leads the development of operational guidelines for referrals to the ACA for Crown lands which ACA has management interest. • Create new activity in LSAS that identifies ACA areas of interest • Develop referral rules around this activity that indicates a referral is to be sent with respect to all or specific activities applied with the ACA identified area.

Activity: Securement

Description – Acquiring or securing conservation-rich habitat by direct purchase or by donations, term leases, etc. with the potential to increase recreational opportunities including hunting and angling.

ACA Roles and Responsibilities	SRD Roles and Responsibilities
<ul style="list-style-type: none"> • Acquires private lands from Habitat Securement Fund • Agrees to secure public lands identified by SRD • Identifies the desired disposition option for secured land using process described under the “Disposition Options For ACA managed Public Lands” activity 	<ul style="list-style-type: none"> • Identifies Crown lands to secure for fish and wildlife habitat. • For new Crown lands secured, SRD attaches an ACA notation in LSAS

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| <ul style="list-style-type: none">• Both parties follow the process described for the “Management Plans” activity• Provides an updated list to SRD of private lands for which ACA has management responsibility | <ul style="list-style-type: none">• For private lands ACA acquires using the Habitat Securement Fund, a conservation easement is registered with SRD as a grantee.• SRD-Lands Division will maintain a record of all Conservation Easements registered where SRD is the Grantee.• Completes all requirements to document and register a Conservation Easement with the Land Titles Office. |
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Terms and Conditions re Disposition of Lands

Notwithstanding any other term or provision of this Agreement or the Memorandum of Understanding between SRD and ACA dated December 8, 2006, in the event ACA makes a request to SRD to dispose of ACA’s interest in public and private lands, the following provisions shall apply:

- (a) ACA and SRD will forthwith determine the type of disposition or instrument which transfers the ownership, responsibility and control of the disposed lands and properties from the ACA to SRD, and thereafter proceed to the transfer without delay; and
- (b) all transfer documents shall include the assumption by the Crown, as and from the date of transfer, of all liabilities and obligations in respect of the transferred lands and properties, including without limiting the generality of the foregoing:
 - (i) any financial liability, whether arising before or after the transfer of the lands or properties, for the cost or expense of the repair, remediation, rebuilding or refurbishing of any lands or any work, structure, or improvement located thereon;
 - (ii) obligations to third parties under agreements and instruments relating to the transferred lands or properties; and
 - (iii) all actions, suits, claims, demands, liabilities, damages, costs and expenses, of whatever kind or nature and whether arising before or after the transfer of the lands or properties, claimed or made by third parties in relation to the transferred lands or properties (“Claims”), save and except for any Claims caused by the willful damage or gross negligence of the ACA.

Performance Measures

- a) Complete consolidated signed-off list of Crown and private lands the ACA currently has responsibility for managing by March 31, 2007
- b) Re-assignment of 80% of properties the ACA no longer has a management interest in by April 30, 2007
- c) Properties not re-assigned by April 30, 2007 will be completed by April 30, 2008.
- d) An updated list of SRD properties is provided to ACA by March 31 each year.
- e) An updated list of ACA properties is provided to SRD by March 31 each year.
- f) 100% of all newly acquired Crown lands on the updated GoA list will have management plans and are signed off by SRD within one calendar year.
- g) 100% of all newly acquired private lands on the updated ACA list will have management plans and conservations easements within one calendar year.

Specific Program Conditions

This program will investigate the development and implementation of public access initiatives that assure recreational opportunities on private land where stewardship of conservation-rich habitat is recognized.

Program Term

- This Agreement shall commence upon the date of signature and remain in effect until December 8, 2011.
- This Agreement is subject to annual review and may be amended from time to time as outlined in the MOU signed December 8, 2006 between ACA and ASRD.