



# **What We've Heard So Far — Land Matters Advisory Committee**

Interim Report  
February 24, 2021

Land Matters Advisory Committee

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## Introduction

The following is an Interim Report for the Land Matters Advisory Committee, as of February 24, 2021. This Report includes information on the Advisory Committee's activities completed to date, presentations received by the Advisory Committee, preliminary findings, and next steps in the Advisory Committee's work.

The Advisory Committee will release a final report, which will include recommendations to the Department of Agriculture and Land regarding land-related legislation and policy, and details on the Advisory Committee's proceedings. The findings contained in this report are considered *preliminary* (specific recommendations with respect to legislative changes will be contained in the Committee's final report).

In Prince Edward Island (PEI), the *Lands Protection Act* and the *Planning Act* govern land ownership and land use, respectively. The PEI Department of Agriculture and Land (DAL) has been mandated to engage the public in reviewing and updating the *Lands Protection Act* and the *Planning Act* to reflect the needs of the province, both at present and in the future.<sup>1</sup> The DAL initiated the "Land Matters" project to engage the public and stakeholders in the identification of issues, priorities and solutions for land policy in PEI. The Land Matters Project includes five (5) primary phases:

- **Phase 1 - Issue Identification and Advisory Committee:** A survey to collect feedback from the public. A Land Matters Advisory Committee to advise government on land policy and legislation, based on feedback from stakeholders.
- **Phase 2 - Legislation/Policy Formulation:** The Land Matters Advisory Committee will host presentations from stakeholder groups. The following reports will be released: An interim report (this document), a survey report, and a final report on the Advisory Committee's findings and recommendations.
- **Phase 3: Legislation/Policy Adoption:** A Legislative/Policy Work Plan will be developed based on the Advisory Committee's recommendations. Additional consultation will be completed to refine this Work Plan.
- **Phase 4: Legislation/Policy Implementation:** The Legislative/Policy Work Plan will be implemented. Legislative amendments will be drafted and introduced in the Legislative Assembly, and policies will be implemented by relevant Departments and organizations.
- **Phase 5: Legislation/Policy Evaluation:** The Department of Agriculture and Land will develop an implementation plan for confirmed changes, along with plans to monitor performance, relevance and impact of land-related legislation.

## Activities Completed to Date

### Meetings

As of February 24, 2021, the Land Matters Advisory Committee has met nine (9) times since being struck in October 2020 (2 meetings were cancelled due to inclement weather). In order to receive presentations from a broader range of stakeholder groups, the Committee changed their meeting schedule from biweekly to weekly meetings, beginning in January. Meetings alternate between Charlottetown and Summerside locations. During meetings, the Advisory Committee worked to identify key stakeholders, receive presentations from government and external stakeholders, hold question and answer periods with stakeholder group representatives, and discuss issues and potential actions.

### Surveys & Discussions

In November 2020, surveys were issued to the Advisory Committee to refine the scope and issues of concern to the Committee, and to identify key stakeholder groups (see Stakeholder Identification section below). As the Land Matters Project is focused on modernizing land-related policy and legislation, presenters are requested to focus their material on the *Planning Act* and/or the *Lands Protection Act*, with elaboration on the group's perceived issues, priorities, and

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<sup>1</sup> Government of Prince Edward Island. (2019, October 11). *Agriculture and Land Mandate Letter*. Retrieved November 13, 2020 from: <https://www.princeedwardisland.ca/en/information/agriculture-and-land/agriculture-and-land-mandate-letter>

preferred actions. Presentation topics may address the following, and how they pertain to land-related policy and legislation:

**Table 1. Scope and issues, as Identified by Advisory Committee**

|  |  |
|--|--|
| Any aspect of the <i>Planning Act</i> and/or the <i>Lands Protection Act</i> | Environmental protection                                       |
| Aggregate land limits  | Lack of clarity for the <i>Planning Act</i>                    |
| Agricultural and resource land protection                                    | Lack of land use policies                                      |
| Competing interests with respect to agricultural land use                    | Non-resident ownership of land                                 |
| Corporate ownership of land  | Outdated land use regulations and policy                       |
| Efficiency and transparency of land administration                           | Public education and engagement on land policy and legislation |
| Enforcement of the Acts and their Regulations                                | -  |

### Information Package & Previous Reports

The Advisory Committee has been provided an information package including: a Terms of Reference (See Appendix A), information about the *Planning Act* and the *Lands Protection Act*, and logistical information (e.g., pertaining to COVID-19 protocols for meetings). Further, the Land Matters Project Team developed and provided two reports to the Committee: the *Past Land Reports Recommendation Status* report and the *What We Heard: Findings from the Land Matters Project Survey* report (draft version).

The *Past Land Reports Recommendation Status* Report provides an up-to-date account (as of November 2020) of the implementation status of recommendations from three previous land-related reports:

1. *New Foundations Report of the Commission on Land and Local Governance* (2009);
2. *The Gift of Jurisdiction: Our Island Province - Report of the Commission on the Lands Protection Act* (2013); and
3. *Report of the Task Force on Land Use Policy* (2014).

The *What We Heard: Findings from the Land Matters Project Survey* draft report provided the findings and analysis of the Land Matters Survey – a survey which asked the public for input on their perceptions of issues, priorities, and suggested actions pertaining to land-related policy and legislation.

## Presentations

### Stakeholder Identification

Stakeholder groups were identified by the Advisory Committee, and invited to provide a presentation. The Department of Agriculture and Land's Strategic Policy and Evaluation Division and Land Division developed a preliminary list of stakeholder groups identified as having a stake in land-related policy and legislation. This included First Nations and Indigenous groups, groups working in or with agriculture, construction, fish and aquaculture, land use planning, municipalities, and the environment.

Through a series of surveys and discussions, the Advisory Committee finalized a list of stakeholders to make presentations to the Committee. In November 2020, a "short-list" was identified by the Advisory Committee, with 26 stakeholder groups receiving invitations to present on land-related legislation and policy, within the scope set by the Advisory Committee (See Appendix B).

### **Presentation Format and Process**

Presentations are broken down into three (3) distinct sections: presentation, question and answer period (Q&A), and a closed Committee discussion. Each section is approximately twenty (20) minutes, with the Q&A and discussion sections being extended, if necessary.

### **Presentations to Date & Schedule**

As of February 24, 2020, the Advisory Committee has received fourteen (14) presentations, from a variety of scheduled stakeholder groups (see Appendix C). These presentations consist of both internal and external stakeholder groups.

Internal stakeholder groups provided introductory presentations pertaining to legislation and policy to familiarize Committee members with the *Planning Act* and *Lands Protection Act*, local governance, land-related policy and regulations, and survey results on public perception of issues and priorities regarding land-related legislation and policy. In January, the Committee began receiving presentations from invited external stakeholder groups. To date, presenters include:

**Table 2. Scheduled stakeholder presentations, in order of appearance from left column to right column**

|   |   |
|---|---|
| Department of Agriculture and Land –<br><i>Planning Act</i>                                     | L.M. Montgomery Land Trust                              |
| Department of Agriculture and Land –<br><i>Lands Protection Act</i>                             | PEI Institute of Agrologists                            |
| Department of Agriculture and Land –<br><i>Preliminary Results from the Land Matters Survey</i> | Prince Edward Island Institute of Professional Planners |
| Department of Fisheries and Communities –<br><i>Local Governance</i>                            | PEI Woodlot Owners Association                          |
| Department of Agriculture and Land –<br><i>Special Planning Areas</i>                           | PEI Potato Board  |
| National Farmers Union  | PEI Federation of Agriculture                           |
| UPEI Climate Lab  | Coalition for the Protection of PEI Water               |
| Coalition for the Protection of PEI Lands   | Dairy Farmers of PEI                                    |
| East Prince Agri-Environment Association  | Law Society of PEI                                      |
| Federation of PEI Municipalities  | L'nuey  |

### **Written Submissions**

The Advisory Committee will not be able to receive presentations from all stakeholder groups with an interest in land. Therefore, the Committee will accept written submissions in lieu of presentations. For example, stakeholder organizations that have contacted the Committee to present, but were unable to be scheduled, have been invited to provide a written submission. The Advisory Committee has also accepted written submissions from stakeholder groups which were invited to present, but chose to submit a written submission instead. This includes the Watershed Alliance of PEI and the Institute of Island Studies.

## Preliminary Findings

As of February 24, 2021, the Land Matters Advisory Committee has received presentations from a total of fourteen (14) internal and external stakeholder groups and will receive additional presentations following the release of this Interim Report. As a result, findings contained in this report should only be considered *preliminary*. The Advisory Committee's final report will contain detailed findings, based on all presentations received by the Committee.

As of the publication date of this report, the Advisory Committee has heard the following key messages from stakeholder groups, through their presentations to the Advisory Committee:

- That both land use and land ownership are key to land policy and legislation;
- That a provincial land use planning framework is essential, and has been recommended several times through previous land-related Task Forces, Commissions, Royal Commissions, and other reports;
- That fiscal policy (e.g. taxation, expenditure) can support land use planning;
- That special planning areas have strengths, challenges, and opportunities for improvement;
- That municipalities play a significant role in land policy through official plans, zoning, and bylaws;
- That the preservation of agricultural land, and keeping this land in agricultural production, is important;
- That a range of views exist regarding aggregate land ownership limits, such as the preferred level of aggregate land limits, as well as if or how they may be reviewed;
- That enforcement of existing land legislation and policies is important, but may need improvement;
- That further transparency regarding land ownership may support the enforcement of existing land legislation and policies;
- That good stewardship of land – including agri-environmental practices and effective land use planning – is a priority;
- That land legislation and policy can support climate change adaptation and mitigation related to coastal erosion and rising sea-levels, as well as reducing greenhouse gas emissions.

Many of these preliminary findings are consistent with the findings of the *What We Heard: Findings from the Land Matters Project Survey* report, which is now available online. The DAL administered this survey to provide members of the public with an opportunity to identify what they perceive to be key issues, priorities, and actions for developing land policy in PEI. Findings from the survey report will be used as one line of evidence to inform the work of the Land Matters Advisory Committee, and subsequent steps in the Land Matters Project.

## Next Steps

The Land Matters PEI website will continue to be updated regularly. Islanders are encouraged to visit this website for updates on the Advisory Committee's work, including details on meetings, presentations received, and profiles of the Advisory Committee's members. Details on the Land Matters Project itself can also be found on the Land Matters PEI website.<sup>2</sup>

The Advisory Committee will continue to receive presentations until the end of March 2021. In April, the Committee will continue to meet in order to synthesize what was heard, and develop a final report which will be publicly released. The Advisory Committee's final report will summarize the Committee's work, and will present the Committee's recommendations on legislative changes that are required to respond to the issues and priorities identified through the Land Matters Project.

After careful review and consideration of the Advisory Committee's final report, the survey report, and other lines of evidence, the Department of Agriculture and Land will develop a legislative and policy work-plan. This work-plan will

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<sup>2</sup> Government of Prince Edward Island. (2021). Land Matters PEI. Available at: <https://www.landmatterspei.ca/>

establish concrete actions for updating land-related legislation and policy – in particular the *Lands Protection Act* and the *Planning Act* – to ensure that they meet the needs of Prince Edward Island, presently and into the future.

The final steps in this project are implementation and evaluation. The legislative amendments will be drafted and introduced in the Legislative Assembly. The Department of Agriculture and Land will develop an implementation plan for confirmed changes, along with plans to monitor performance, relevance and impact of land-related legislation.

# Appendix A: Terms of Reference



## Land Matters Project Advisory Committee

### TERMS OF REFERENCE

#### **1.0 Mandate**

- 1.1 The Land Matters Project Advisory Committee's overarching mandate is to provide advice and guidance to the Department of Agriculture and Land (DAL) with respect to modernizing Prince Edward Island's land-related legislation and policy to ensure that it reflects the current and future needs of the province.
- 1.2 This advice will be contained in a final report.

#### **2.0 Responsibilities**

The Committee will:

- 2.1 Invite individuals/organizations to present to the Advisory Committee on topics related to the project (i.e., land ownership, land use, etc.);
- 2.2 Support virtual presentations when needed to comply with COVID19 public health restrictions
- 2.3 Provide recommendations for potential areas of focus for public engagement based on information provided to the Committee by:
  - Agriculture stakeholders
  - Those involved in the development of past land reports;
  - Government of Prince Edward Island officials;
  - Island Regulatory and Appeals Commission; and
  - Others identified by the Advisory Committee.
- 2.4 Consider and comment on data obtained through the Land Matters survey and through consultation processes;
- 2.5 Advise on opportunities for effective engagement mechanisms, to ensure meaningful dialogue with residents of PEI with respect to land-related legislation and policy;
- 2.6 Review and provide input to various reports that may result from the Project;
- 2.7 Produce public-facing interim and final reports that includes:
  - Summary of the Committee's activities
  - Details of all presentations received
  - Specific recommendations for updating legislation/regulations including evidence for these recommendations
  - Specific recommendations for updating land policy including evidence for these recommendations

#### **3.0 Authority**

- 3.1 The Committee has authority to make recommendations to Government.

#### 4.0 Membership

- 4.1 Two (2) co-chairs will be selected by the Minister.
- 4.2 Ten (10) members will be selected through EngagePEI.
- 4.3 One (1) ex officio member who is Indigenous (Mi'kmaw) will be selected by the Minister.
  - 4.3.1 Understanding the importance of Aboriginal and Treaty Rights - and the 2019 Mi'kmaq, Prince Edward Island and Canada Framework Agreement - this ex-officio member will have the same roles and responsibilities as all other Committee members.

#### 5.0 Decision-making

- 5.1 Quorum: To meet quorum, a minimum of 6 members and 1 co-chair must be present.
- 5.2 When decisions are required to be made, a consensus process will be used for making decisions. A consensus process aims at bringing the group to mutual agreement by addressing all concerns.
- 5.3 In the event that consensus cannot be achieved, members will vote on decisions, and a simple majority (more than half of members) will determine decisions.
- 5.4 All members, including Co-Chairs and the Ex-Officio member, will be voting members.
- 5.5 In the event of a tied vote, members will vote again until a simple majority is obtained.

#### 6.0 Meeting Arrangements

- 6.1 A combination of in-person and virtual meeting arrangements will be made available. In-person meeting will be in accessible locations.
- 6.2 Physical-distancing and other Chief Public Health Office directives for gatherings will be followed

#### 7.0 Code of Conduct

Members shall:

- 7.1 Endeavour to represent the broader interests of members and/or stakeholders
- 7.2 Seek to balance their contribution as both an advisor and learner
- 7.3 Be willing to be a dissenting voice, endeavor to build on other member's ideas, offer alternative points of view as options and invite others to do so too
- 7.4 Respect diversity of opinions, thoughts, beliefs, and backgrounds in an effort to encourage an inclusive environment for the Committee's work

#### 8.0 Timeline

- 8.1 The Committee will endeavor to release its final report containing recommendations for land-related policy and legislation development following the conclusion of the Advisory Committee's work, which will span approximately four months.

#### 9.0 Honorarium ("Category C Board" Policy)

- 9.1 Co-Chairs will receive an honorarium of \$113/diem
- 9.2 Members and ex officio member will receive an honorarium of \$73/diem

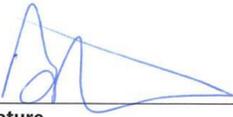
#### 10.0 Applied Research and Administrative Resources

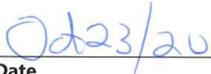
- 10.1 The Strategic Policy and Evaluation Division and Land Division at the DAL will provide applied research- and administrative-related resources to the Committee. This will include:
  - Developing applied research reports (e.g., summary report of feedback received through the Land Matters survey, final report for the Committee, etc.)

- Assistance with meeting logistics (e.g. identifying and securing meetings spaces, scheduling presenters, taking minutes during meetings, etc.)

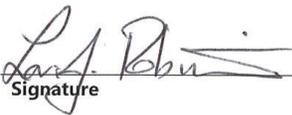
**11.0 Review and Approvals**

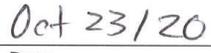
\_\_\_\_\_  
**Deputy Minister,  
Agriculture and Land**

  
**Signature**

  
**Date**

\_\_\_\_\_  
**Lori Robinson,  
Co-Chair, Land Matters  
Project Advisory  
Committee**

  
**Signature**

  
**Date**

\_\_\_\_\_  
**Jim Bradley,  
Co-Chair, Land Matters  
Project Advisory  
Committee**

  
**Signature**

  
**Date**

## Appendix B: Stakeholder Invitations

| Stakeholder  | Status                   |
|--|--------------------------|
| Association of Municipal Administrators of PEI                   | No Response <sup>3</sup> |
| Association of PEI Land Surveyors                                | Pending <sup>4</sup>     |
| Coalition for the Protection of PEI Land                         | Scheduled <sup>5</sup>   |
| Coalition for the Protection of PEI Water                        | Scheduled                |
| Dairy Farmers of PEI   | Scheduled                |
| East Prince Agriculture Conservation Association                 | Scheduled                |
| Farm Credit Corporation  | Declined                 |
| Federation of PEI Municipalities                                 | Scheduled                |
| Government: Department of Environment, Energy and Climate Action | Pending <sup>6</sup>     |
| Institute of Island Studies                                      | Declined <sup>7</sup>    |
| Island Regulatory and Appeals Commission (IRAC)                  | Pending                  |
| L.M. Montgomery Land Trust                                       | Scheduled                |
| L'nuey   | Scheduled                |
| Law Society of PEI   | Scheduled                |
| National Farmers Union   | Scheduled                |
| PEI Agriculture Awareness Committee                              | No Response              |
| PEI Federation of Agriculture                                    | Scheduled                |
| PEI Institute of Agrologists                                     | Scheduled                |
| PEI Institute of Professional Planners                           | Scheduled                |
| PEI Potato Board   | Scheduled                |
| PEI Real Estate Association                                      | No Response              |
| PEI Watershed Alliance   | Declined                 |
| PEI Woodlot Owners   | Scheduled                |
| PEI Young Farmers  | Pending                  |
| UPEI Climate Lab   | Scheduled                |
| UPEI Faculty of Environmental Studies                            | Declined                 |

<sup>3</sup> "No response" means a stakeholder group did not respond to contact via email and phone.

<sup>4</sup> "Pending" means a stakeholder group has responded, but has not yet confirmed if/when they will present.

<sup>5</sup> "Scheduled" means a stakeholder group has presented, or is schedule to present.

<sup>6</sup> Accepted, with date to be confirmed.

<sup>7</sup> "Declined" means that a stakeholder group declined the invitation to present. (Note: some groups that declined have provided a written submission to the Advisory Committee).

## Appendix C: Stakeholder Presentation Schedule

| Date              | Location                        | Presenter   |
|-------------------|---------------------------------|---|
| November 10, 2020 | Charlottetown                   | Department of Agriculture and Land (Land Division) - <i>Planning Act</i> briefing<br>Department of Agriculture and Land (Policy Division) – <i>Lands Protection Act</i> briefing<br>Department of Agriculture and Land (Policy Division) – <i>Preliminary Results from the Land Matters Survey</i> briefing |
| November 24, 2020 | Charlottetown                   | Department of Fisheries and Communities (Municipal Affairs Division) – <i>Local Governance</i><br>Department of Agriculture and Land (Land Division) – <i>Special Planning Areas</i>  |
| January 12, 2021  | Summerside                      | National Farmers Union  |
| January 19, 2021  | Charlottetown                   | UPEI Climate Lab<br>Coalition for the Protection of PEI Lands   |
| January 26, 2021  | Summerside                      | East Prince Agri-Environment Association<br>Federation of PEI Municipalities  |
| February 2, 2021  | N/A, rescheduled due to weather |   |
| February 9, 2021  | Charlottetown                   | L.M. Montgomery Land Trust<br>PEI Institute of Agrologists  |
| February 16, 2021 | N/A, rescheduled due to weather |   |
| February 23, 2021 | Summerside                      | PEI Potato Board<br>PEI Federation of Agriculture   |
| March 2, 2021     | Charlottetown                   | Coalition for the Protection of PEI Water<br>Dairy Farmers of PEI   |
| March 9, 2021     | Summerside                      | PEI Woodlot Owners Association  |
| March 16, 2021    | Charlottetown                   | Law Society of PEI<br>PEI Institute of Professional Planners  |
| March 23, 2021    | TBD                             | TBD   |
| March 30, 2021    | Charlottetown                   | L'nuey  |