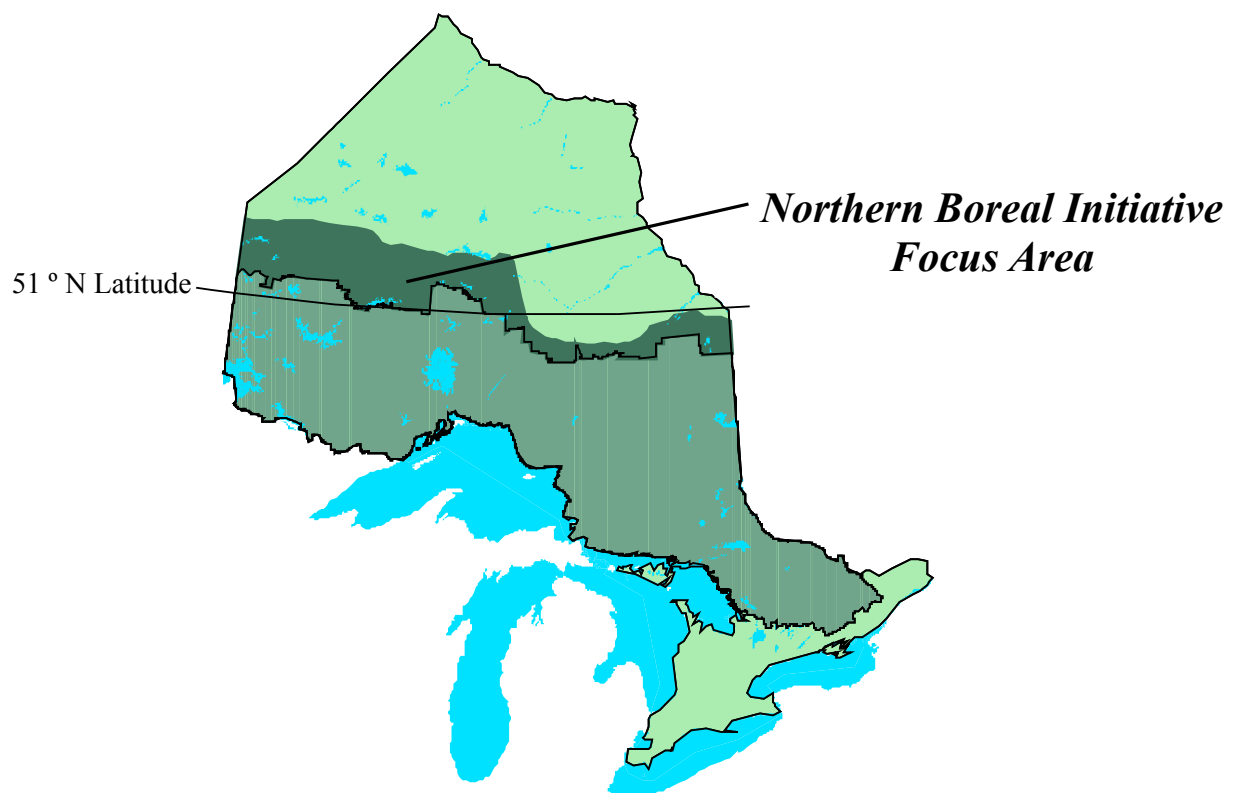




Community-based Land Use Planning

**Northern Boreal Initiative
October 2002**



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Northern Boreal Initiative: October 2002

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Cette publication est également disponible en français.

1. INTRODUCTION

The Northern Boreal Initiative, or NBI, was established in 2000 in response to several First Nation's interests in commercial forestry north of the area where this activity is currently authorized in Ontario. Ultimately, the goal of NBI is to provide these First Nations with opportunities to take a leading role in land use planning and forest management, with an important objective of fostering sustainable economic opportunities in forestry and conservation. Although the catalyst for NBI was forestry, the capability of lands and resources to support all types of sustainable development opportunities will be considered in the process. In order to reach these goals, both First Nations and Ontario have considerable preparatory work to address.

Commitment to move ahead with NBI flows from the First Nation communities themselves, from Ontario's 1996 Aboriginal Policy Framework, and from the 1999 Ontario Forest Accord. The Accord provides a number of specific conditions to this end (see inset).

Land use planning is one of the first steps in making decisions about potential land uses and resource development. The resulting strategic direction communicates local people's interests and intentions, and incorporates a local application of broader government policies. Land use planning is an essential first step in 'orderly development', a guiding policy of the Northern Boreal Initiative.

An approach to planning called *Community-based Land Use Planning*, has been designed for use with NBI. The approach is founded upon sharing responsibilities, applying local knowledge in decision-making, and full consultation. *Community-based Land Use Planning* was first described in the summer of 2001. It was shared broadly, including its posting on the Environmental Bill of Rights registry. Public responses assisted in MNR's evaluation and further definition of the approach which is now ready to be implemented as the First Nations associated with NBI enter the planning stage of the process.

A number of geographic and administrative areas are relevant to NBI. Figure 1 illustrates the focus area for NBI. Individual land use planning areas will be defined by the First Nation communities using indigenous knowledge regarding occupancy, use, and land values. These, and ecological areas described as ecoregions will be used in analysis of protected areas.

First Nations will lead an evaluation of protected area needs and proposed new uses in light of their goals for economic development, ecological sustainability, and the preservation of traditional activities and lifestyle. Results will reflect community level needs, broader ecological considerations, and provincial level direction.

The 1999 Ontario Forest Accord is an agreement that was reached at the conclusion of Ontario's Living Legacy.

Commitment #24:

MNR, the Forest Industry and the Partnership for Public Lands will support initiatives directed toward the orderly development of areas north of the AOU, on a best efforts basis and as quickly as possible, subject to the following conditions:

- a) *Full agreement of affected First Nation communities,*
- b) *Permitting commercial forest management on lands north of the area of the undertaking, subject to obtaining the concurrence of the Minister of the Environment to provide coverage modeled after the coverage of the Timber Class EA terms and conditions and,*
- c) *Recognition and regulation of parks and protected areas on these lands*

Northern Boreal Initiative Reference Map

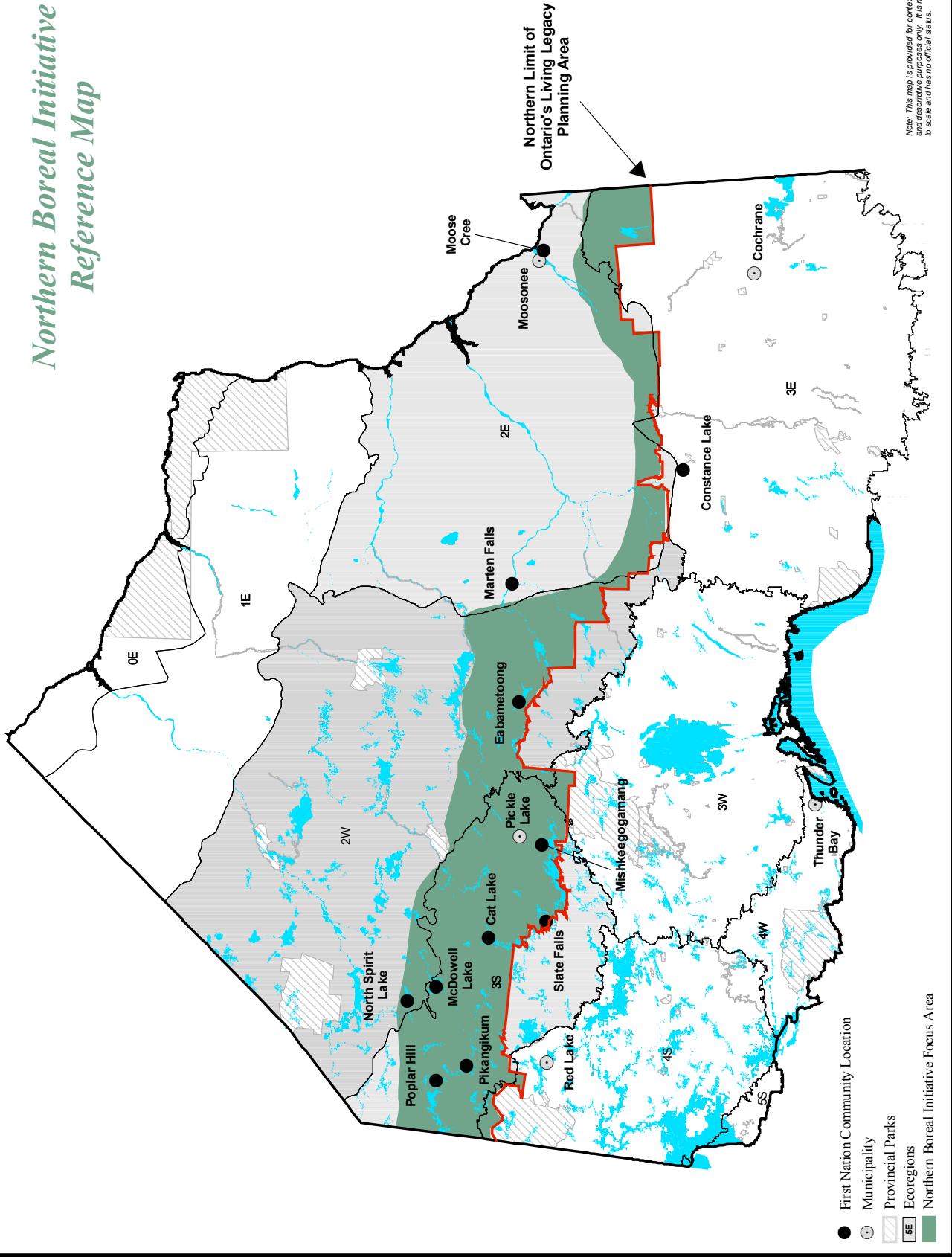


Figure 1: The Northern Boreal Initiative Focus Area Highlighted

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2. THE GOALS OF COMMUNITY-BASED LAND USE PLANNING

Community-based Land Use Planning is based upon the principles and expectations of the Province of Ontario, and the First Nations associated with NBI. The approach aims to promote cooperation and collaboration of efforts by linking First Nations, agencies, and provincial stakeholders in positive discussions. It provides a framework to integrate economic, social, and environmental values; balance competing demands; and make decisions that contribute to the goal of sustainable development in Ontario.

Land Use Planning in Ontario

Managing for the wise use of Ontario's natural resources is an important priority of the Ministry of Natural Resources (MNR). The provincial framework for making decisions about Crown land¹ and natural resource management is illustrated in Figure 2. Land use planning is undertaken in accordance with applicable legislation (e.g. Public Lands Act) and policy direction.

Community-based Land Use Planning, as it has been proposed by First Nations, fits well within this framework. First Nations and MNR will work collaboratively to develop and endorse *Community Land Use Strategies*.



Figure 2: Provincial Planning Framework

Expectations

The Community-based Land Use Planning approach will:

- complement the MNR's provincial framework for decision making,
- initiate orderly development through land use planning for areas north of the OLL planning area,
- meet relevant policy and legal requirements,
- incorporate local and broad dialogue and consultation,
- recognize existing land uses in the planning area,
- consider scale in land use planning decisions (see discussion on next page),
- contribute to the provincial protected areas system,
- be led by First Nations, and,
- result in *Community Land Use Strategies*, endorsed by both the lead First Nation(s), and the Ministry of Natural Resources.

Timeframes

The leading First Nation(s) will determine when they are ready to commence the planning process. For each planning area, Community-based Land Use Planning will begin with a clear description of the planning structure, process, timeframes, consultation, and expected outcomes.

¹ Indian Reserve lands, federal lands and privately owned lands are not subjects of provincial land use planning

3. SCOPE OF PLANNING

A significant challenge for the design of *Community-based Land Use Planning* is to ensure that subjects will be addressed at the appropriate geographic scale(s), while maintaining a core commitment to decision-making at the community level, for a community-defined area.

Some subjects, e.g. customary livelihood and resource use and the protection of heritage resources, may be addressed entirely at the community level while other subjects need to be considered in broader landscapes such as ecological regions or watersheds. Examples include protected areas, wildlife, and forestry. The example of protected areas is described below in Table 1. Landscape-scale definition may even extend beyond provincial boundaries, in which case, planning would involve other jurisdictions.

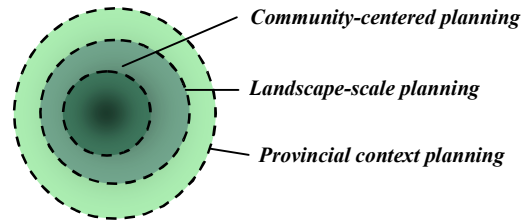
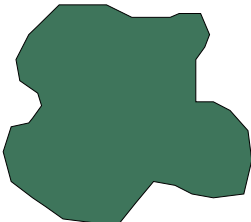
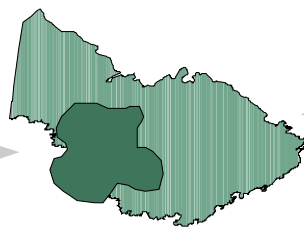
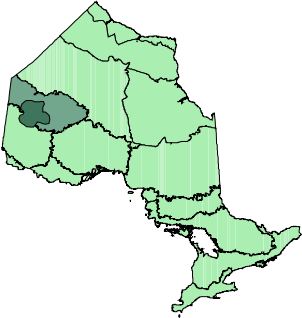


Figure 3: The concept of Community-based Land Use Planning

Planning from a First Nation perspective will provide Ontario with views on local economic, social, cultural and environmental implications of recommendations. Input from a provincial perspective will provide communities with views on the broader economic, social and environmental implications of recommendations. Unlike the area to the south of NBI, a broad regional land use strategy is not available to guide community planning. Provincial policy will be consulted for broad objectives and guiding principles, and in some cases such as protected areas, will include area targets.

Table 1: Example of protected areas interests at different scales.

Community Scale First Nations lead	Landscape Scale MNR/First Nations	Provincial Scale MNR lead
 <ul style="list-style-type: none"> Community-based land use planning areas will be described by First Nations. Specific First Nation interests regarding protected areas will be described. First Nation recommendation, ecoregional targets, and provincial objectives will be combined to define protected areas. 	 <ul style="list-style-type: none"> Ecoregional evaluation is used for determining representation needs and the best location for new parks and protected areas. There are specific targets (e.g. one wilderness park per ecoregion) provided in policy. One or several First Nation defined community-based land use planning areas may occupy an ecoregion. 	 <ul style="list-style-type: none"> Provincial objectives for protected areas apply to the entire province (e.g. representation of a set of Natural Heritage Features). The province is divided into 14 ecoregions.

4. PLANNING STRUCTURE

The planning structure for Community-based Land Use Planning has been designed to accommodate planning needs at several scales, described in the previous section as *Community-centered*, *landscape-scale* and *provincial context*. Strategies for each community-defined planning area will reflect community objectives, landscape considerations, and provincial policy direction. This complex undertaking requires structuring to allow information sharing, extensive dialogue, and consultation, while respecting the focus on communities.

A cooperative planning arrangement is described for Community-based Land Use Planning; led by First Nations with facilitation and input from government agencies. It includes dialogue opportunities for stakeholders, interest groups, and concerned citizens. Additional venues for external participation in planning can be established as needed to provide support and exchange of information. The planning structure and interactions are portrayed below.

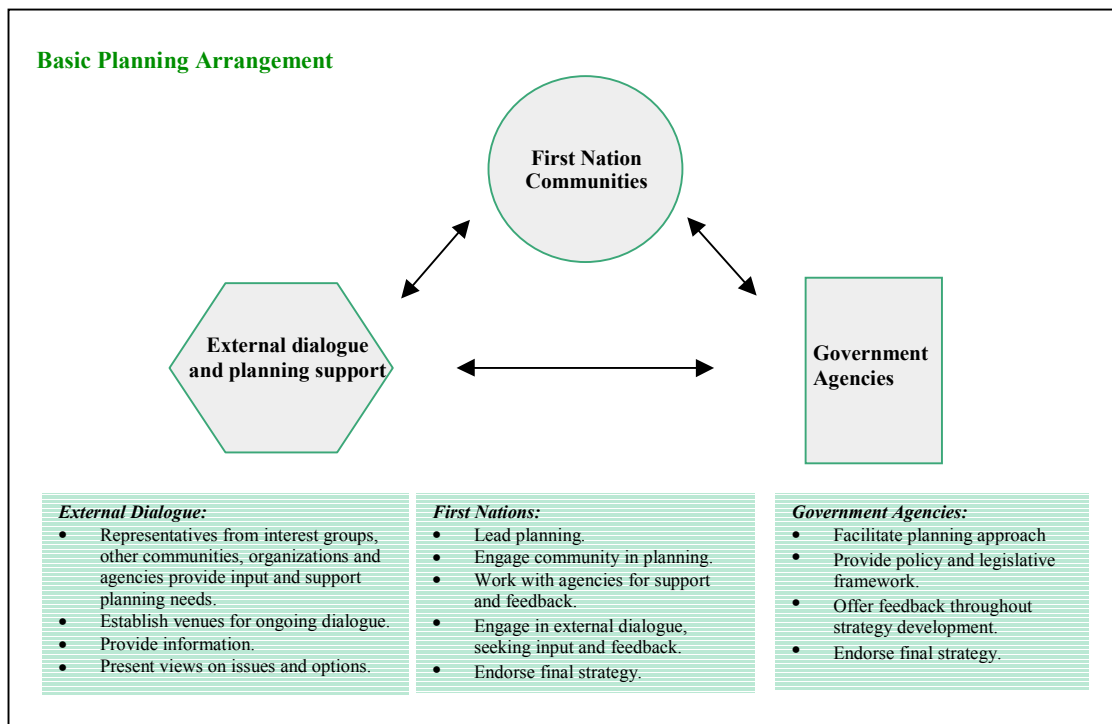


Figure 4: Stylized representation of the cooperative planning arrangement designed for Community-based Land Use Planning

Support

Community support needs may include the gathering of traditional use and ecological information, administration for planning, and within-community consultations. First Nation communities associated with NBI will capture funds from a variety of sources in order to complete their strategy.

MNR, and other provincial agencies as required, will contribute to Community-based Land Use Planning through the provision of planning expertise, facilitation of broad consultation requirements, and the assembly of resource information.

Issue Resolution

The planning arrangement is structured to incorporate ongoing dialogue and feedback throughout the process. This offers a means to resolve issues and disputes concerning planning matters before recommendations for the final land use strategy are developed. Conflict resolution mechanisms will be built into each community process.

Approvals

The MNR and other agencies will continuously evaluate local planning direction in light of policy objectives and legislation. A dual final endorsement of strategies will result: approval from the First Nation through community-determined procedures, and, approval provided under the authority of the Minister of Natural Resources, administering the Public Lands Act.

5. PROCESS

Land use planning commonly follows a step-wise process for decision-making that is consultative in nature. Components common to land use planning are development of a terms of reference, assembly of background information, analysis of options, and preparation of the draft and final land use strategy (see figure 5 below).

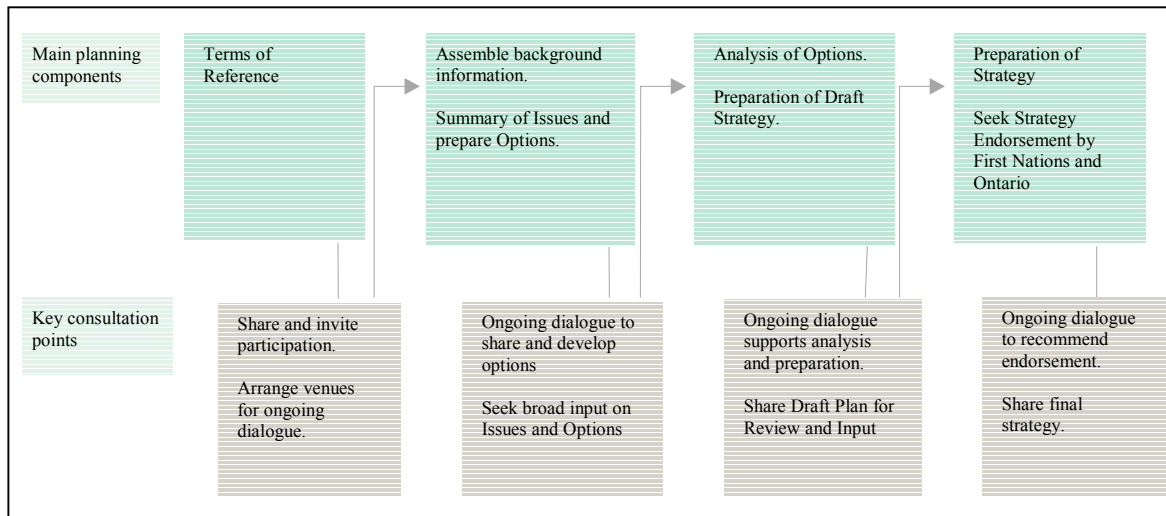


Figure 5: Consultative Process for Planning

Process Details

Terms of Reference will set out the details of each planning exercise. Terms will first be endorsed by each First Nation and MNR, then shared broadly to formally begin the process. Timelines will be set to advise people of the process steps and consultation opportunities, and to provide for completion within a reasonable timeframe.

Public consultation

Dialogue will be ongoing in the processes. In addition, at key points as noted in Figure 5 there will be focussed consultation with First Nations taking a leadership role, with invitation to review recommendations and provide input to planning decisions. MNR will meet policy and legal requirements for public consultation established under the *French Language Services Act*, *Freedom of Information and Protection of Privacy Act* and the *Environmental Bill of Rights*.

Aboriginal and treaty rights

Land use planning under NBI will be carried out in a manner that is without prejudice to the Aboriginal and treaty rights of First Nations and individuals.

Implementation of direction

Strategic land use direction describes where, and in what manner, lands and resources will be used. *Community Land Use Strategies* will be added to the provincial atlas of land use direction through an amending procedure; this will be addressed during each strategy's approval process.

Subsequent land and resource allocations, resource management planning (e.g. forest management planning) and resource management activities will be subject to MNR's obligations under the Environmental Assessment Act (EA Act) and other relevant legislation.

Amendments, monitoring

Periodically, the effectiveness of direction and decisions contained in resulting strategies will need to be evaluated. A procedure to be utilized for modifications will be identified within the strategies.

6. EXPECTED OUTCOMES

Each *Community-based Land Use Strategy* will represent a shared understanding among First Nations, agencies, and stakeholders. Strategies will address the sustainable development of natural resources. Objectives and opportunities will be described, with an accompanying evaluation of related economic, social, and environmental benefits. Strategies will provide recommendations for management direction to enhance the subsequent uses.

Endorsed by the lead First Nation(s) and the Province of Ontario, strategies will result in:

- Values identification and background information documents supporting the evaluation of issues and options.
- Sustainability objectives (i.e. ecological, cultural, social, economic) for lands and resources,
- Appropriate land use designations and recommended allocations for protected areas, traditional use areas, commercial forestry, and tourism.
- Recognition of new protected area and provincial park locations as a first step for their establishment and regulation.
- Strategic direction for lands and activities to meet expressed objectives and address policy or legislative requirements.
- Guidance and/or protocol for pursuing various development opportunities in the area.
- Strategic direction to provide input to broader access development planning, if required.
- An endorsed amendment procedure that allows the strategy to adapt.

It is expected that Community-based land Use Planning, led by First Nations for their defined areas, will guide the future and define a balance among protection, conservation, customary and livelihood uses, and development.

Further Information

Further information about the Northern Boreal Initiative and Community-based Land Use Planning is available at the [EBR Registry](http://www.ene.gov.on.ca/envision/env_reg/er/registry.htm) (http://www.ene.gov.on.ca/envision/env_reg/er/registry.htm). Previous postings to the to the EBR Registry include the following:

- [Northern Boreal Initiative Information Notice](http://204.40.253.254/envregistry/014243ep.htm), (<http://204.40.253.254/envregistry/014243ep.htm>) EBR Registry Number PB01E1008, and
- [Community-based Land Use Planning Approach](http://204.40.253.254/envregistry/016410ep.htm), (<http://204.40.253.254/envregistry/016410ep.htm>) EBR Registry Number PB01E1012

Questions on this document or other aspects of NBI may be directed to:

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Personal information will be protected in accordance with the *Freedom of Information and Protection of Privacy Act* (1987).