

Scale and Stakeholders in Alberta's Regional Planning

by

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Table of Contents

Acknowledgements.....	i
List of Figures	iv
List of Tables	v
Abstract	vi
Chapter I: Introduction.....	1
Context: The Province of Alberta	2
Profile.....	2
The Provincial Government.....	4
Introducing the Land Use Framework	6
Chapter II: Theoretical Framework	10
Chapter III: Methodology Coded analysis of the <i>Alberta Land Stewardship Act</i>	15
Methodology	15
Limitations	19
Chapter IV: Coded Analysis Results	21
Province-wide Stakeholder Power Loss	22
Role of the Provincial Government	28
Positively impacted stakeholders	32
Coding Conclusions	35
Chapter V: Key Informant Interviews	37
Methodology	37
Securing and conducting interviews	37
Analysis of Interview Data	39
Results.....	39
Chapter V: Analysis	49
Centralization and Cabinet.....	49
Accountability	52
Working with the regional scale	54
Analysis Conclusions.....	58
Conclusion	60
Works Cited	62
Appendix I: Research Ethics Board I Approval for Interviews	67
Appendix II: Informed Consent Form	68

Appendix III: Interview Guide for Stakeholders	69
Appendix IV: List of Interviews Conducted.....	70

List of Figures

Figure 1.1: Map of North America with inset map of Alberta	2
Figure 1.2: Map of land-use regions	7
Figure 1.3: The creation of a regional plan	9
Figure 3.1: Methodology of coded analysis of the ALSA	16
Figure 3.2: Example of coded analysis of subsection 20.1 of the ALSA	18
Figure 6.1: The creation of a regional plan with Cabinet-controlled processes shaded	51

List of Tables

Table 4.1: Impact code frequency and mean impact on stakeholders of 233 retrieved segments from the <i>Alberta Land Stewardship Act</i>	21
Table 4.2: Versus code frequency	21
Table 4.3: Differentiation of statement and action segments in positively impacted stakeholder categories	33
Table 5.1: Summary of key ideas from interview data	40
Table 5.2: Comparison of ALSA content coding and interview findings	48

Abstract

This thesis explores the use of the regional scale in environmental governance by examining Alberta's new regional Land Use Framework (LUF). Using detailed content analysis of the policy's supporting legislation, the *Alberta Land Stewardship Act*, and interviews with members of key stakeholder groups I examine the impacts of the regional scale on stakeholders and on the planning process. I find that instead of simply creating a physically-bounded scale for improved environmental management, the LUF transfers a significant amount of power to the provincial Cabinet and creates a new political scale at which stakeholders must fight for their interests. This disadvantages stakeholders who are not able to act effectively at this new scale, particularly those who did not originally operate at the provincial scale.

Chapter I: Introduction

Environmental decisions are made at many different scales. These decisions are often made by governments and occur within a legally-constructed political scale. However, the extents of political scales rarely encompass the full ecological and social impacts of these decisions, sometimes leading governments to struggle with ideas of restructuring and rescaling their decision-making processes in order to find a scale that is more appropriate for the problems they are trying to address. In this paper, I use the example of the province of Alberta, Canada to explore this struggle. By undertaking a new regional planning strategy called the Land Use Framework, the provincial government of Alberta is attempting to re-scale environmental planning and governance in order to address the environmental and social problems caused by over a decade of explosive economic growth.

The aim of this research is to examine the use of the regional scale in environmental management and its impact on stakeholders. To do so, I ask two questions. First, how is the regional scale used in environmental planning and management in Alberta? Second, how has the use of the regional scale using the Land Use Framework impacted stakeholders across the province? In order to answer these questions I first examine the relevant literature and summarize its key findings in Chapter Two. I then conduct a detailed content analysis of the legislation supporting the Land Use Framework in order to identify formal transfers of power between the provincial and regional scale. The methodology behind this analysis is found in Chapter Three, and I discuss its results in detail in Chapter Four. In Chapter Five I introduce the methodology and results of my interview fieldwork in Alberta. I then combine the findings of both streams of research in Chapter Six in order to answer this paper's research questions and

draw conclusions about my findings. Particularly, I argue that regional plans serve to centralize power in the provincial Cabinet and have a negative impact on all stakeholders, though its affects are unequally distributed and mainly stem from insufficient consultation. I conclude my analysis in Chapter Seven by linking my conclusions to relevant geographical and environmental theory and suggesting further research.

Context: The Province of Alberta

Profile



Figure 1.1: Map of North American with inset map of Alberta

Source: Government of Alberta, 2009: 2.

The province of Alberta is situated at the juncture of the central Canadian prairies and the Rocky Mountains (see Figure 1.1). Its population of 3,632,483 as of January 1, 2009 (Government of Alberta, 2009) makes it Canada's fourth most populous province, two-thirds of whom live in the Calgary-Edmonton corridor.

Alberta's economy is known for its climate of economic freedom (Palacios et al., 2009) and its booming energy industry. The dependence on this industry has led to a boom and bust economic cycle that has historically been vulnerable to international energy prices, "although its economic structure has diversified and become more complex" (LeSage & McMillan, 2008: 2). Over the

past two decades, astronomically high oil and gas prices have led to a significant economic boom, with Alberta's Gross Domestic Product (GDP) growth remaining the highest in Canada for the past twenty years (Government of Alberta, 2009). This growth is largely attributed to its energy industry, whose output is equal to approximately one quarter of the province's GDP. Although other business and commercial sectors make up the brunt of the GDP, the agriculture, forestry, and tourism industries (together, accounting for about 8% of GDP) play a central part in the cultural identity of the province despite their smaller economic input.

With the explosive economic growth – the provincial growth rate hit 6% at its peak in 2006 – came significant environmental and social costs. “Urban communities faced social challenges like homelessness, poverty, drugs and violence. Communities faced environmental challenges about water quality and quantity, landscape integrity and sustainable development. And many rural communities faced challenges of population decline and service reductions that threatened community sustainability.” (Government of Alberta, 2006: 1). The Athabasca Oil sands, the site of the world's second-largest proven crude oil reserves (Government of Alberta, n.d.[a]), became targeted internationally (GreenPeace, n.d.; World Wildlife Fund, n.d.) for its environmental and social impacts. Five percent of Canadian greenhouse gas emissions come from oil sands plants and upgraders, a number which is expected to grow to eight percent by 2015 (Canadian Association of Petroleum Producers, 2008: 4). Other concerns around the oil sands and energy industry include a perceived lack of land use and remediation planning, water use, and health impacts on the local communities, particularly on neighbouring Aboriginal communities. Despite its large environmental significance, the prominence of the oil sands often overshadows other important environmental concerns about depleting water supplies (Droitsch & Robinson, 2009), biodiversity loss (Alberta Wilderness Association, n.d.), and pollution (Toxic Watch Society of

Alberta, n.d.) that are significant for the province's over three million inhabitants. Far from turning a blind eye to these issues, the Albertan population remains concerned for environmental issues, ranking the environment third behind only health care and education in a survey taken of Albertan spending priorities (Government of Alberta, 2004).

The Provincial Government

Several provincial initiatives have been undertaken over the last decade to counter the environmental and social impacts of economic development. They include policies such as the Water for Life Strategy, the Provincial Energy Strategy, Climate Change Strategy, and the Species at Risk Strategy, in addition to dozens of pieces of legislation. Most of these Acts and their associated regulations are managed by the Ministries of Energy, Environment, and Sustainable Resource Development.

The provincial government is composed of 83 Members of the Legislative Assembly (MLA) elected by residents of individual electoral districts (ridings) in a first-past-the-post system. The leader of the political party electing the most MLAs becomes Premier of Alberta. The Premier appoints Cabinet Ministers to head government ministries, and together with the Premier and the Lieutenant Governor in Council, form the Executive Council (Legislative Assembly of Alberta, 2007). Many legal references included in this paper refer to the Lieutenant Governor in Council, which is the official designation for the Cabinet when making decisions. It “consists of members of Executive Council, or cabinet, and the Lieutenant Governor. It reviews and passes orders in council” (Government of Alberta, n.d[b]). In this paper, the terms ‘Cabinet’ and ‘Lieutenant Governor in Council’ (LGIC) are used interchangeably. Political power in the province is largely

structured in a hierarchal manner under the provincial government which assigns the responsibilities of municipalities across the province under the *Municipal Governments Act*. Historically, Alberta has “elected governments with large majorities and kept them in power for a long time” (Government of Alberta, n.d.[c]). The Progressive Conservative party, which currently holds 68 of 83 seats, has governed since 1971.

Regional planning is not new to Alberta, which has had some sort of regional planning mechanism in place since the 1950s. Before 1977, permanent Regional Planning Commissions made up of municipal representatives prepared regional plans, “the fundamental purpose of which is to provide a policy framework for municipal land use planning” (Cullingworth, 1987: 337). These plans were then sent to the Alberta Planning Board to verify their compliance with provincial policies, and approved. In the face of the first energy boom between 1966 and 1980, regional planning was recognized to have successfully contribute to developing a sound approach to planning and environmental conservation. “Until the provincial government took a more comprehensive and aggressive role in environmental planning and management matters in the 1970s, the regional planning commissions were one of the major watchdogs of the broad ‘public interest’ in these areas” (Cullingworth, 1987: 341). In 1977, the *Planning Act* was acclaimed, making the regional plans “the supreme document in a hierarchy of statutory instruments, all of which must conform to its provisions” (Cullingworth, 1987: 347). The vague structure of the law caused friction between municipalities and the province, between rural and urban municipalities, and between local politicians and planners. Following years of amendments and changes to address its failings, the new system only became fully function a years later, just at the beginning of the ‘bust’ cycle. High planning costs and budget cuts saw the regional planning system completely dismantled in 1994 “during a spasm of neo-conservative re-

engineering and downsizing,” (LeSage & McMillan, 2008: 13) under amendments to the new *Municipal Government Act*. Since then, regional planning has not been formally undertaken by the provincial government, though certain voluntary frameworks between individual municipalities do exist and some instances of watershed management have been successful.

Introducing the Land Use Framework

The process to design and implement the Land Use Framework in Alberta began in 2005. In the GoA’s 2005-2008 Business Plan, the provincial government committed “to develop, in consultation with Albertans, a comprehensive land use policy for the province” (Government of Alberta (Government of Alberta, 2005: 19). This was followed by several years of stakeholder working groups to identify key land use issues (Canada West Foundation, 2006), a comprehensive jurisdictional review of land use policies around the world (AECOM, 2007), the release of the Draft Land Use Framework in March 2008 (Government of Alberta, 2008a), and stakeholder working groups and public surveys (Sierra Systems 2008a and 2008b) on that draft. The early consultations all clearly demonstrated that there was a strong mandate for provincial leadership, and that most stakeholders agreed that “they want it [the LUF] to set a clear vision for the long term, outline clear processes and mechanisms for implementation, have a stepped up capacity for enforcement, and have measurable results” (Canada West Foundation, 2006: 2). The final version of the Land Use Framework was released December 3, 2008 (Government of Alberta, 2008b).

The goal of the LUF is to “manage growth, not stop it, and to sustain our growing economy, but balance this with Albertans’ social and environmental goals” (Government of Alberta, 2008b:

2). With that goal in mind, the LUF sets three desired outcomes: a “health economy supported by our land and natural resources”, “health ecosystems and environment”, and “people-friendly communities with ample recreational and cultural opportunities” (Government of Alberta, 2008b: 15).

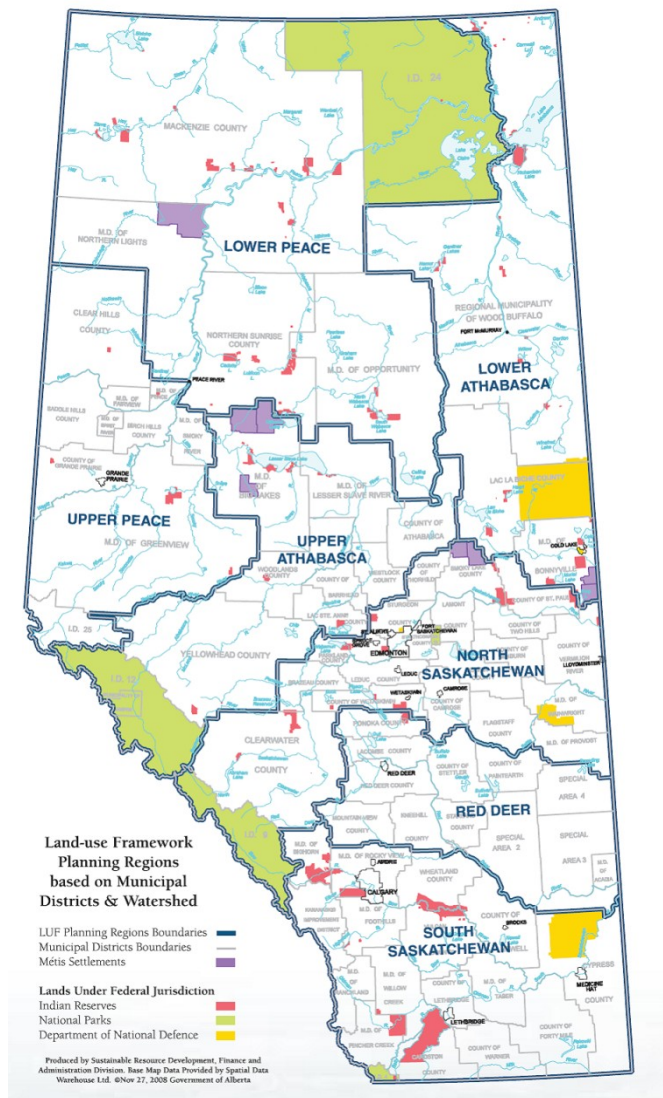


Figure 1.2: Map of Land-Use Regions.
Source: Government of Alberta, 2008b: 24

To fulfill this goal, the Land Use Framework divides the province into seven land use regions based on watershed and county boundaries (see Figure 1.2), and calls for the creation of a Regional Plan for each land-use region. Regional Plans are designed to act as blueprints for their region: they are planning documents that outline economic, social, and environmental goals for the region, and may contain guidelines, thresholds, or limits which can be employed to meet its planning goals. These plans, once approved by Cabinet, have the full force of law and their contents cannot be appealed. Though acting with the advice of Regional Advisory

Councils (RACs – described below), the provincial Cabinet is solely responsible for

the contents of these plans and can alter them as they see fit. Reviews of the Regional Plans are required at least once every ten years (*Alberta Land Stewardship Act*, S. 6.1). The process

involved in the creation and administration of Regional Plans, their reach, and the responsibility for those plans is laid out in the LUF's accompanying legislation, the *Alberta Land Stewardship Act* (ALSA). Under the ALSA, 27 other Albertan laws are amended in order to ensure they comply or are consistent with the contents of Regional Plans. All provincial government departments and bodies, independent regulatory boards, municipalities, and any other stakeholders are bound by the contents of a regional plan.

A Regional Advisory Council (RAC) is created by Cabinet for each region. This role is to consider public and stakeholder input, scientific information and models, and economic predictions in order to provide the Cabinet with their advice on the contents of the Regional Plan. Members of the RAC are members of stakeholder groups from that region, nominated by their group and appointed by the Provincial Cabinet. The RAC's work is facilitated by the Land Use Secretariat, a the provincial administrative group created by the ALSA to facilitate information gathering and the writing of the regional plans. During the consultation process, the Cabinet, often represented by a Ministerial Working Group (about one third of Cabinet) also works closely with the RACs through the Land Use Secretariat. According to the head of the Land Use Secretariat, "The intent behind that was, as advice from RAC is being formulated and that sort of thing, that we could have a mechanism to test that back with our political leaders to find out day two whether they're on track, not day two hundred and twenty-two" (Seiferling, Land Use Secretariat, 9/12/2009). Once the RAC has made its recommendations, the committee is disbanded and Cabinet retains final approval of each plan. Figure 1.3 below outlines the connections and processes involved in the creation of a regional plan as established by the ALSA. It also shows the extensive reach of a regional plan.

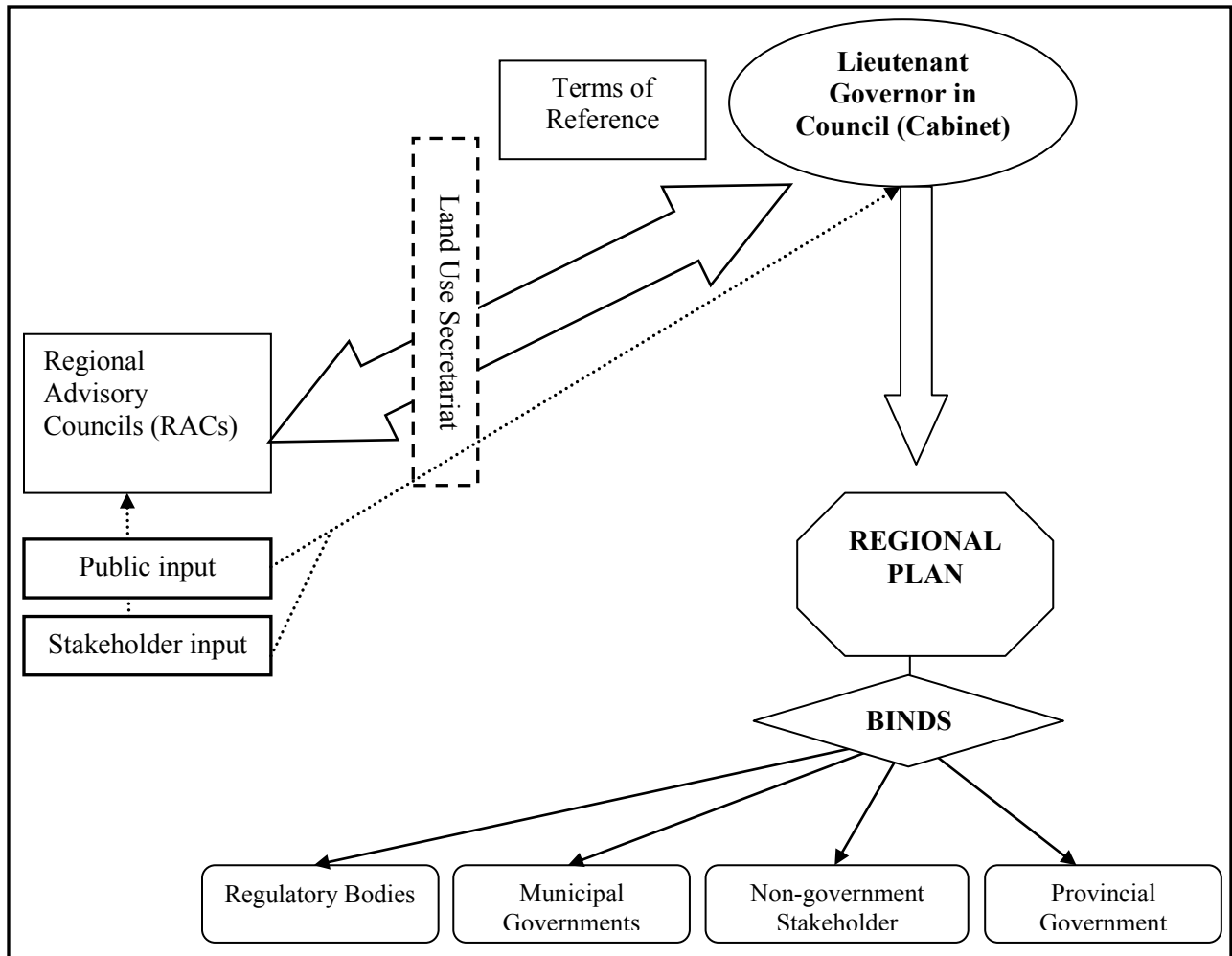


Figure 1.3: The creation of a Regional Plan as established by the ALSA

To date, two RACs have been established. The Lower Athabasca RAC was announced on December 19, 2008 and its recommendations are expected in spring or early summer 2010. The South Saskatchewan RAC was announced on May 13, 2009 and its review is ongoing.

Chapter II: Theoretical Framework

The understanding of scale has expanded considerably from its early conceptions as a series of clean-cut, hierarchal containers of space. Taylor's 1982 three-scale structure model identified the micro (urban), meso (national), and macro (global) scale that linked scale to capitalist modes of production. This fit fixed scale into political space according to the reach of decision-making bodies and represents what is often commonly understood to mean 'scale'. Later work in critical geography questioned the fixity of scale and argued that scale is formed by social processes. This spurred multiple interpretations of how scale is socially created, including Delaney and Leitner's (1997) view that scale is created through political struggle; Smith's (1992) idea that the differentiation of geographic scales establishes and is established through the geographical structure of social interaction (1992), and that "social and ecological outcomes are the result of historical political interests" (Agnew 1997: 100). These views opened up the analysis of scale to questions of how people work both within and around scale both to reinforce existing scales and create new ones.

In particular, Brenner argues that scales are both fixed and fluid; that they are subject to constant fixing, de-fixing, and re-fixing. In particular, his idea that "processes of scalar structuration do not produce a single nested scalar hierarchy, and absolute pyramid of neatly interlocking scales, but are better understood as a mosaic of unevenly superimposed and densely interlayered scalar geometries," (Brenner, 2001: 606) argues that any analysis of scale must be relational because no single scale can be studied in isolation. This relational approach (as found in Agnew 1997, Smith 1990, Marston 2000 to name only a few) will also be used in this paper to observe the social and

political factors behind the creation of the regional scale, for as Swyngedouw (1997) notes, the outcomes of rescaling often depend on the political interests of those who produced it. In the case of Alberta's regional Land Use Framework that I focus on here, despite the provincial government's attempt to paint the regional scale as a fixed and hierarchical scale defined by ecological and political boundaries, the landscapes of stakeholders and political processes clearly create a mosaic of overlapping interests and interactions.

While Brenner addresses the spatial nature of scales, Brown and Purcell (2005) elaborate on scales' temporal identity with the idea that political or social challenges involve significant periods of time and social adjustment in order to truly create new scales. They note that, "just because scale has no inherent or eternal characteristics does not mean that over a certain period scales cannot be associated particular characteristics or social processes." (Brown and Purcell 2005: 610) The authors argue that no scale is completely fluid because they become "routinized into relatively enduring and hegemonic structures for certain periods of time." (2005:610). In the case of the Land Use Framework, where the stakeholder consultation processes are temporary but exceedingly powerful, the temporal element of the regional scale will be key to understanding how stakeholders interact at that scale.

Several key theories regarding the manner in which actors interact with scales are referred to in this paper. Cox (1998), organizes scalar actions by separating spaces of engagement (where actors or groups defend their interests) from the spaces of dependence (where those essential interests are actually located). This embodies the roles that actors take in order to defend the interests of the scale at which they exist from threat from multiple sources, be they various levels of government or economic processes. Similarly, "jumping scales" (Smith 2003) is a widely accepted approach to the political strategy used to escape disadvantage at one scale by pursuing

their interests at another. An example of this would be when a local environmental group lobbies the federal government for climate change action instead of approaching their city council. They are jumping scales in order to defend their interests. This parallels Cox's 'spaces' in acknowledging the multiple spaces in which actors will work to ensure their interests.

Discussions of scale and the physical environment complement the social and political creation of scales. Although some would argue that human perception of the environment and science is also socially constructed (leading into a discussion that is beyond the scope of this paper), the physical characteristics of the natural environment rarely match the socially imposed boundaries of society or politics. This mismatch is discussed by a number of writers (Rotman & Rothman 2003; Swyngedow 1997; Meadowcroft 2002) who agree on the fundamental idea that "environmental problems do not respect political boundaries" (Meadowcroft 2002: 169). Despite the uncertainty over the definition of a region, which seems to problematically be accepted as a space between local and provincial/state scales open to definition by those that create it, many look to the region as a scalar fix for environmental problems. Roberts (1994) argues that the regional level has the potential to coordinate three main areas: integration within environmental planning and management; integration between environmental policy and spatial planning; and integration between economic policy and spatial and environmental aspects of regional planning. Roberts' view is part of a larger discussion of the use of regions in the United Kingdom in the 1990s which provided data on the practical application of regions for sustainability reasons. Similarly, Marshall argues that "a strong regional jurisdiction supports both the creation of effective sectoral policies (here, to quite varying degrees, for energy, water, and waste) and the integration of theses in spatial planning for the whole *Land* [region]" (Marshall 1998: 439, emphasis in original). These authors make it clear that the Albertan government may have

chosen an appropriate scale to address environmental problems, at least from an ecological perspective. Gibbs and Jonas (2001) take a ‘wait-and-see’ approach to the results of the UK’s experiences with regional planning and raise several concerns with the applicability of the regional scale. They argue first, that the formation of regional boundaries is still an issue; second, that without a strong lead from the central government, the regions lack legitimacy and are seen as a radical or marginal idea; and finally, that the implications for interest groups remain to be seen. The first two of the authors’ concerns around setting regional boundaries and legitimizing environmental values are already addressed in the Alberta Land Use Framework by using watershed boundaries to define the regions and the current discourse of environmental concern worldwide and in Alberta. This paper’s research will provide empirical data on the third concern, and elaborate on their larger conclusion that “Regionalization of environmental policy will clearly create new incentive structures for political mobilization on the part of local business groups and factions of civil society” (Gibbs and Jonas 2001: 276).

Finally, little literature is available on the specific subject of the LUF. What does exist at this point are legal critiques of the Alberta Land Stewardship Act (ALSA), remarking on the power being assigned to Cabinet and the lack of enforcement available to stakeholders and the public. Powschwatta-Yearsley and Zelmer (2009) note that most parts of ALSA are discretionary, and that “...with few guiding principles and mandatory requirements, the ALSA only adds to the uncertainty surrounding land use in the province” (ibid., 2009: 7). Another critique decries the lack of accountability of the Act, noting that “The intent of ALSA is to make regional planning a purely legislative function in order to avoid any obligations of administrative fairness that could subject regional planning to review by Courts” (Roth, 2009: 2). Both critiques point to the need for further investigation into the structures of both the *Alberta Land Stewardship Act* and the

Land Use Framework, and how they will impact Alberta's stakeholders. This paper will begin to address this gap.

Chapter III: Methodology

Coded analysis of the *Alberta Land Stewardship Act*

Methodology

In order to achieve this thesis's aim of exploring the use of the regional scale in environmental management and its impact on stakeholders, I first analyzed the Alberta Land Stewardship Act (ALSA) to identify the formal power transfers achieved by the legislation. To do so, I extracted, identified, and classified (from here on referred to as 'coded') segments of the ALSA that impact stakeholder interests or power. Because the ALSA itself includes amendments to 27 other Albertan laws, both new provisions and amendments to other acts were coded in analysis. I used the qualitative data analysis program *MaxQDA* to code the data.

I employed two stages of coding (outlined below in Figure 3.1) drawn from multiple qualitative data analysis methods. My first-run analysis consisted of extracting sections of the ALSA that impacted any stakeholder. I then used "structural coding" (Saldaña, 2009: 66) to identify the type of stakeholder (outlined in Table 3.1 below) it affected. Those sections retrieved in the first-run analysis (called 'retrieved segments') were then subject to two forms of second-run coding. First, I identified the impact of the retrieved segment on the stakeholder group by assigning an 'impact code' consisting of numerical values representing the nature of the impact (positive: 1, negative: -1, or neutral 0). Second, if the retrieved segment involved a transfer of power between two stakeholder groups, I additionally identified which other group was involved in the transfer of power by assigning a "versus code" (Saldaña, 2009: 94) to mark the interactions between stakeholders.

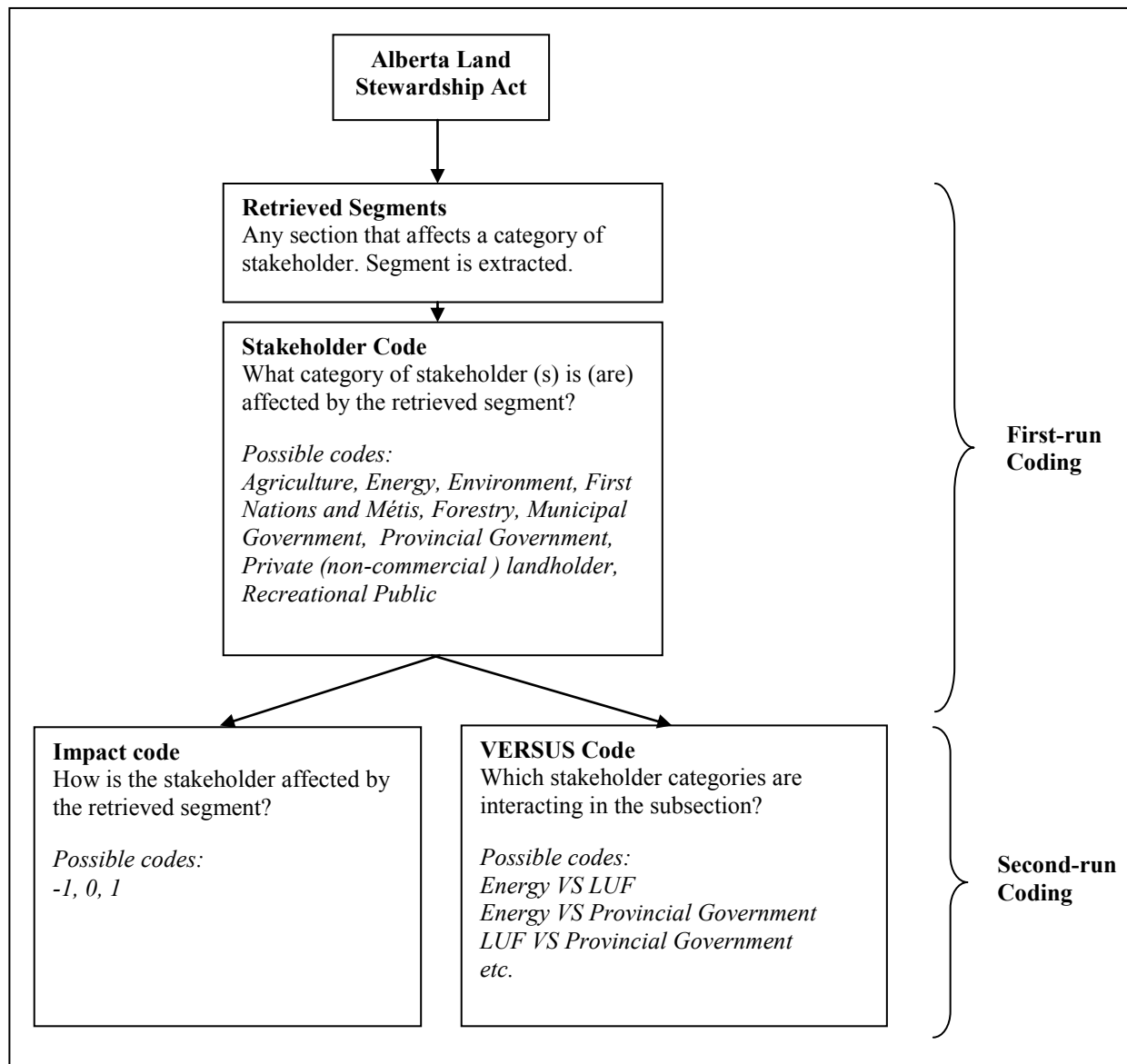


Figure 3.1: Methodology of coded analysis of the ALSA

This process resulted in a list of relevant segments coded with attributes describing what type of stakeholders’ power and interests they affect, the nature of that effect, and which other categories of stakeholders are part of the change.

In coding, changes to stakeholder power and interest account for impacts on stakeholders. Each term was defined before coding began and was applied in a consistent manner. Changes to *power* involved a change in jurisdiction, decision-making ability, or the creation or destruction of either of the latter; a change to a stakeholder’s ability to interact with the government or with

regulatory/legislative tools; or a change in the stakeholder's ability to exercise their rights. 'Negative impact' consisted of a loss of power, while 'positive impact' consisted of a gain in power. 'Neutral impact' consisted of changes that reinforced the status quo, did not alter the current role of the stakeholder type, or simply did not make a difference to the definition of power above. *Interest* was a broader category and was based on my interpretation of the known values or interests of each of the stakeholder categories. A positive impact consisted of a provision of ALSA that a category of stakeholder would condone or promote themselves (for example, a conservation group would condone the creation of conservation directives) or that positively impacted their ability to promote their interests, while a negative impact consisted of changes that did the opposite. Neutral impacts to interest were rarely coded because they would include all parts of the legislation that did not concern the particular stakeholder group, therefore coding them was judged to be unnecessary. The difference between interest and power was not differentiated in coding because the aggregate measurement of their changes served the overall aim of research to measure stakeholder impact.

Categories of stakeholders were established both before and during first-run coding. Some groups such as the provincial government or environmental groups were predicted to be affected by the ALSA and so were established before coding. Others, such as private, non-commercial landholders were added later when it became apparent that their interests would also be impacted by the legislation. The stakeholder groups used in coding are the following: agricultural, environmental, First Nations and Metis, forestry, municipal governments, energy, private (non-commercial landholders, provincial government, and the recreational public.

Legislation is divided into sections (such as the one below in Figure 3.1, which shows ALSA section 20) and subsections (in Figure 3.2, the subsections are 20.1 and 20.2) for the purposes of

organization. A retrieved segment was always comprised of the individual legal subsection of interest. The strategy assured that last analysis counting and weighing of segments employed uniform units of analysis.

Figure 3.2 below demonstrates the application of first- and second-run coding to Subsection 20.1 of the ALSA.

Excerpt from the ALSA:	Coded analysis
<p>“Local government bodies</p> <p>20(1) When a regional plan is made, every local government body affected by the regional plan must</p> <ul style="list-style-type: none"> (a) review its regulatory instruments, and (b) decide what, if any, new regulatory instruments or changes to regulatory instruments are required for compliance with the regional plan. <p>(2) Every local government body affected by the regional plan must, within the time set in or under, or in accordance with, the regional plan,</p> <ul style="list-style-type: none"> (a) make any necessary changes or implement new initiatives to comply with the regional plan, and (b) file a statutory declaration with the secretariat that the review required by this section is complete and that the local government body is in compliance with the regional plan.” 	<p>For subsection 20.1:</p> <p><i>First-Run Codes:</i> ‘municipalities’</p> <p><i>Second-Run Codes:</i></p> <p><u><i>Impact:</i></u> ‘municipalities (-1)’</p> <p><u><i>Versus:</i></u> ‘Regional Plan VS Municipalities’</p>

Figure 3.2: Example of coded analysis of the ALSA subsections 20.1

I tabulated the results of the content coding in a spreadsheet and used simple descriptive statistics including addition, frequency and mean to interpret trends in the results.

Limitations

One noted limitation of the methodology is that the impact codes do not take into account the distinction between power and interest. However, a conscious choice to not distinguish between the two was made based on two factors. First, the interest and power are sometimes either co-dependent or impossible to distinguish from each other without seeing the effects of the ALSA's application. Second, the intent of this analysis is to identify how stakeholders are impacted in a positive or negative manner, which is the result of changes to both power and interest. This limitation is addressed by noting that the combined identification of both power and interest furthers this work's goal of examining formal transfers of power within the ALSA, and that assessing the actual impact of the legislation and its accompanying framework will require further research once the first regional plans are released.

A second limitation is the variation in quantity of coded segments per stakeholder category. This weakness could undermine analysis of the result of the mean impact values because a very high or low number of retrieved segments could cause a mean value to appear very high or very low. This is demonstrated with the energy industry stakeholder category (see Table 4.1 in Chapter 4), which has the most negative mean impact but also have the fewest assigned impact codes. This limitation was addressed by acknowledging the issue and using the frequency values as an indicator of whose interests are being impacted most often, which in turn can be used to temper the severity of the mean impact values.

Though not necessarily a limitation, it is also important to note that the regional scale, the Regional Advisory Councils, the Land Use Secretariat and the Regional Plans were not used in coding because they are not stakeholders. Though the new regional plans are the recipients of most of the power and cause most of the impact, they are a policy structure and cannot be assigned agency. As they do receive power, however, they are included in the versus codes as a recipient of power from other stakeholders through the provisions of the ALSA.

Chapter IV: Coded Analysis Results

First-run coding of the ALSA found 233 retrieved segments which were then assigned impact values and versus codes. The results of the impact coding, ranked by mean impact, are displayed in the Table 4.1 below, while the results of the versus coding are displayed in Table 4.2.

Table 4.1: Impact code frequency and mean impact on stakeholders of 233 retrieved segments from the *Alberta Land Stewardship Act*

Code	Impact Codes Frequency			Total Impact Codes	Mean impact
	-1	0	1		
Energy	3	2	0	5	-0.60
Forestry	9	1	2	12	-0.58
Regulatory Bodies	11	3	2	16	-0.56
Historical/Cultural	3	1	1	5	-0.40
Municipal	16	10	6	32	-0.31
Landholder	5	5	2	12	-0.25
Provincial	29	29	57	115	0.22
First Nations/Métis	0	4	2	6	0.33
Agriculture	2	1	5	8	0.37
Environmental	0	1	14	15	0.93
Total codes	78	57	91	226	-0.08

Table 4.2: Versus code frequency

	Provincial	Regional Plan	Municipal	Regulatory	Environment	Forestry	Landholder	Agriculture	First Nations	Energy
Provincial	23									
Regional Plan	63	0								
Municipal	7	16	0							
Regulatory	2	13	0	0						
Environment	9	2	0	0	0					
Forestry	8	5	0	0	0	0				
Landholder	1	8	0	0	0	0	0			
Agricultural	1	6	0	0	0	0	0	0		
First Nations	6	0	0	0	0	0	0	0	0	
Energy	1	2	0	0	0	0	0	0	0	0
Total	121	52	0	0	0	0	0	0	0	0

Three main trends are clear in the coding results. First, the majority of stakeholder groups lose power in some way due to the implementation of the ALSA. Second, the provincial government is by far the most frequently coded stakeholder and has the highest number of positive-impact retrieved segments. Finally, the non-provincial stakeholders who experience positive mean impact values are unlikely to actually experience substantial changes to their power or interests as is shown in the coding results. Each of these three trends will be discussed in further detail below.

Province-wide Stakeholder Power Loss

As seen in Table 4.1, seven out of eleven stakeholder categories suffer a mean negative impact under the ALSA. These negative impacts generally occurred in one of three ways documented below.

A. TRANSFER TO REGIONAL PLANS

The most common negative impact on categories of stakeholders occurs through the legal requirement that other provincial Acts and their governed parties comply with the ALSA's regional plans. This affects stakeholders by binding them under expanded or stricter provincial jurisdiction, policy, or regulation. A negative impact can be expected considering the nature of regional plans. Section 15 of the ALSA clearly outlines the province-wide power of the regional plans. It states:

“Binding nature of regional plans

15(1) Except to the extent that a regional plan provides otherwise, a regional plan binds

- (a) the Crown,
- (b) local government bodies,
- (c) decision-makers, and
- (d) all other persons.”

With that end in mind, a series of amendments contained in the ALSA (particularly, in sections 69-95) alter individual existing laws. These sections amend existing Acts to ensure compliance with Regional Plans. This occurs in sections such as the following:

“Amends RSA 2000 cN-3

83(1) The *Natural Resources Conservation Board Act* is amended by this section.

(2) The following is added after section 2:

ALSA regional plans

2.1 In carrying out its mandate under this Act and other enactments, the Board must act in accordance with any applicable ALSA regional plan.”

In this segment, consisting of subsection 83(2) of the ALSA, the Energy Resources Conservation Board (ERCB; a regulatory body that approves energy developments in the province) is legislated to comply with regional plans. This segment is coded as a negative impact in the “Regulatory Bodies” stakeholder category because the change results in a loss of operating flexibility or discretion for the Board. This is a typical example of the amendments made under the ALSA that resulted in negative impact codes for stakeholder categories. Other common examples of this type of provision are:

“Local government bodies

20(1) When a regional plan is made, every local government body affected by the regional plan must

- (a) review its regulatory instruments, and
- (b) decide what, if any, new regulatory instruments or changes to regulatory instruments are required for compliance with the regional plan.”

“93(1) *The Wildlife Act* is amended by this section.

(2) The following is added before section 12:

ALSA regional plans 11.1

- (1) A license or permit issued under this Act or the regulations does not authorize an activity that is prohibited by or under an ALSA regional plan.
- (2) In the event of a conflict between the terms and conditions of a license or permit issued under this Act or the regulations and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict.”

These examples demonstrate the most common manner by which the ALSA negatively impacts stakeholders by limiting their power to act. This type of negative impact applies to all stakeholders in the province, though it is particularly prevalent for the provincial and municipal governments whose operations are created by provincial legislation and are therefore most easily altered by provincial legislation. This type of code is most often characterized by a ‘Stakeholder

VS Regional Plan' code as the stakeholder group loses a portion of its ability to operate to the Regional Plans.

B. Power to the Provincial Cabinet

Unlike the previous example where the existing Act amended by the ALSA is responsible for enforcing compliance with Regional Plans, this second manner of enforcing the regional plans reallocates power to the Cabinet. These changes first reassert the supremacy of regional plans then allows Cabinet to make regulations at a later time, in a different Act, regarding how the Regional Plans and their contents will be implemented and enforced by each Act. This type of amendment is seen below:

“72 (1) *The Coal Conservation Act* is amended by this section.

(2) Section 9(1) [“*The Lieutenant Governor in Council may make regulations... ”]*¹ is amended by adding the following after clause (u):

v) respecting compliance with and enforcement of ALSA regional plans,”

This amendment places direct control over how the regional plan is implemented and enforced by the Lieutenant Governor in Council (LGIC; more commonly, simply referred to as the Cabinet). In the above case, this retrieved segment would count as a negative impact code for the Energy industry stakeholders who may now be subject to further regulation by the Cabinet on the conservation of coal, and a positive impact on the province whose Cabinet has gained additional

¹ quoted from the Coal Conservation Act Section (9)1; emphasis added

power to make regulations. The section would be coded as a “Energy VS Provincial Government” versus code.

The effects of the first two types of amendments, demonstrated in the *Alberta Land Stewardship Act* sections 1, 20.1, 83.2, 93.2, and 72.2, are very similar. Both types of amendments ensure compliance with regional plans either directly through the ALSA or through Cabinet directives or regulations. In these cases, it is important to note that the ALSA only applies where the contents of a regional plan have been established; the structure potentially limits other Acts but leaves the nature and content of those limits up to the contents regional plans. By imposing new regulations with which stakeholder groups must comply, this type of retrieved segment represents the majority of negative- and neutral-impact segments for most stakeholder categories.

In the case of First Nations/Métis groups, the above two types of segments simply do not apply because of separate land claims agreements, as noted in the ALSA section 20(2): “A regional plan does not prevail over a General Council Policy or anything authorized under or by the Co-Management Agreement, as amended, referred to in Schedule 3 of the Métis Settlements Act.” The provincial ALSA would have no jurisdiction over federal lands reserved for First Nations or Métis under treaty. This paper does not address the impact of the ALSA on Aboriginal rights in common law.

C. Updates to other Acts

The ALSA impacted a more-category specific type of stakeholder through the rearranging of and additions to the Forestry Act and Public Lands Act. Both are subject to substantial amendments under the ALSA that strengthen the role of the province in managing forests and public land. The

amendments to the *Forests Act*, in particular, include the tightening and strengthening of previous regulations. This includes expanded rights of Forest Officers and new terms dictating the responsibility of company directors and chief executives for the actions of companies found to be in contravention of the Act. Although the amendments to these two Acts do not significantly alter their substantive content, they expand the power of the province by adding to the number of offenses, increasing fines, and enlarging provincial jurisdiction over forestry and public lands. The changes made in these amendments have little to do with the aim or other contents of the ALSA, although one might argue that the increased regulations aid the conservation efforts outlined in the Land Use Framework (LUF). However, the irrelevance of these alterations to the Land Use Framework can also be seen in the versus codes, where the forestry industry has more interactions with the provincial government, indicating that the transfers of power do not involve the Regional Plans. Despite its incongruent presence in the ALSA, this section has a large negative impact on the forest industry because it created significantly more demanding regulations, accounting for a large majority (10 out of 12) of the negative impact codes for the forestry industry stakeholders. The amendments made by the ALSA to the *Public Lands Act* similarly increased provincial powers over public lands, usually warranting positive impact codes for the province and province VS province versus codes.

These three ways – domination by regional plans under the ALSA, domination by regional plans by the LGIC, and substantive alterations to the Forests and Public Lands Act – are the main ways that the *Alberta Land Stewardship Act* legally impacts stakeholders. These impacts occur largely in the form of increased regulation and legally binding compliance with the contents of regional plans. These segments result in province-wide power loss for stakeholders because the ALSA's

forced compliance places constraints on the ability of all stakeholders to act, and by extension, reduces their power.

Role of the Provincial Government

The centrality of the Government of Alberta to changes made by the ALSA is clear in Table 4.1 and Table 4.2 where the provincial government is assigned the highest number of both impact (115 of 226) and versus (121 of 173) codes. It is also notable that exchanges of power only occur between the provincial government (or its regional plans) and other stakeholders: there are no transfers of power between non-provincial stakeholders created by the ALSA. The transfers of power shown by the versus codes clearly demonstrates a vertical transfer of power between the provincial government and all other stakeholders, instead of horizontal exchanges between non-provincial stakeholder groups operating at the same scale (for example, a transfer between municipal governments and a local environmental group). There are however 23 ‘Provincial Government VS Provincial Government’ codes which would constitute an exchange of power within a single (provincial) scale which will be discussed in greater detail below.

Interestingly, the distribution of negative and positive impacts to the provincial government far exceeds those allocated to other stakeholder groups. The province has twice the number of negative impact retrieved segments (29) than the next most-frequently coded stakeholder group (municipalities, with 16 negative impact codes). However, the provincial government also has four times the number of positive impact codes than the group with the next highest number of positive codes (57 compared to the Environmental stakeholder category’s 14). Overall the impact on the Provincial category is positive, with a mean impact of 0.22. This degree of positive impact

stems primarily from the provincial government's role as the creator and administrator of the regional scale and its plans. Nevertheless, because the final mean impact on the provincial government is only moderate, the exact transfer of power that accompanies those changes deserves closer examination.

Provincial responsibility for and enforcement of the Regional Plans explains the high frequency of provincially-relevant retrieved segments. First, although the structure of the ALSA results in regional plans becoming provincial policy and binding all parties from the provincial government downwards, the provincial Cabinet retains the exclusive power to create, administer, and enforce the Regional Plans. According to the ALSA, "a regional plan is an expression of the public policy of the Government and therefore the Lieutenant Governor in Council [*the Cabinet*] has exclusive and final jurisdiction over its contents." This is a first reason why the province is the most frequently impacted stakeholder: the ALSA creates and assigns the Cabinet a new regulatory tool in the form of the Regional Plans. The description contained in the ALSA of how that power can be used creates a large number of positive retrieved segments for the provincial government. This similarly applies to the enforcement of Regional Plans, which as already mentioned above, provides Cabinet with the ability to enforce compliance with regional plans. This, along with the additional amendments of the *Forests Act* and the *Public Lands Act* which expand provincial powers, is the root of most positive impact segments.

Conversely, the high frequency of provincial negative impact codes is also a result of the compliance/enforcement elements of the ALSA. As described above in the description of how stakeholders are negatively impacted, the scopes of a number of provincial Acts and departments are limited by forced compliance with Regional Plans. This results in a substantial number of

negative retrieved segments for the province. Many of these instances occur in the 63 ‘Regional Plan VS Provincial Government’ codes.

The dichotomous impacts of the ALSA on the Provincial Government lie in the way the Land Use Framework is designed. Regional plans bind other provincial laws and policies, leading to negative impacts on individual provincial departments. Simultaneously, the Cabinet controls the content of those regional plans (see Figure 1.1), leading to a positive impact on the provincial government. This split explains why the mean impact on the province is not overwhelmingly positive and points to a more complex situation. Upon closer observation, it is clear that this split reflects an artifact of the stakeholder category “Provincial Government”. The impacts of the ALSA on the Provincial Government stakeholder category are actually split between two of the government’s ‘parts’: the provincial government as a whole, and the Cabinet. Generally, when the province is negatively affected, it is a result of provincial Acts losing power to the regional plans (in the manner seen by the example above in the amendment to the *Wildlife Act*), usually by being forced to comply with the contents of regional plans. Similarly, when the provincial government is positively affected, it is usually in cases where the Cabinet, in order to create or manage the Regional Plans, is given additional ability to regulate or enforce. The result of this split is that positive impacts on power or interests accrue to the Cabinet, while negative impacts accrue to provincial Acts or regulations. This important division is seen throughout the ALSA.

Though the mean impact of the ALSA on the province as a whole (or as a stakeholder) appears to be positive, this actually indicates that Cabinet is gaining a significant amount of power and may indicate a serious shift in power within the provincial government. While power transfers between Acts (for example, the expansion of the reach of the Forest Act) can be seen as a reallocation of provincial power within the provincial government, the transfer of power from

those amended Acts to the Cabinet through the mechanism of regional plans (see the Municipal Governments example ALSA Section 20(1)) reallocates power to a body that makes decisions outside the legislation or legislature. This represents a significant shift in political responsibility and power.

This transfer of power from the provincial government and the Cabinet via the regional plans is also reflected in the versus codes. As noted in the methodology, it was necessary to use a 'regional plan' label in the versus coding to demonstrate the interaction between stakeholders (including the province) and the regional plans. The large number of 'LUF vs Provincial' codes (63) is unsurprising because of the binding nature of the plans on provincial legislation. However, as province-to-LUF interactions reflect government-to-Cabinet reallocations of power within the provincial government, the structure of ALSA reflects a move of power to Cabinet. Also important is the magnitude of the shift: the versus codes (Table 4.2) confirm that the largest number of interactions that the province has are with elements of the regional plans (63) or with itself (23), representing a reallocation within the provincial government to Cabinet or an internal reallocation of power, respectively. The large number of province-regional plan versus codes further indicates a transfer of power to the Cabinet, while the lower number of province-province codes indicate inter-provincial transfers.

The Versus codes also have implications for stakeholder groups for whom the majority of versus codes are shared with the LUF than with the provincial government. This implies that stakeholders are losing power to the Cabinet instead of to the provincial government, which may in turn affect their approach to lobbying for their interests.

Overall, the coding results in both mean overall impact and versus code frequency point to a gain in power and interests for the provincial government. Although this is due in part to the nature of the Act as a piece of provincial legislation, the positive impact is largely due to the transfer of power to Cabinet from other provincial Acts. This gain is largely achieved from significantly increased power through exclusive control of regional plans.

Positively impacted stakeholders

Of the eleven identified stakeholder categories, only four experienced a positive mean impact from changes under the ALSA: the provincial government, environmental groups, agriculture groups, and First Nations or Métis groups. The reasons behind the gains of the provincial government have been elaborated upon in the previous subsection. Below, I examine in more detail how these three groups differed from other stakeholder groups in the province to be positively impacted by the ALSA.

First, these groups all share a low number of retrieved segments (8, 15, and 6 respectively – see Table 4.1). This allows a few positive impact codes to create a very high mean impact score. Second, the retrieved segments for these stakeholder categories are frequently composed of subsections that are statements rather than action-based segments. This called for additional analysis of the retrieved segments in order to determine whether they were statements (which referred to or acknowledged a group's interests) or actions (which enable action on those interests), the results of which are displayed below. Table 4.3 also displays the mean impact value of the statement or action code that are being examined.

Table 4.3: Differentiation of statement and action segments in positively impacted stakeholder categories

Group	Statements		Actions		Examples of “statement” retrieved segments retrieved from ALSA
	Number	Mean	Number	Mean	
First Nations	2	1.00	2	0.00	“The purposes of this Act are to: [...] (b) to provide a means to plan for the future, recognizing the need to manage activity to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples,”
Agricultural	4	1.00	4	-0.25	“The Lieutenant Governor in Council is responsible for establishing, supporting or facilitating funding and cost-sharing initiatives, mechanisms and instruments to support or enhance any one or more of the following:[...] (iii) the protection, conservation and enhancement of agricultural land or land for agricultural purposes.”
Environ-mental	5	1.00	10	0.90	“The purposes of this Act are to: [...] (c) to create legislation and policy that enable sustainable development by taking account of and responding to the cumulative effect of human endeavor and other events.”

Table 4.3 demonstrates that half of the retrieved segments affecting the First Nations and Agricultural stakeholder groups are statements while the other half are actions. In the case of the First Nations groups, interactions with the LUF are almost entirely with the provincial government because of their unique land rights and a commitment by the provincial government to province-to-nation consultations on the subject of the LUF. This means that although they are mentioned in a manner that implies a positive impact, the few retrieved segments impacting this stakeholder group are largely inclusive statements (seen in Table 4.3 – the two statement with a mean positive impact of 1.0 between them) or reiterations of the legal status quo (the two action segments with a mean of 0.0). This minimizes the actual positive value of their 0.33 mean impact value.

On further review, agricultural groups are positively impacted by several statements, often found in Section 1 of the ALSA where the purpose of the Act included values-based statements that play into the cultural importance of agriculture in Alberta. The four ‘statement’ segments counted in Table 4.3 refer to issues such as halting the fragmentation of agricultural land, which explains the positive impact value. The action segments, on the other hand, have a mixed but negative mean impact value. This indicates that action-based changes by the ALSA are mixed but often negative because of measures such as lost landholder rights through conservation tools. The result is that the stated importance of agriculture in the value statements and goals found in the legislation may not necessarily translate into substantive positive changes and may actually translate into negative ones.

The Environmental stakeholder group provides an excellent counterpoint to the previous two groups as the vast majority of its retrieved segments are positive action segments. Unlike the other two, this demonstrates that the Act pays more than “lip service” to the interests of this

stakeholder group through the creation of powerful conservation tools and the strengthening of current regulations in a number of industries. This result is expected considering the importance of environmental stewardship and planning in the goals of the LUF, but the numbers clearly show that the ALSA reinforces the policy commitments of the LUF. Of the three positively impacted stakeholder groups, the mean impact result for environmental groups is the clearest reflection of actual changes made by the ALSA. However, in light of the binding nature of regional plans, the fact that most of the environmental stakeholder category's versus codes demonstrated interactions with the province instead of regional plans may actually temper the real benefit of many of the new provisions in reality if they simply represent more dealings with the province instead of with the powerful new Regional Plans. Additionally, the creation of new conservation tools does not guarantee their use. This points to a need for further study on the implementation of this law in order to fully understand its impacts.

Coding Conclusions

The analysis and deconstruction of the *Alberta Land Stewardship Act* uncovered three major themes in the data from which I draw conclusions about the ALSA's impacts on stakeholders. First, the majority of stakeholder categories saw a negative impact on their power or influence under the ALSA. This was determined to be a consequence of the nature of the ALSA and was most often caused by the requirement to comply with regional plans or new Cabinet regulations. Second, the province was most frequently and most positively impacted by the ALSA. The results confirm that the province gains a large amount of power because it controls the use, contents, and enforcement of the regional plans; however, this power is often concentrated in the Cabinet with the result that provincial legislation and ministries actually lose power. It is also

clear through versus codes that transfers of power to regional plans are transfers of power to the Cabinet, while transfers to or within the province are interprovincial reallocations of power within the provincial government as a whole. Third, it appeared that the three positively impacted stakeholder groups (other than the province) were not clearly connected to each other though all three had a low number of retrieved segments. Differentiation between action-based and statement-based segments showed that the varying actual strength of segments may point to an inflation of the First Nations and Agricultural mean impact scores.

Chapter V: Key Informant Interviews

Methodology

Securing and conducting interviews

I supplemented the content analysis of the ALSA with interviews of representatives from each stakeholder category. The purpose of these interviews was to clarify the impact of the Land Use Framework (LUF) and the *Alberta Land Stewardship Act* (ALSA) on their group, identify how they had participated in consultations or lobbied the government both before and during the implementation of the LUF, and hear their concerns about the policy and how its impact on their future interactions with environmental governance processes. The stakeholder groups targeted were located in or concerned with issues occurring in the South Saskatchewan and Lower Athabasca land-use planning regions because they were the only two regions to have established Regional Advisory Councils (RACs) and begun regional planning exercises.

Ethics approval for the interviews was granted through the McGill REB-I process on October 16, 2009 (see Appendix I). I conducted the interviews in Edmonton and Calgary, Alberta from November 30 to December 18, 2009. Two interviews could not be conducted in person and instead one took place by telephone and the other by email.

Using the stakeholder groups established for coding the ALSA, I sought to conduct two interviews per category. I targeted potential interview candidates according to their prominence in their field and contacted them by email with an interview request. Where possible, I aimed the interview request at a representative of the organization's regulatory or policy department. A total of 11 interviews (see Appendix IV for a complete list) were conducted and addressed six of

the nine identified stakeholder groups: agricultural, energy, environmental, municipal, provincial, and regulatory bodies. I made repeated attempts to speak with representatives of organizations from the remaining three groups were made but proved unsuccessful.

I conducted the interviews in a “structured, open-ended format” (Kitchen and Tate 2000: 213) and followed an interview guide (see Appendix III for an example). This ensured that interviewees could speak to topics that reflected the interviewee’s expertise, but also ensure that all basic areas were consistently covered. The interviews began by discussing my research and signing the informed consent form (see Appendix II). The interviews lasted from 15 to 45 minutes and were recorded with the permission of the interviewees.

This methodology was limited by the fact that the LUF was so current: public consultation on the first two Regional Plans was ongoing at the time of research, and little was known about the contents or the level of detail that each Regional Plan would contain. As can be seen in the results, this meant that the interviewee’s experience with the policy and its consultation sessions was in progress and they were not able to react to RAC recommendations that had not yet been released. As such, several interview questions could only be answered with cautious prediction of their foreseen impact. Some interviewee’s were also hesitant to speak on some issues for reasons of confidentiality in the current planning atmosphere. However, these two limitations were dealt with by placing the interviews in the context of their experiences up to the time of the interview and only asking for their general impressions of how the ALSA and the LUF will change their interactions with environmental governance processes.

Analysis of Interview Data

I transcribed the interviews from the audio recordings then conducted qualitative data analysis on the interview transcripts using thematic coding modeled on grounded theory (Auerbach and Silverstein 2003). I first extracted text relevant to the research questions, then highlighted repeating ideas and significant quotes in that text. From these repeating ideas and important highlights I generated key ideas that are found below in Table 5.1 grouped by similar idea or subject.

Results

A summary of the key ideas that emerged from the interviews can be found in the Table 5.1 below in point form, including the speaker's stakeholder group. The greater narrative of these interviews comments on three themes: stakeholder concerns and impressions of the LUF, their experiences with the consultation process, and the role of the Cabinet.

Table 5.1: Summary of key ideas from interview data
Identified by type of stakeholder

<p>Cabinet Accountability and Power</p> <ul style="list-style-type: none"> • Structure of RACs minimizes the “report back” function of a normal committee, especially when its members are “hand-picked” by Cabinet. (Agriculture) • Cabinet is elected to make these decisions. (Energy) • “We don’t get to pick the Cabinet, the Premier picks the Cabinet.” (Environmental) • Lobbying straight to Cabinet likely (and possibly already) occurring with RACs. (Municipalities)
<p>Consultation and the role of Stakeholders</p> <p><i>With the Land Use Framework and Regional Advisory Councils</i></p> <ul style="list-style-type: none"> • “They’re called consultations but you come in, you’re indoctrinated, you’re sent home.” (Agriculture) • “We will see it as our role to keep the government honest. [...] If it does become a business-as-usual process, then that’s going to give us an awful lot of ammunition.” (Environment) • “In fact, if we’re to meet the timelines that were in place, it’s going to be very difficult to have meaningful public involvement.” Overly-fast timeline: “So it’s being pushed pretty hard.” (Environment; Municipalities) • First meetings very consultative and rewarding; later meetings not. (All groups) • “If you’re at the table, it’s a lot easier to see the whole picture.” (Municipalities) • RAC members still representing their constituents despite instructions. (All groups) <p><i>With the Government of Alberta as a whole</i></p> <ul style="list-style-type: none"> • We write letters and encourage our members to do the same; we also arrange meetings with our MLAs where possible. (Agriculture; Environment) • “We participate in working groups”; “it’s more than just lobbying – it’s also working together on solutions,”; we work with government and regulatory reps every day. (Energy; Municipalities) • “There’s been a lot more engagement than there was even ten years ago.” (Municipalities)
<p>About the Land Use Framework</p> <ul style="list-style-type: none"> • “... a mandate from Albertans to legislate.” (Provincial) • “There are great principles behind this, but it’s all how it gets implemented.” (Energy) • “We need something with teeth,” in setting guidelines (Energy; Provincial) • Certainty for industry a positive outcome: “The LUF is trying to tie a bow around all the rules.” (Energy) • Outcome of the RACs won’t be too specific; they’ll be methods and guidance. (Regulatory Bodies) • Government is unlikely to set thresholds or regulations that would cause conflict. (Regulatory bodies) • Powerful legislation commits the government to enforcement. (environment) • “When the plan’s finalized, that’s just the beginning of the next bit.” (Environment)

A. Stakeholder opinions on the LUF

All interview subjects expressed moderate support for the Land Use Framework as a policy in one way or another. Most also noted a general sense of uncertainty regarding exactly what its impacts would be because the first Regional Plans had yet to be released, though all interviewees regarded the LUF as a progressive tool to better address the challenges that accompany rapid economic growth. Those stakeholders who had been present at the initial scoping consultations in 2006 and 2007 also noted that the provincial government has "... a mandate from Albertans to legislate" (Sian, Canadian Association of Petroleum Producers, 11/12/2009) on this issue. Most interviewees were supportive of the principles and values behind the policy, if for different reasons. Nigel Douglas of the Alberta Wilderness Association (AWA) noted that: "Right at the beginning, it seemed to be a possible answer to a lot of the questions we've been asking for a lot of years" (Douglas, Alberta Wilderness Association, 9/12/2009) while Chris Fordham of Suncor Energy Inc. called the efforts beneficial, noting that the government of Alberta (GoA) is, "[...] trying to put a bow around all the rules. So we know, these are the rules. We may not like them, but we know what they are." (Fordham, Suncor Energy Inc, 11/12/2009). The idea of the LUF 'having teeth' was also repeated in a number of interviews from multiple stakeholder categories, which in turn was backed up by a positive impression of the presence (though not necessarily the contents) of enforcing legislation.

An important concern surrounding the LUF involved the contents of the regional plans. This issue was repeated in every interview. As Sue Welke of the Alberta Urban Municipalities Association (AUMA) noted about her consultation with the AUMA's members, "The phrase 'the devil's in the details' came up a lot" (Welke, Alberta Urban Municipalities Association, 30/11/2009). Stakeholder expectations of the contents of the regional plans varied wildly:

environmental groups hoped for stringent thresholds to improve environmental quality, the energy industry looked for plans or guidelines about how to reach eventual environmental goals, while regulatory bodies looked for measurable physical limits or values to facilitate their decision-making. Despite this variety of expectations, Glen Semenchuk, a member of the Lower Athabasca RAC and Executive Director of the Cumulative Environmental Management Association (CEMA) explained the outcome realistically: “More than answers, it’ll [the regional plans] be methods: here’s how you go about it. I think that’ll be a big step forward, if we can standardize how you address problems” (Semenchuk, Cumulative Effects Management Association and RAC member, 1/12/2009). Finally, the LUF remains an ongoing process. “When the plan’s finalized, that’s just the beginning of the next bit” noted Mr. Semenchuk (Cumulative Effects Management Association, 1/12/2009).

Overall, stakeholders appeared in favor of the Land Use Framework but had extremely varied expectations of what the Regional Plans would contain and how severe an impact it may have on their interests. All agreed, however, that the level of detail included in the plan would hugely affect how it is received, and that the process was not over once the first plans were in place.

B. Consultation experiences

The impressions of stakeholder participation and consultation varied greatly, both before the implementation of the LUF and in the current ongoing consultation. On the subject of stakeholder relations with the provincial government outside of the Land Use Framework, a clear division between two types of groups emerged in the qualitative data analysis: those stakeholders who interacted with the GoA and its departments on a day-to-day basis (often Energy and

Municipalities) felt very differently from those who interacted on a more occasional basis (Agriculture; environment). Those in the first category note that their interactions with the Government of Alberta were “ [...] more than just lobbying; it’s also working together on solutions” (Welke, Alberta Urban Municipalities Association, 30/11/2009), while those in the second category characterized their interactions as more formal and less frequent. Humphrey Banack, President of the Wild Rose Agricultural Producers (WRAP) noted that, “If we have issues, we send letters; we correspond with our MLAs” (Banack, Wild Rose Agricultural Producers, 2/12/2009). In general, most interviewees noted a positive and consistent relationship with the provincial government.

With regards to consultation during the Land Use Framework, all the stakeholder groups had been involved in (or invited to) the initial scoping exercises that occurred in 2006 and 2007, and felt comfortable that their concerns had been taken into account. Most considered the RACs as an extension of public participation due to both its composition as a group of representatives and its work sifting through public input, though many were surprised by the limitations applied to the group. Describing the nomination and appointment process, Mr. Semenchuk explained: “The government went out to various different groups and said, ‘nominate someone.’ Then, when we were appointed to the RAC, we found that we weren’t there representing the groups. We were told quite bluntly that we were there as individuals” (Semenchuk, CEMA, 1/12/2009). Though this structure could be useful for ensuring that individuals can act based on their expertise instead of their group’s interests, the arrangement raised two main concerns with the stakeholders I interviewed. First, removing people’s accountability to their groups or ‘constituents’ removed the “report back function” (Banack, WRAP, 2/12/2009) of people sitting on committees and interfered with the direct line of communication between stakeholder organizations and the

RAC. This was commented on by everyone but most vociferously by those organizations without a member on the RAC, who in turn equated the silence from the RAC with exclusion and lack of transparency. Second, the fact that members were appointed by Cabinet undermined the image of the RAC as an effective mechanism for public input. “It’s very much got the tone of a hand-picked bunch of people who hopefully will have views which are appropriate to what the government folks have got in mind” (Douglas, AWA, 9/12/2009). Though efforts have clearly been made to engage stakeholders who do not have a place on the RACs, the disparity between stakeholders was best summed up by Mayor Blake, who stated that, “If you’re at the table, it’s a lot easier to see the whole picture,” (Blake, Mayor of the Fort McMurray-Wood Buffalo and RAC member, 7/12/2009).

Though early consultation and scoping sessions in 2006 and 2007 impressed stakeholders, later consultation regarding the contents of the plan were not nearly as well-received. “They’re called consultations but you come in, you’re indoctrinated, you’re sent home” (Banack, Wild Rose Agricultural Producers, 2/12/2009). The consultation session I was able to attend in Canmore, AB on December 3, 2009 reinforced this impression. The session consisted of poster boards describing the LUF and staff members from Alberta Environment on hand to answer questions about the process. Information pamphlets were also available to the public, but the only occasion for input was a form that could be filled out in person or online through multiple choice and short-answer questions. This type of session had occurred in the Lower Athabasca region, but a public-input form had not been available. These events were targeted at the general public; I was advised by Mr. Seiferling, Commissioner of the Land Use Secretariat, that afternoon events geared at more formal stakeholder groups made similar presentations and collected more

stakeholder-specific input, though I was not able to attend in order to document how comments were being collected because of privacy concerns.

C. Role of the Cabinet

Finally, the role of the Cabinet, and to a lesser extent the provincial government, was raised in every interview though it incited contradictory opinions. Stakeholders recognized the binding nature of the regional plans and their possible consequences, but had varied in their opinions of the role of the Cabinet in their creation. Ms Sian, having already noted that the GoA had been given a fairly strong mandate in early scoping sessions to enact this type of policy, made the point that “the nature of government is, at the end of the day, the Cabinet members although appointed are also elected and subject to judgment through the electoral process. There is an onus on Cabinet to demonstrate effectiveness of regional plans in achieving the collective interests of all Albertans” (Sian, Canadian Association of Petroleum Producers, 11/12/2009). Others, like Mr. Semenchuk, noted his discomfort with the power being assigned to Cabinet, commenting that, “We don’t get to pick Cabinet; the Premier picks the Cabinet” (Semenchuk, Cumulative Environmental Management Association and RAC member, 1/12/2009) and that placing this power in the hands of a small group of people makes them far less accountable. This concern for power being taken out of the hands of those who are accountable for their decisions was reflected by municipal representatives. “Ultimately, it [the regional plan] goes to Cabinet, but there was a feeling by a lot of officials that they are the people who are elected to make these types of decisions.” (Bocock, Alberta Urban Municipalities Association, 30/11/2009)

This concern for how Cabinet would be made accountable for the level of power it assumes under the LUF also reflects the current political climate in which Premier Stelmach, though holding 68 of the 83 seats in the provincial Legislature, is massively unpopular and gained a 12%

approval rating in February 2010 (The Economist, 2009). The increasing disconnect between the Cabinet and Albertans is summed up by the Member of the Legislative Assembly (MLA) for Fort McMurray – Wood Buffalo Guy Boutilier, a former Cabinet Minister in the Conservative Cabinet who was recently ousted from caucus for speaking out against one of the Premier's decisions. "I would be nervous if I were a Premier or a Cabinet Minister or an MLA in Calgary right now, based on that disconnect. And so, what's my solution? Take some of the power away from the Cabinet... it can't be just 'accountability every four years when you get elected'" (Boutilier, MLA for Fort McMurray-Wood Buffalo, 1/12/2009). The two representatives of the Alberta Urban Municipalities Association (AUMA) noted that the LUF may change the way stakeholders approach decision-makers:

"Bocock: It'll be interesting to see when the plans get done, if people don't like it, if people will just be lobbying straight to Cabinet -

Welke: Which I'm sure they will.

Bocock: - which could start up a second process."

(Bocock and Welke, AUMA, 30/11/2009)

Mr Seiferling, the Commissioner of the Land Use Secretariat, further elaborated on how information was being relayed within government. Letters sent to Cabinet, most often to the Minister of Sustainable Resource Development, go the Land Use Secretariat to the RAC. He himself meets with different groups on a regular basis, and reinforced the point that, "Any group at any time can provide any submission they want. What I tell them, is that we're honouring the transparency of the province. Anything I get goes directly to RAC" (Seiferling, Land Use Secretariat, 7/12/2009).

Concerns noted earlier about the RACs being individual political appointments and disappointment by a number of groups at their industry not being given a seat at the RAC table were also noted in the context of Cabinet's influence.

The stakeholder interviews paint a picture of varied perspectives to the LUF and what it can accomplish. It also shows an uneven application of consultation processes through RACs. Though most support the initiative and the values behind the RAC, there is clearly concern over the contents of the regional plans. "There are great principles behind this, but it's all how it gets implemented" (Bocock, Alberta Urban Municipalities Association, 30/12/2009).

D. Comparison of interview and ALSA content analysis

Interestingly, the impressions of the LUF expressed by stakeholder groups did not reflect the findings of the coded analysis of the ALSA. In particular, the groups who felt most content with the consultation process and with the LUF itself (Energy and Municipal Governments) were those who were negatively impacted by the LUF. Those who were positively affected by the ALSA were least enamoured with the consultation process and who felt their concerns were unlikely to be fully expressed in the regional plans. This is outlined in Table 5.2 below.

Table 5.2: Comparison of ALSA content coding and interview findings

Stakeholder Group	ALSA Coding		Stakeholder Interviews	
	Mean Impact Value	±	Interactions with GoA	Feelings re: LUF/ALSA
Energy Municipalities	-0.6 -0.31	-	Day-to-day through permits, information sharing, policy development, working groups, etc.	Feel consulted; confident in the result of the Regional Plans. ⇒ Generally positive.
Regulatory Bodies	-0.56	-	Independent from the province, but cooperate with GoA departments to avoid duplication, especially with research and scientific material.	Not their role to be consulted; if Regional Plans provide a clear direction, may make their job easier. ⇒ Neutral.
Agriculture	0.38	+	Letter-writing; community awareness and mobilization, meeting with Agricultural Ministers, community education.	Do not feel consulted; wary of the contents of the Regional Plans; look to other means or actions to defend interests. ⇒ Generally negative.
Environmental	0.93			

The more negative feelings of the Agriculture and Environmental stakeholders towards the LUF and its consultation do corroborate my analysis in chapter three that many of the positive impact segments attributed to those groups were merely ‘lip-service’ that would not necessarily translate into reality. It also demonstrates the clear gap between the intention of the LUF and how it is implemented in reality: though the LUF uses very positive language towards all groups, particularly environmental and agricultural groups, the ALSA does not guarantee the inclusion of all interests by law. As will be discussed later, the positive impact codes do not necessarily translate into a voice on the RAC or a guarantee that different groups’ interests will be heard, and this finding is an early indication of that fact.

Chapter V: Analysis

The findings described in the previous two chapters clearly confirm that the structure of the LUF and the ALSA use regional plans far more than public policy: it makes the plans powerful tools that rescale environmental governance in the province. In analyzing these findings below, I will first elaborate on how the use of the regional scale has enabled the centralization of power in Cabinet while minimizing for Cabinet's accountability. I then build on my research findings to argue that the LUF creates more than a new physically defined regional scale for planning, but actually serves to create a new political scale: the 'Cabinet/Regional' scale at which stakeholders must act in order to influence the contents of regional plans. Roughly, this scale is physically set by ecological criteria, but with a temporal extent limited by the length of the RAC's deliberation period (unless the Cabinet decides to alter or review the plans) and a small target audience consisting only of the provincial Cabinet. I then present the major implications of this new political scale.

Centralization and Cabinet

The structure of the Land Use Framework and the *Alberta Land Stewardship Act* centralize a significant amount of power to the Cabinet through regional plans. In Chapter 4, I demonstrated in the coded content analysis of the ALSA that the law's impacts map out a reallocation of governing power within the provincial government. I found that of the impact codes assigned to the provincial government, the ALSA's positive impacts generally benefited the Cabinet while negative impacts generally affected individual ministries or departments. I determined this to be due to the Cabinet's ability to create and enforce the regional plans. This first point already

demonstrates an increase of the Cabinet's power at the expense of the other parts of the provincial government occurring within the government.

My second finding, that a high number versus code interactions between the province and regional plans demonstrates a shift of control from the province to the regional plans, corroborates the first. Since a Regional Plan cannot 'lose' power to the province because it is a new policy creation, any versus code between the province and regional plans indicates a transfer of power from the province to the regional plans. As discussed in Chapter 4, this loss usually occurred through forced compliance with regional plans, and by extension, to Cabinet. When combined with the first conclusion, this clearly demonstrates the centralization of provincial power to the Cabinet: the provincial government loses power to the regional plans, but the control over those regional plans lies entirely in the hands of the Cabinet. As a result, Cabinet is able to create policy that binds everyone in the Province which centralizing their power significantly. Though the compliance of provincial ministries with directions from their Ministers is neither uncommon nor inappropriate, the changes under the ALSA form a very strong, *legislated* form of Cabinet policy. As noted by Mr. Semenchuk, "It can be a good piece of legislation, or can be a very scary piece of legislation" (Semenchuk, Cumulative Effects Management Association, 1/12/2009).

Finally, the centralization of decision-making capacity was noted by several stakeholders, as is discussed in the accountability section below. When asked about the issue, Mr. Seiferling clarified that, "Some are arguing that the regulations need to bind Cabinet about, we need to consult with Albertans the whole way through, and that's not the way it's going to be. It's going to left to Cabinet discretion because it might be anything from "we forgot to cross the t" to something major" (Seiferling, Land Use Secretariat, 7/12/2009). It is also important to note

that, although the intention has been announced to proceed with RACs for all regions under LUF, the provisions calling for the creation of RACs are conditional (“The LGIC *may*...”) instead of mandatory (“The LGIC *must*...”), furthering the discretionary power of Cabinet in the future.

This centralization is illustrated in Figure 6.1 below, where dotted boxes show elements of the planning process that are under the control of the provincial Cabinet. It demonstrates the overall control held by Cabinet and the degree of centralization within the creation of the regional plans.

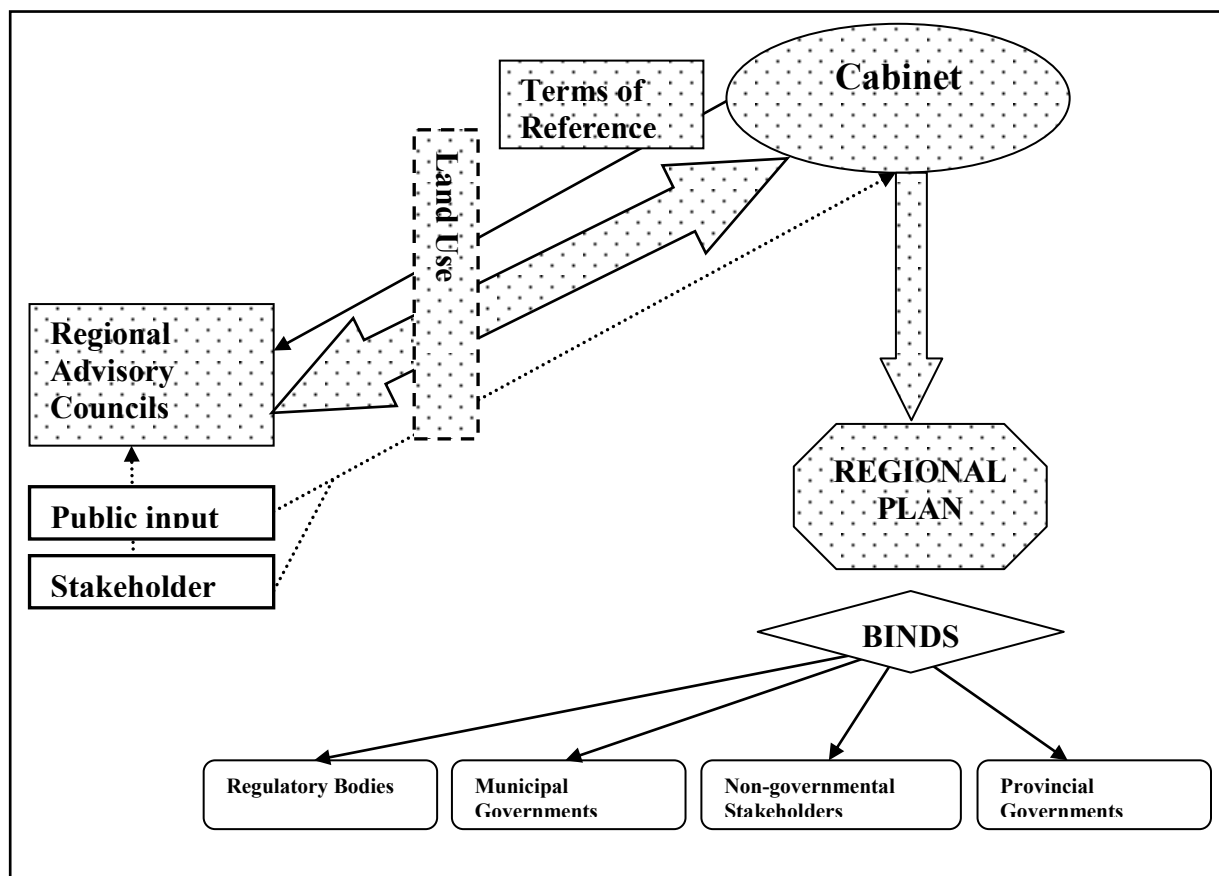


Figure 6.1: The creation of a regional plan, with Cabinet-controlled processes shaded.

Accountability

In the case of the LUF, centralization is accompanied by a lack of accountability which has the potential to have a significant negatively impact on stakeholders.

First, I contend that the role of the RACs provides for uneven public consultation and leads to perceived (if not actual) political interference. The choice of RAC members was one of the more common concerns discussed in the interviews, especially by those stakeholders who felt that their concerns were not represented by a seat on the RAC table. In the case of the South Saskatchewan RAC, a region containing the province's largest city and its most fertile agricultural land, both environmental and agricultural stakeholder representatives felt that they were out of the loop in the planning process. According to their representatives, both the Alberta Wilderness Association (AWA) and the Wild Rose Agricultural Producers (WRAP) had nominated candidates for a seat on the RAC. Neither nomination was accepted and both groups felt that their concerns were not adequately represented by actual members of the South Saskatchewan RAC. Mr. Douglas noted that though the whole environmental community had worked together on putting names to the province, there was no environmental representation on the RAC. "The same thing happened in the Lower Athabasca Region before. It was pretty concerning that they didn't think the environment is important enough to have a specific representative" (Douglas, AWA, 9/12/2009). Mr. Banack speculated that it was probably due to the disruptive nature of putting people with contrasting visions on the same planning committee. "They've chosen who will sit on the boards. It may not... sometimes, we can put someone on the board and it may be more disruptive to the board, to the operations, but that's part of democracy and part of what you have to learn to deal with. [...] I think we've lost that opportunity to report back agriculture. We feel we're not being consulted today, and that won't end" (Banack, WRAP

2/12/2009). Asking RAC members to act as individuals, instead of representatives, also adds to the lack of accountability, as discussed in Chapter 5.

Additionally, I argue that the post-RAC control of regional plans by Cabinet also raises questions of accountability. The final contents of the regional plans are at the discretion of the Cabinet, and once the regional plans are created, neither the contents nor later changes to the plan can be appealed because they are considered an expression of public policy. However, the power created by the regional plans does not correspond with how Cabinet is made accountable to voters, and as a result the ALSA places a huge amount of potential power in the hands of a very small group of people who are not elected to perform these particular duties. The concern for this is expressed in a number of ways. AUMA noted concern by officials who felt they, not a regional representative, had been elected to address issues included in the Regional Plans; others noted that nobody has elected the Cabinet at all for this role. Others felt that the Cabinet *had* been elected to perform these duties. However, I argue that a distortion of responsibility occurs because the physically defined region does not match the politically defined governance of that region. For example, the riding of Fort McMurray-Wood Buffalo contains most of the physical area of the Lower Athabasca region, but its MLA does not sit in Cabinet. The Fort McMurray's constituents can contact their MLA or Cabinet Members directly, and their message may be relayed within government. However, because no Cabinet Minister relies on being re-elected in that the riding of Fort McMurray, there is no true accountability to those people or their concerns. This similarly applies to the Cabinet as a group: instead of an individual Minister being held accountable for the performance of his or her portfolio (for example, Environment or Sustainable Development), Cabinet as a whole is held responsible for the regional plans. This further minimizes individual accountability and shifts accountability for the plans to Cabinet as a

collective. In this case, nothing but extremely negative public perception or a loss of the majority of seats in the Legislature by the government holds the Cabinet responsible for their actions, and neither of these threats corresponds directly enough to the LUF to make for a truly accountable system. Moreover, Alberta's long history of single-party dominance makes this type of accountability highly unlikely.

Overall, it is clear that the structure of the LUF, as legislated by the ALSA, centralizes power in the hands of the Cabinet without providing adequate accountability to stakeholders. This accountability is even more necessary considering the extensive powers of the regional plans. Below, I conclude my analysis with an outline the implications of these findings for stakeholders.

Working with the regional scale

Though the LUF is a provincial policy initiative under provincial laws, the provincial government uses the LUF to create regions and engage in regional planning. In doing so, they not only define a new scale using ecological criteria, but they also create a new space of engagement for stakeholders which I have termed the 'Cabinet/Regional' scale. I have demonstrated that the use of the regional scale centralizes Cabinet power without any corresponding increase in Cabinet's accountability. In this final section, I argue that the use of the regional scale disempowers stakeholders through the creation of this new Cabinet/Regional scale in three main ways. First, the regional reach of the LUF and the ALSA directly impacts stakeholders' interests by undercutting the scale at which they originally operated. Second, the high stakes of the regional plans make it imperative that stakeholders act at the Cabinet/Regional

scale, which many stakeholders cannot do effectively, placing some stakeholders at a disadvantage. Third, the ALSA itself has the long-term effect of removing the legitimacy of the regional scale through impermanent consultation processes and its reliance on Cabinet. I conclude by noting that, in light of this loss of power and restructuring of scales, stakeholders respond by jumping scales in order to jump right over the newly-established regions and lobby Cabinet directly. Moreover, those who are not able to effectively lobby the Cabinet will likely resort to other actions such as legal challenges and procedural roadblocks once the plans have been put in place as a means to defend their interests.

First, as seen in the coding analysis, the ALSA and the LUF removes power from existing power structures (such as municipalities or current provincial policy frameworks) by binding them under regional plans and the ALSA. This places the original scale at which stakeholders operate (often municipal or provincial) at a disadvantage because, at any time, a regional plan can potentially alter the power of that scale. The severity of that impact will of course depend upon the contents of the Regional Plan and what type of interests are at play, but for stakeholders wishing to assure their interests at, for example, the local scale, it may be more effective for them to simply push for their interests at the regional scale. This overriding of existing scales of governance is a concern as it places yet more importance on the regional plans and is a further disadvantage to those who are not able to work at the regional scale. It has the potential to create a two-tiered system of environmental governance split by ability to interact at the Cabinet/Regional scale.

Second, the use of the regional plan requires stakeholders to engage with the provincial government at a new Cabinet/Regional scale and places those who are not able to do so at a clear disadvantage. This disadvantage is reflected in the attitude towards RACs and the LUF found in

the interview results: those who do not feel represented on the RAC, such as the Environmental or Agriculture groups, do not feel like their input is privileged at this scale. “We submitted our own conservation recommendations to each of the South Saskatchewan and Lower Athabasca advisory councils, but we’ve basically sent those documents and we have absolutely no idea whether they’ll be read,” (Douglas, AWA, 9/12/2009). Others, like the municipal and energy stakeholders, feel more comfortable with the process. This division echoes comments regarding pre-LUF interactions with the provincial government: those who has more direct contact with the provincial government and participated in initiatives in a more cooperative role, such as municipalities and the energy industry, are those sitting on the RAC. Those who had a relationship of letter-writing and solicitation with the provincial government, are less or not present on the RAC. The division indicates that those already operating at the provincial scale are also able to operate effectively at the regional scale; those who operate at other scales find it far more challenging to do so. This sets the for participation stakes very high for those who are least able to influence the outcome of the RACs. Overall, the use of the regional scale in planning places some stakeholders at a disadvantage not only because they are operating at a new scale, but also because failure to act at a regional scale puts their local interests at risk.

Finally, this disempowerment is compounded by the temporary nature of the regional scale as it is used in stakeholder consultations. As seen in the introduction, once the RAC has made its recommendations, it is disbanded and any further changes to the regional plan (or, for that matter, any further public consultation on the subject of changes to the regional plans) are entirely at the discretion of the Cabinet, within the requirement under the ALSA to review the plans within ten years. This structure undermines the authority of the RACs by placing ultimate authority in the hands of the Cabinet from the start. This has led many stakeholders to ignore the

formal channels involved in the regional planning process entirely, choosing instead to go directly to Cabinet with their concerns. This issue was raised in interviews when discussing how stakeholders may change the way they interact with the government following the implementation of the LUF, and a number of the stakeholders noted that many would likely lobby straight to Cabinet. The RAC is only used as an initial and temporary part of the process of creating policy, which weakens its authority during the planning process, and this weakness and will likely lead to scale-jumping straight to the Cabinet/Regional level.

The end result is a potentially extremely powerful but temporary scale with a weak public consultation mechanism. Stakeholders feel they must participate because the possible consequences are large if they do not, but the efforts made to function at the regional scale cannot be sustained.

The powerlessness of the RAC has also led to many stakeholders (particularly those who felt left out of the RAC planning process) taking a separate approach to their future interactions with the government. Three particular ideas of how the role of stakeholders would change in the future emerged in the interviews. Mr. Semenchuk felt that the new role of the stakeholder might be to ensure that Cabinet enforces the contents of the plans, even if they are contentious. “Enforce it. [...] And I think that’s probably going to be the most powerful one” (Semenchuk, CEMA, 1/12/2009). Others, such as Mr. Douglas, see their role as holding the government to the environmental intent of the LUF. “The fact that the government has gone out on a limb and set up this process [...] if it does just become a business-as-usual process, then that’s going to give us an awful lot of ammunition, I guess. We will see it as our role to keep the government honest to its original intention. So we will have some power from that point of view” (Douglas, AWA, 9/12/2009). Others still feel that having not been consulted before the creation of the regional

plans, that they will have a chance to air their concerns when the contents of the plan are implemented. “When it’s pushed down, and before these developments go ahead, there will be an appeal process, and that appeal process is going to get bogged down instantly. Because that’s the only place that people have to discuss this” (Banack, WRAP, 2/12/2009). These perspectives paint a picture of stakeholders who, unable to contribute in the development of the policy, takes an adversarial approach to ensuring their interests later on down the line at a scale that is appropriate to their capabilities.

Analysis Conclusions

I draw three major conclusions from the results of my content analysis and interviews. First, the use of the regional scale in environmental planning has led to the centralization of power within the Albertan Cabinet. This has occurred through the implementation of the ALSA and its mechanism of regional plans and results in a dangerous lack of accountability to stakeholders. Second, that the use of the regional plans and the regional scale disadvantages stakeholders due to its simultaneous strength and impermanence. This negative impact also has the result of creating alienated stakeholders whose best alternative may be to act outside the channels of communication and consultation prescribed by the provincial government. Between the two results also lies the larger issue of the new Cabinet/Regional political scale at which stakeholders must act in order to defend their interests through the regional plans. This also raises questions of perpetuating a system where some stakeholders can participate more easily than others. In the larger context of environmental issues in the province of Alberta, the difficulties encountered by members of key stakeholder groups in participating in the regional planning process is disappointing. The impression of the LUF was that of a progressive commitment to address the

environmental and social issues that plagues the province. That key groups are disempowered by the ALSA and are voicing concerns of exclusion raises a number of concerns about the provincial government's sincerity of implementing this policy as was originally intended or communicated by the LUF. Instead, the concerns of environmental sustainability and responsible planning may be overshadowed by the scramble to act at the Cabinet/Regional scale.

Conclusion

This paper has addressed the manner in which the regional scale can be used in environmental management and its impacts on stakeholders. Using the example of Alberta's recently-implemented Land Use Framework, I investigated this aim by asking two questions. First, how is regional scale used in environmental planning and management in Alberta? Second, how has the use of the regional scale impacted stakeholders across the province? To answer these questions I conducted content analysis of the LUF's supporting legislation and interviewed representatives of stakeholder groups in Alberta, then analyzed the findings of each. The analysis that followed found that scale and rescaling played an important part in how environmental governance was structured both physically and politically.

The answer to the first question has both a simple and a complicated answer. The simple answer is that the provincial government uses the regional scale to create individualized environmental management plans for ecologically-defined regions. In reality, however, the result of the process established to create these regional plans actually places a significant amount of power in the hands of the provincial Cabinet. Unfettered Cabinet control over regional plans creates a new Cabinet/Regional political scale where stakeholder must act if they are to ensure their interests are included in the regional plans. This new scale reinforces Brenner's argument that scales are a "mosaic of unevenly superimposed and densely interlayered scalar geometries" (Brenner 2001: 606) instead of strictly hierarchical. While political scale as established by law may appear to be clean-cut and structured, the Cabinet/Regional is physically set by ecological criteria, has a strict temporal extent limited by the length of the RAC's deliberation period (unless the Cabinet decides to alter or review the plans), and has a small target audience consisting of only Cabinet. In this case, despite the provincial government's attempt to legally create a regional scale for

stakeholder consultation through the Regional Advisory Councils, many stakeholders “jumped scales” (Smith 2003) over the regional level in order to take their concerns directly to those that hold the power.

In addressing the second research question, I argue that all stakeholders are negatively impacted because their actions are bound by the contents of the regional plans. The regional plans have the potential to limit their ability to operate, and this potential is worrisome when the contents of the regional plans cannot be appealed and the process to create them is heavily critiqued for their consultation processes. It also became clear in analysis that the severity of the impact depends on the stakeholder group. Stakeholder groups who worked with the provincial government on a daily basis were comfortable that their interests would be satisfactorily addressed in the LUF, while those who worked on an ad-hoc, issue by issue basis with the province were did not feel that they could effectively partake in the consultation process and were concerned that their interests might not be present in the regional plans. This elaborates on Smith’s (2003) concept of ‘jumping scales’ by exploring the consequences of some groups being more able to jump scales than others. For example, two stakeholder groups with conflicting interests may both operate at the same local scale. One local actor may be able to successfully operate at the regional scale to override their local government, and the effect of their actions at the regional scale will bear consequence for both stakeholders at the local level, despite their unequal ability to defend their interests. This brings to mind Agnew’s conclusion that “social and ecological outcomes are the result of historical political interests” (Agnew 1997:100), and begs the question of what the social and ecological outcomes of this politically-charged policy will be. Once the first regional plans are released, further research on their enforcement of the plan’s contents and their success at achieving their goals would make for fascinating follow-up to the research conducted here.

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Appendix I: Research Ethics Board I Approval for Interviews



Research Ethics Board Office
McGill University
1555 Peel Street, 11th floor
Montreal, QC H3A 3J8

Tel: (514) 398-6831
Fax: (514) 398-4614
Ethics website: www.mcgill.ca/researchoffice/compliance/human/

Research Ethics Board I Certificate of Ethical Acceptability of Research Involving Humans

REB File #: 142-1009

Project Title: Scale and stakeholders in Alberta's regional planning

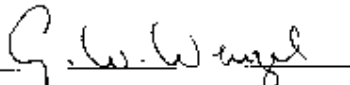
Principal Investigator: Stephanie Ridge Department: Geography

Status: Undergraduate student Supervisor: Prof. Benjamin Forest

Expedited Review ☒

This project was reviewed on 16 October 2009 by

Full Review ☐


George Wenzel, Ph.D.
Chair, REB I

Approval Period: October 16, 2009 to October 15, 2010

This project was reviewed and approved in accordance with the requirements of the McGill University Policy on the Ethical Conduct of Research Involving Human Subjects and with the Tri-Council Policy Statement: Ethical Conduct For Research Involving Humans

*All research involving human subjects requires review on an annual basis. A Request for Renewal form should be submitted 2-3 weeks before the above expiry date.

*If a project has been completed or terminated and ethics approval is no longer required, a Final Report form must be submitted.

*Should any modification or other anticipated development occur before the next required review, the REB must be informed and any modification can't be initiated until approval is received.

Appendix II: Informed Consent Form

Scale and Stakeholders in Alberta's Regional Planning

Stephanie Ridge, McGill University

I am researching how stakeholder participation in environmental governance has changed following the implementation of the Land Use Framework in Alberta. Interview data is being collected solely for scholarly purposes.

Statement of Informed Consent:

I have been briefed on the nature of this research project and have had the opportunity to discuss it with the interviewer. All my questions have been answered satisfactorily about the project.

I know that:

1. Information gained for this project will be used for scholarly purposes only.
2. My participation in the interview is entirely voluntary.
3. If I feel uncomfortable with the interview at any stage I may decline to answer any question.
4. I may end the interview at any time and/or withdraw from the project without any disadvantage of any kind.
5. Information for this interview may be used for scholarly purposes, including an undergraduate honours thesis and publication in a scholarly, peer-reviewed journal. For this purpose:

___ I agree to have my name recorded in the research and in the final thesis

___ I wish to have my name and identifying information remain confidential.

6. With regards to audio recording,

___ I consent to being recorded during this interview.

___ I do not consent to being recorded during this interview.

I agree to take part in this interview.

Date

Participant Name

Participant Signature

Interviewer Name

Interviewer Signature

Appendix III: Interview Guide for Stakeholders

Interview Guide for Interest Group Stakeholders

The Organization and its Interests

1. What are the main interests and goals of your organization?
2. Describe the historical relationship between yourself and:
 - a. Municipal governments?
 - b. The provincial government?
 - c. All scales of government, on environmental issues in particular?
3. How have you worked to influence public policy on environmental issues in the past? What have been your major successes/failures?
4. What role do environmental values play in your organization?

Organization's Interaction with the LUF/ALSA

1. How did you first become aware of the LUF/ALSA?
2. Was your organization consulted during the initial consultation process in 2005 and 2006 (through Focus/Ideas Groups, Cross Sector Forums, or the Multi-stakeholder group meetings)?
 - a. If so, what was your experience with these consultation exercises?
3. Has your organization contacted the provincial government with regards to LUF/ALSA? Did you want to be involved in the Regional Advisory Committees (RACs)?
4. Are you taking part in the consultations being conducted by the Regional Advisory Committees?
 - a. If so, how do you feel about the process?
 - b. If not, why not?

Experiences with and opinions on the LUF/ALSA

1. How do you see the LUF/ALSA affecting your organization's interests and goals?
2. What aspects of the LUF/ALSA (as a policy) concern you? What aspects impress you?
3. Will the LUF/ALSA affect the way you lobby the government in order to further your interests? What changes will your organization make in order to influence public policy in the areas covered by the LUF?
4. Do you think that your organization has gained influence under this new system? Why or why not?
5. Are your interests served by the implementation of the LUF?

Appendix IV: List of Interviews Conducted

Banack, Humphrey
President
Wild Rose Agricultural Producers
December 2, 2000

Blake, Melissa
Mayor
Regional Municipality of Wood Buffalo/Fort
McMurray
December 7, 2009 {by phone)

Boutilier, Guy
Member of the Legislative Assembly
Fort McMurray/Wood Buffalo
December 1, 2009

Douglas, Nigel
Conservation Specialist
Alberta Wilderness Association
December 9, 2009

Fordham, Chris
Senior Sustainability Strategy Specialist
Suncor Energy
December 11, 2009

Goodman, Tristan
Advisor to the Chairman
Energy Resources and Conservation Board
December 10, 2009

Hovland, Kate
Policy Analyst
Alberta Association of Municipal Districts &
Counties
January 27, 2009 (by email)

Seiferling, Morris
Commissioner,
Land Use Secretariat
December 7, 2009

Semenchuk, Glen
Executive Director
Cumulative Effects Management Association
December 1, 2009

Sian, Sherry
Resource Access Manager
Canadian Association of Petroleum Producers
December 11, 2009

Welke, Sue
Director, Policy and Advocacy,
and
Bocock, Rachel
Senior Policy Analyst
Alberta Urban Municipalities Association
November 30, 2009