

# **LARGE AREA LAND USE PLANNING FOR MANITOBA**

**VERSION 2  
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## **Large Area Land Use Planning—Applications for Manitoba**

### **1. Introduction**

This paper advocates Large Area Land Use Planning in Manitoba as a necessary tool for fulfilling diverse societal objectives. It examines policy recommendations for Large Area Land Use Planning, Manitoba's various commitments to land use planning, characteristics of different models of land use planning (including First Nations traditional land use<sup>1</sup> studies), lessons useful to Manitoba from BC's experience with land use planning, and some suggestions regarding implementing Large Area Land Use Planning in Manitoba.

Large Area Land Use Planning would introduce certainty in land use in Manitoba. Through public and First Nations consultations, consensus and careful planning, a balance between environmental, economic, social, and traditional values could be achieved. Large Area Land Use Planning could provide the basis for providing First Nations certainty in decision making regarding their traditional lands.

Protected areas could increase and be secured for conserving biodiversity and maintaining ecological functions while providing economic opportunity. Large Area Land Use Planning involves zoning for sustainable resource development, thus providing communities, industries and workers greater security. Large Area Land Use Planning thus could provide the basis for decision making for Manitoba's land base.

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<sup>1</sup> Traditional land use are activities in ancestral lands that involve the harvesting of traditional resources, such as hunting, fishing, trapping, berry picking, or land use that has spiritual or cultural significance such as sacred sites, burial grounds, hunting areas.

**Large Area Land Use Planning – Definition**

Land use planning takes place along a continuum that ranges from the general to the specific – from the global to the specific (Brown, 1992). At the provincial level, the upper end of the continuum is generally a provincial land use strategy that sets goals, policies and directions to the lower end, where progressively more detailed and operational plans are prepared for regions, sub-regions and local sites (see Appendix 1 for an example of this planning continuum). Brown (1992) calls the planning continuum a “top down and bottom up” planning model:

The idea of a planning continuum reflects the important and practical need for national, provincial or state governments to define basic land and resource policies in the broad public interest (the top down); and the equally important need for local people and governments to reflect local conditions and aspirations in planning and decision making (the bottom up) (pp.5).

There is an expectation—and often a legal requirement—that lower level plans should be consistent with higher level plans (Brown, 1992). For example, the Commission on Resources and Environment Act (1992, s. 4 [1]) of British Columbia requires the Commissioner to facilitate the development of “regional planning processes to define the uses to which areas of British Columbia may be put”. Again in British Columbia, legislation enables the preparation of “higher level” regional plans and “lower level” operational plans (Forest Practices Code of British Columbia Act, 1995) which are based on the regional land use plan.

This paper focuses on the top-end of the continuum of land use planning—that is at the provincial, and regional level. Planning at this level will be referred to as Large Area Land Use Planning in this paper.

Large Area Land Use Planning is defined as having the following characteristics (adapted from Brown, 1996):

- covering extensive geographical areas ( natural region, ecoregion, or large ecosystems)
- long term (at least 20 years)
- biophysical and ecological planning framework
- sound technical and scientific base
- participatory—civil society and First Nations fully involved, not government or industry driven
- meets a variety of societal objectives and values (including First Nations and traditional land use)
- not driven by single use, or by short-term economic gain
- sustains ecological functions and biodiversity
- focuses on land and resource allocation and strategies. These should be aligned with public policy goals, and meet existing commitments and responsibilities
- adequately staffed and supported
- public access to information about plans, and review
- all planning and pre-planning within a clear context or terms of reference

## **2. Large Area Land Use Planning as a tool for implementing ecologically sustainable policies**

Since the early nineties, there have been strong calls from international, national, and provincial (including Manitoba) policy and research institutions to implement ecosystem based land management through large area land use plans.

### **International calls for land use planning**

- The second World Conservation Strategy , a partnership between IUCN, United Nations Environment Programme and the World Wildlife Fund suggested using river drainage basins as the units of large area land use planning to maintain the integrity of ecosystems (IUCN, UNEP and WWF, 1991 pp. 7).
- Agenda 21, an internationally agreed plan to implement sustainable development adopted by more than 178 governments including Canada at the 1992 Rio Earth Summit, has devoted a whole section (Section 10) to land use planning. In that section Agenda 21 states “Expanding human requirements and economic activities are placing ever increasing pressures on land resources, creating competition and conflicts and resulting in suboptimal use of both land and land resources. If, in the future, human requirements are to be met in a sustainable manner, it is now essential to resolve these conflicts and move towards more effective and efficient use of land and its natural resources. Integrated physical and land-use planning and management is an eminently practical way to achieve this” (UNCED, 1992 Agenda 21 Section 10).
- The 1992 Global Biodiversity Strategy published jointly by the World Resources Institute (WRI), the World Conservation Union (IUCN), and the United Nations

Environment Programme (UNEP), in consultation with the UN's Food and Agriculture Organization (FAO) and the United Nations Educational Scientific and Cultural Organization (UNESCO), outlines a systematic agenda of policy reforms and conservation action at local, national, and international levels to protect biodiversity. The Strategy identifies participatory planning as an essential principle sustaining biotic resources (WRI, IUCN, and UNEP, 1992 pp. 35).

- The World Commission on Forests and Sustainable Development has strongly recommended participatory land use planning (Recommendation 7) in its final report "Our Forests...Our Future". The Recommendation states "Sustaining forests and development can come about only through planning for the entire landscape .... without the planning and the biophysically intact landscape, economic development has no place to stand" (WCFSD, 1992 pp. 160-61).

### **National and provincial endorsement of land use planning**

- The 1992 Canada Forest Accord and National Forest Strategy endorsed integrated and participatory land use planning. The National Forest Strategy states "Sustainable forest management requires an integrated approach to planning.... Planning must also provide for values and uses across the landscape, while ensuring their compatibility" (Canadian Council of Forest Ministers, 1992 pp. 15).
- This endorsement was repeated in Canada's 1998 National Forest Strategy (1998-2003). The new Strategy stated "Our vision of sustainable forest management includes integrated land use and forest management plans for important values at appropriate scales from the whole landscape to the local site, for short- and long-term goals" (Canadian Council of Forest Ministers, 1998a, pp.12).

- The second Canada Forest Accord endorsed at the 1998 National Forest Congress states “We commit ourselves to apply our knowledge and expertise to fulfill our vision by .... planning for a range of environmental, economic, social and cultural values relating to forest use and conservation, guided by appropriate geographical and time scales” (Canadian Council of Forest Ministers, 1998 b, Section 2 – Our Commitments to Action).
- The 1995 Canadian Biodiversity Strategy which constituted Canada’s response to the Convention on Biological Diversity as its first strategic direction stated “Use ecological planning and management approaches with more emphasis on landscape/waterscape-level planning to integrate economic and social objectives with biodiversity conservation objectives” (Environment Canada, 1995 pp. 21).
- British Columbia established the Commission on Resources and the Environment (CORE) in 1992 to prepare regional land use plans. Section 4 (2a) of the CORE Act states “The commissioner shall facilitate the development and implementation, and shall monitor the operation, of a regional planning process to define the uses to which areas of British Columbia may be put” (CORE Act, 1992). The Commission later stated “We recognize planning to be fundamentally important in creating a secure future... To ignore planning, or to do it poorly, is likely to mean ad hoc decision-making characterized by foregone opportunities, quick-fix answers with long-term costs, inequity and conflict” (Brown, 1996 p.3). The experience of British Columbia in land use planning and lessons that Manitoba can draw from this are discussed later. While aspects of the CORE legislation and process are noted, the Manitoba planning process will need to be appropriate to its communities.



**Civil Society , Industry and Expert support for land use planning**

- The Scientific Panel for Sustainable Forest Practices in Clayoquot Sound was appointed by the Government of British Columbia in 1993 to devise “the best forest practices in the world”. It identified the need for hierarchical long term sub-regional land use planning based on landscape ecology (Clayoquot Sound Science Panel, 1995). The panel recommends planning based on “physiographic or ecological land units, rather than administrative units” (Recommendation 7.2 or R7.2). The panel recommends 100 years time scale for sub-regional and watershed level planning with a 10 year revision (R7.15).
- WWF Canada advocates a long term planning approach, rather than narrowly focusing on piecemeal improvements in specific management practices. “WWF Canada emphasizes the need for all activities in the forest to be planned and managed according to the total landscape design based on applied conservation biology... In practice, the model may be a landscape in which the intensity of human activity is distributed, similar to a weather map, with centres of high pressure (urban/industrial) and low pressure (protected areas) as well as transitional areas, such as buffers and corridors linking and surrounding protected areas. Land and resource planning processes can be used to draw such a map, deploying a system of zones based on various categories and combinations of human activities at a variety of spatial scales” (Elliot and Hackman, 1996 pp. 6-7).
- The State of the Lakes Ecosystem Conference, 1996 (SOLEC '96), jointly organized by Environment Canada and the US Environment Protection Agency (US EPA) on the “Impacts of Changing Land Use” in the Great Lakes Region had a background paper that devoted a complete section to large area land use

planning. The paper mentions that autonomous (or local) planning by local governments is inadequate to deal with regional problems, and that in the United States, 13 states had undertaken state level land use planning. The relevant quotes from the presentation follow:

Increases in population along with demographic shifts and the negative effects of sprawl raise the question: Can land-use planning be done autonomously and independently and still serve the basin's needs effectively? As cities, suburbs, and rural areas continue to grow, local governments can no longer make land-use decisions that are truly autonomous..... Several states have responded to these issues by moving comprehensive planning to the state level. At least 13 states have enacted comprehensive planning and growth management schemes--though none of them are Great Lakes states. However, Pennsylvania, Minnesota, and Michigan are among the states currently showing interest in state and/or regional planning schemes.....

There is no single formula or model that can apply effectively to every state, province, region, or municipality--each must consider its own unique natural, political, and cultural circumstances. Yet current success stories in planned growth and growth management reveal some common elements essential for a sustainable land-use planning system ..... Such a planning system requires:

- political will;
  - vision--a commitment to long-term well-being over short-term gain;
  - recognition of the mutually supporting goals of a healthy environment and a strong economy;...(Thorpe *et. al.*, 1996: quoted from website).
- The Leadership Council of the Whitehorse Mining Initiative (WMI) included the mines Ministers in Canada, top officials of the mining industry, national Aboriginal organizations, and representatives from labour and the environmental community. In September 1994, the Leadership Council adopted an Accord to provide strategic direction for a sustainable mining industry in the context of healthy ecosystems. The Accord attracted international attention from Australia, the U.S., and other mining countries. The Leadership Council Accord recommended large area land use planning stating that one of the Accord's goals

is “to ensure that project-specific environmental assessments are... conducted in the broader context of an integrated land-use planning process..” (WMI, 1994 p. 16). The WMI also supported establishment of networks of protected areas.

**Our Principle: Protected areas networks are essential contributors to environmental health, biological diversity, and ecological processes, as well as being a fundamental part of the sustainable balance of society, economy and environment. (WMI Leadership Council Accord, November 1994)**

### 3. Manitoba's commitment to Large Area Land Use Planning

Manitoba proclaimed *The Sustainable Development Act* in 1998 to implement sustainable development in the province. The popular definition of sustainable development from the report of the Brundtland Commission is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987). Sustainable development requires improving the quality of human life while living within the carrying capacity of supporting ecosystems (IUCN et. al., 1991).

Stressing the interdependence of conservation and development, the World Conservation Strategy first gave currency to the term “sustainable development”.

Sustainable development depends on caring for the earth. Unless the fertility and productivity of the planet are safeguarded, the human future is at risk.

The World Conservation Strategy therefore emphasized three objectives:

- Essential ecological processes and life support systems must be maintained;
- Genetic diversity must be preserved;
- Any use of species or ecosystems must be sustainable (World Conservation Strategy 1980)

It is appropriate to inject a note of caution about the *practice* of sustainable development. Though virtually all the major international conservation groups have endorsed the Brundtland Commission's concept of sustainable development, it has had a troubled history. The Brundtland concept of sustainability attempts to balance conservation and development. However in practice, development has always taken precedence over conservation, and sustainability has always been associated with resource use (Noss, 1999).

Manitoba's *Sustainable Development Act* enunciates the principle of stewardship by stating that “the economy, environment, human health and social well-being should

be managed for the equal benefit of present and future generations” (Sustainable Development Act, 1998, Principle 2(2)).

Manitobans have in the past supported long-term land use planning as a tool for sustaining both the economy and the environment. .As early as 1981, a two-day conference on land use was held in which there were 240 participants representing different sectors of Manitoba society. An overriding concern expressed at the conference was “the need to ensure that the productive capability of our land for the future is not impaired by land use decisions made today” (Proceedings of the Manitoba Land Use Conference, 1981 pp. 1). The proceedings of the conference “clearly indicate the support in Manitoba for land use planning... Participants confirmed the need for a more effective land use planning process than has operated in the past. It was felt that there is a lack of public understanding both of the need for long range planning and the planning process” (Proceedings of the Manitoba Land Use Conference, 1981 pp. 1 and 4).

In 1980, the Government of Manitoba proclaimed a Provincial Land Use Policy (Manitoba Regulation 217/80) as a regulation under Manitoba’s Planning Act. The land use policies were intended to provide a guide to development plans<sup>2</sup> prepared by local governments, as is evident from the following quote from the section titled “General Scope and Application”:

The Policies will serve as a guide in the approval of Basic Planning Statements and Development Plans..... The Policies are intended to provide the overall framework necessary for the preparation and assessment of local plans, by setting out some general guidance and direction in the management of the Province’s land resources (Provincial Land Use Policy, 1980)

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<sup>2</sup> The difference between “Development” land use plans and “large area” land use plans are identified in detail in a table format later in Section 4.

In 1994, Manitoba revised the Provincial Land Use Policies (Manitoba Regulation 184/94). Though it identified land use planning as one of its policy objectives, the intention remained that the policies were a guideline to local development plans. All the land use policies in the 1994 regulation are classified as “Development Policies”. The first policy states:

Development shall be encouraged to take place in a safe and efficient manner so that the economy, resource use and the environment are sustained, existing urban centres are enhanced.... The objectives of this policy therefore are: to encourage communities to adopt land use plans, ....[and] to encourage environmentally sound and sustainable economic development in Manitoba” (Provincial Land Use Policy, 1994 Policy 1- subsection A.1 & 2).

However, despite development planning being the focus of the two provincial land use policies, Manitoba took the first steps toward large area land use planning as early as 1987. A land use plan for the eastside of Lake Winnipeg titled “Provincial Overview Plan: East Side of Lake Winnipeg” was prepared within government to address potential land use conflicts that could arise due to expansion of resource extraction in the region (Government of Manitoba, 1987). The introduction to the plan states:

The East Side of Lake Winnipeg is experiencing increasing pressures from a wide variety of users ranging from wilderness advocates, to logging companies and community developments. Historically, a substantial portion of the plan area has been allocated to the forest industry.....

Preparation of this plan has been undertaken by several agencies of the Manitoba Government in order to resolve current difficulties in administering the land and to minimize present and potential land use conflicts.(p.p.1)

Though the report did not include traditional land use areas, it made several recommendations for the government to implement. However, the government did not act on the recommendations in the East Side plan (Sullivan, 1998).

Since 1980, different Manitoba governments have made commitments to formulate and implement large area land use plans. There also exists broad expert and public support for land use planning. Many policy analysts, researchers, and other members of the public have frequently emphasized the need for long term Large Area Land Use Planning in Manitoba. Evidence of provincial commitment and broad expert and public support in Manitoba for land use planning is documented below.

- 1995— Manitoba’s Forest Plan ... Towards Ecosystems Based Management—Report to Manitoba Natural (Manitoba’s 20 Year Forest Plan), prepared to provide “a framework for the management of Manitoba’s forests into the next century” (Forest Plan, 1995 pp. 1-1), repeatedly calls for land use plans based on regional ecosystems. The Plan recommends nesting forest or site level plans into large area land use planning. Some of its recommendations suggesting the need for land use planning are quoted below:

**Regarding regional land use planning:** “Use the ecoregion or land resource area as the basic management unit. Progressively by ecoregion, prepare ecosystem sustainability plans..” (Forest Plan, 1995 pp. I-7).

**Regarding nesting forest plans in land use planning:** “Develop forest protection plans that are tailored to meet the ecological and forest management objectives defined for each ecoregion in the ecosystem sustainability plans” (Forest Plan, 1995 pp. I-9).

**Regarding time frame to achieve land use planning:** “Plan to implement the ecosystems management framework in all ecoregions and at the ecoregion scale, within a relatively short period” (Forest Plan, 1995 pp. I-21)

- 1998—The Guidelines to the Sustainable Development Act, issued to help implement sustainable development in the province, call for long term planning. It states “we shall encourage and support decision making and planning

processes that are open, cross-sectoral, incorporate time horizons relevant to long-term implications and are efficient and timely” (SD Act, 1998, Guideline 5).

- June 1999—The Consultation on Sustainable Development Implementation (COSDI), consisting of experts from government, industry, academia and NGOs was established to suggest how Manitoba can best implement sustainable development. It’s vision statement stated “Manitobans working together to develop an integrated framework for large area and municipal planning.... to ensure sustainable development in Manitoba” (COSDI, 1999 pp. 6) . To implement this vision the COSDI report emphasizes:

In order to implement the provincial sustainable development policies (including the provincial land use policies) and strategies, Manitoba requires integrated, sustainable development planning on a large area basis. Such planning areas would likely be based on watersheds, geographic locations or urban-centred regions (COSDI, 1999, p. 21)

- September 1999—The New Democratic Party, prior to forming the present government, stated that it would initiate Large Area Land Use Planning on the East Side, location of the largest original tract of boreal forest in Canada (CPAWS Election Survey, 1999). The commitment of the NDP to large area land use planning extends beyond the East Side to the rest of Manitoba, as the NDP had endorsed the COSDI report’s recommendation in support of Large Area Land Use Planning.

An NDP government would require comprehensive land use planning on the East Side (Road) issue. We would follow the recommendations of the COSDI report (CPAWS Election Survey, Sept. 1999).



#### **4. Comparing land use planning activities**

Large Area Land Use Planning is different from “developmental plans”—or plans for developing or using land for a dominant use, for example, a timber management plan, a mining plan, or a hydroelectric dam project. Richardson (1989) in his paper “Land Use Planning and Sustainable Development in Canada” describes regional developmental planning as planned land use without land use planning. He also described environmental impact assessments as land use planning without a land use plan.

A comparison of the typical characteristics of large area land use plans and developmental plans will help clarify the type of planning that is required to sustain human and ecological functions. This analysis has been done in the table below. A study of the characteristics of each would make it obvious that most land use planning in Canada is in fact developmental planning. Some of the characteristics of Large Area Land Use Planning have been obtained from components of ecosystem-based management identified by Noss (1999).

Documenting First Nations traditional land has become important for several reasons that include gathering evidence for First Nations claims or land selection, settling treaty rights, and protecting traditional lands from industrial development. First Nations traditional land use would be integrated in any large area land use plan.

First Nations perception of human relationship to the land is fundamentally different from Western traditions. For example, Ojibway belief is that humankind does not hold dominion over the earth and its creatures. In fact, humans are the least important entity in creation (Aboriginal Justice Inquiry of Manitoba, 1991). This is in

contrast with the Judeo-Christian worldview that “[Mankind was told to] fill the earth and subdue it, rule over the fish in the sea, the birds of heaven, and every living thing that moves upon the earth” (Genesis 1: 28-30, New English Bible). These differences in worldview result in characteristics of First Nations land use that are quite different from Western models. These have been identified in the table below.

A note of caution about assigning characteristics to different land use models (as has been done in the table below) needs to be mentioned. Some of the characteristics associated with a particular land use model could also be associated with other models. Thus the differences in characteristics may not be clear cut. To draw an analogy, in the real world, differences often do not appear as black or white, but as shades in a continuum.

Berkes (1999) suggests that caution should also be exercised when differences between Western science and traditional science are generalized. There are several systems of Western science and a range of indigenous knowledge systems, and both have influenced each other. This caution needs to be extended to the generalization of differences between First Nations traditional land use and Western land use planning models, as has been done in the table below. However, the characteristics identified below are usually associated with each model, and it is useful to tabulate these typical characteristics for the purpose of highlighting differences between Western land use planning models and First Nations traditional land use.

**Table of Land Use Planning Models**

Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
Principle guiding land use	long-term ecosystem sustainability, qualitative objectives	economic growth, profit quantitative objectives	holistic – humans and land are interconnected <sup>3</sup>
Goals of plan activity	<ul style="list-style-type: none"> <li>• sustain ecological functions</li> <li>• <u>design ecologically responsible human use</u></li> </ul>	efficiency in commodity production	preserving sanctity of the land, stewardship – caring for the land while using it for sustenance
Nature of the human activity	“precautionary” <sup>4</sup> , proactive, adaptive <sup>5</sup> , sustainable	maximize productivity of land, reactive <sup>6</sup> , target oriented	based on subsistence and traditional use , community needs

<sup>3</sup> From *The Land Still Speaks: Gwitchin Words about Life in Dempster Country* by Erin Sherry and Vuntut Gwitchin First Nation, Published by Vuntut Gwitchin First Nation and Erin Sherry, Whitehorse: Yukon.

<sup>4</sup> The “precautionary principle” underlies ecosystem management and is based on the fact that humans have limited understanding of ecosystem functioning and change. Thus it advocates that management be cautious and err on the side of sustaining forest ecological functions, rather than on the side of economics (Cooperman, 1998).

<sup>5</sup> Adaptive management accounts for the fact that ecological functions are dynamic, and our understanding of them are limited. Thus monitoring programs should provide timely feedback to land managers.

<sup>6</sup> Development plans are “reactive” as they often resort to corrective action after a problem arises, such as attempts to mitigate environmental impacts.

Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
Context of plan or land use	considers broader spatial and temporal context <sup>7</sup> , addresses cumulative impacts	project oriented, avoids “big picture” or cumulative effects	First Nations worldview, considers traditional use of earlier generations
Spatial boundaries	natural regions, ecoregions <sup>8</sup> ecosystems	administrative – project area, ownership tenure municipalities	traditional land use and occupancy areas
Time frame	long-term 20 to 100 years	short-term - political timeframe, life of the project license term	Intergenerational ‘seven generations’

<sup>7</sup> Large Area Land Use Planning should pay attention to how plans or actions at one level would affect ecological processes at a broader level.

<sup>8</sup> Ecoregion or natural region is a region characterized by distinctive regional ecological factors, including climate, physical geography, geology, vegetation, soil, water and fauna.

Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
Economic system	value added, diverse, stable, steady monetary return, all other values and services intact	commodity based, unstable (dependent on market fluctuations), short-term monetary return	shared use, benefit to community
Products and Services	Diverse value added multiple products, within ecological limits, values and services : clean air and water, protected areas <sup>9</sup> , maintaining ecological functions, carbon sequestration, wildlife habitat protection	single product, maximum short term yields	multiple products for subsistence: meat, fish, berries, fuel, fur, medicinal plants

<sup>9</sup> Protected areas are protected from development activities through regulation.

Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
Optimum use of the land	managing different parts of land resource to satisfy multiple values of society such as biodiversity conservation, sustainable resource production, ameliorating climate change, First Nations traditional use, protected areas	land is utilized so that output of the dominant product is optimized, often based on “sustained yield <sup>10</sup> ” – e.g. maximizing timber AAC, total fish catch, visitor days, megawatts	preserving the sacredness and productivity of the land that sustains the First Nation

<sup>10</sup> “Sustained yield” is a management regime based on extracting the incremental growth of a resource. It has been used to sustain the production of a single commodity, for example, timber. Other values such as loss of biodiversity are not accounted for.

Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
Social goals	healthy and sustainable environment for communities, sustained job creation in a value added diverse economy Ecological services and functions to maintain biodiversity and human community	job and wealth creation dependent on production of a single commodity, generates unsustainable short-term employment	self-sufficient First Nation community
Human use	encourages human use consistent with conservation, non-consumptive, low impact, eliminating high impact use	human use dominant, maintaining ecological functions secondary or ignored	encourages human use for subsistence or for spiritual purposes within ecological limits

Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
People involved in planning and implementation	community based, inclusive, encourages external scientific input  neutral staff, chair	professionals, exclusive	First Nation leaders and elders, community
Decision making	participatory, consultative  information based	centralized, top-down, remote <sup>11</sup>	based on traditional ecological knowledge
Beneficiaries	community, present and future generations of society	individuals and corporations	First Nation community, future generations
Planning basis	map based with clearly delineated management zones, all values	One resource use, narrow focus  dominates plan	orally transmitted traditional ecological knowledge

<sup>11</sup> Often decisions regarding land use are taken in government capitals or corporate boardrooms far away from the location of the land. Decisions about land use is progressively becoming more remote due to the current trend of smaller (and often local) companies merging with large multinationals.



Characteristics of the land use plan/activity	Land Use Planning Models		
	Large area	Development	First Nations
Planning tools	Technical, scientific, ecological information using conservation biology	Yield/ output data, forecasting, calculations to maximize yield of 'primary' resource	History, oral tradition, knowledge of elders, sharing knowledge
Data required	Natural region, vegetation and habitat mapping, forest fragmentation, current use, historic data socio-economic data, impacts and modelling, environmental assessment data all easily accessible to public	data related to dominant commodity, other values or uses scanty or not available to public	traditional use sites e.g. trap lines, sacred sites and burial grounds, hunting grounds
Monitoring	external, community independent 3 <sup>rd</sup> party, public	internal, project authority, as required in licensing	community, use of traditional knowledge <sup>12</sup>

<sup>12</sup> Indigenous peoples' knowledge of the way their natural environment works. This knowledge, which is passed down from generation to generation, is being recognized as playing an important role in environmental protection.

## **5. First Nations Traditional Lands<sup>13</sup> in Large Area Land Use Planning**

Land is a part of First Nations identity as a people, and First Nations constantly talk about land in any discussion concerning their future (Aboriginal Justice Inquiry, 1991). Only a small portion of the land perceived by First Nations to be their traditional lands is recognized by Canadian law as being under First Nations jurisdiction (Royal Commission on Aboriginal Peoples, 1996). However, provincial governments and the courts are increasingly recognizing First Nations claims to jurisdiction over traditional lands (Asch 1997). Thus, future large area land use plans which include First Nations traditional lands will need to incorporate the unique worldview and land uses First Nations.

In the previous section some typical characteristics of First Nations traditional use of the land were briefly identified. In this section, First Nations worldview and traditional land use have been elaborated in order to clarify the unique First Nations perspective that needs to be considered in Large Area Land Use Planning. Next, the problems First Nations currently face with regard to access to traditional lands are highlighted. This section concludes with the suggestion that Large Area Land Use Planning is suitable for enabling First Nations greater access to their traditional use lands.

### **First Nations and Aboriginal worldview**

Canada's First Nations traditional knowledge and use of the land is interrelated to their worldview and cannot be viewed in isolation (Berkes, 1999). The Royal Commission on Aboriginal Peoples emphasizes care and respect for the land as central to First Nations and Aboriginal worldview:

At the core of Aboriginal peoples' world view is a belief that lands and resources are living things that both deserve and require respect and protection. Grand Chief Harold Turner of the Swampy Cree Tribal Council<sup>14</sup> stressed that his people were "placed on Mother Earth to take care of the land and to live in harmony with nature" (Royal Commission on Aboriginal Peoples Vol. 1 Chapter 2<sup>15</sup>)

This respect for the land is borne out of the worldview that humans are not owners, but are caretakers or stewards of the land. This contrasts non-aboriginal land management agencies view of land as a commodity and a resource. According to the First Nations worldview, land is the source and sustainer of life. In return, people must act as stewards and caretakers of the earth:

We, as sovereign nations and caretakers of Mother Earth, have a special relationship with the land. Our responsibilities to Mother Earth are the foundation of our spirituality, culture and traditions..... (Chief Harold Turner, Swampy Cree Tribal Council, The Pas, Manitoba, 20 May 1992, Royal Commission on Aboriginal Peoples Vol. 1 Chapter 2)

The Mi'kmaq people and other First Nations believe that this land existed before man's short stay on earth and it will exist long after we have gone; therefore, it is something to be respected as it is a gift from the Creator for us to use. (John Joe Sark, Kep'tin, Micmac Grand Council, Charlottetown, Prince Edward Island, 5 May 1992 Royal Commission on Aboriginal Peoples Vol. 1 Chapter 2)

The interconnectedness of First Nations spirituality and land use ethic was emphasized many times during the Royal Commission on Aboriginal Peoples hearings by individuals like Elder Alex Skead:

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<sup>13</sup> Traditional Lands are ancestral lands that a particular group regards as their own by virtue of continuing use.

<sup>14</sup> Statement to the Royal Commission on Aboriginal Peoples, The Pas, Manitoba, 20 May 1992.

<sup>15</sup> All quotes from the Royal Commission on Aboriginal Peoples is from the Libraxus online version available at <http://www.inac.gc.ca> Royal Commission on Aboriginal Peoples/

We are so close to the land. This is my body when you see this mother earth, because I live by it. Without that water, we dry up, we die. Without food from the animals, we die, because we got to live on that. That's why I call that spirit, and that's why we communicate with spirits. We thank them every day that we are alive... (Elder Alex Skead, Winnipeg, Manitoba, 22 April 1992, Royal Commission on Aboriginal Peoples Vol. 1 Chapter 2)

### **The challenge—access, and environmental degradation of traditional lands**

The identity and rights of First Nations were—and still are—viewed in terms of access to their traditional lands. The Aboriginal Justice Inquiry of Manitoba stated:

The most fundamental of those [Aboriginal] rights is the right to their identity as Aboriginal peoples. Since that identity was derived largely from the land they used and occupied before the arrival of Europeans, they believe they had—and still have—certain rights to the land, including continuing habitation and use of the land, whether it be for hunting, fishing trapping, gathering food and medicines, or for any other traditional pursuits (Aboriginal Justice Inquiry of Manitoba, 1991, pp. 116).

The Royal Commission on Aboriginal Peoples identified that the most serious problem that all Aboriginal people now face is a loss of identity due to loss and environmental degradation of traditional lands:

Throughout our hearings, Aboriginal people told us about the past loss of their reserve or community lands and their inability to secure additional lands for a growing population. They also spoke eloquently about the difficulties they have experienced in participating in the resource economy; about the impact of what they see as uncontrolled development or environmental degradation of their traditional territories; and about the lack of recognition of their treaty and Aboriginal harvesting rights (Royal Commission on Aboriginal Peoples Vol. 2 Chapter 4).

The Aboriginal Justice Inquiry of Manitoba talks about the loss of traditional lands in Manitoba after treaties were signed with First Nations:

Under the numbered treaties, the Indian nations of Manitoba were promised explicitly by the Crown that they would retain large tracts of land for their exclusive use, as partial payment for surrendering complete title to all other land in the province (Aboriginal Justice Inquiry of Manitoba, 1991 pp. 162).

Chief Jim Tobacco of the Moose Lake Band in Manitoba told the Aboriginal Justice Inquiry:

Our lands were taken at the time of Treaty No. 5, and the treaty promises were broken. Our people were moved from the Narrows at North Arm in 1893 and promised land [which] were never provided... Our way of life, our economy, our traditions have been destroyed (Aboriginal Justice Inquiry of Manitoba, 1991 pp. 162).

There also exist differing perspectives as regards to access to traditional lands outside reserves. The federal and provincial governments assert that land outside reserves are more or less freely owned by the Crown or those who have received grants from the Crown. The government or industry does sometime solicit First Nations participation on use of these lands, but these are motivated by self-interest, or due to considering First Nations as a stakeholder (Royal Commission on Aboriginal Peoples, 1996).

The First Nations perspective is quite different. Wherever treaties exist, they view reserve land as their private domain, and traditional lands outside the reserves as land to be shared with those with whom they made a treaty:

We believe the principle of sharing of our homeland and its natural resources is the basis of the treaty arrangements, not surrender or extinguishment. Accordingly, the concepts of resource co-management and revenue sharing from the Crown lands and resources are the proper forms of treaty implementation (Chief George Fern, Prince Albert Tribal Council, La Ronge, Saskatchewan, 28 May 1992, Royal Commission on Aboriginal Peoples Vol. 2 Chapter 4).

The Royal Commission on Aboriginal Peoples has recommended greater access and control of their traditional lands as the cornerstone of First Nations and Aboriginal renewal, self-sufficiency and restoration of their identity:

We have therefore concluded that the current land base of Aboriginal peoples should be expanded significantly. In addition, there should be a significant improvement in Aboriginal access to or control over lands and resources outside the boundaries of this expanded land base. Put another way, Aboriginal people must have self-governing powers over their lands, as well as a share in the jurisdiction over some other lands and resources to which they have a right of access. This is both a matter of justice — of redressing past wrongs — and a fundamental principle of the new relationship with Aboriginal people that we are proposing throughout this report (Royal Commission on Aboriginal Peoples Vol. 2 Chapter 4).

The Aboriginal Justice Inquiry of Manitoba also recommends a greater say in decisions about traditional lands:

We recommend that [t]he provincial government develop a policy that respects the desire of Aboriginal people to retain a role in the management and conservation of their traditional territory (Aboriginal Justice Inquiry of Manitoba, 1991 pp. 183)

International law and conventions also support greater indigenous control over decisions that affect them. The preamble to the *Draft United Nations Declaration on the Rights of Indigenous Peoples* states:

Control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs.

Large Area Land Use Plans can provide the vehicle to increase First Nations decision making power and access to traditional use lands, and also prevent the ecological degradation of First Nations traditional use areas. However, significant steps need

to be taken in order to ensure that First Nations traditional use and occupancy rights are represented in larger area land use plans. Some of these steps are suggested below:

- Involve First Nations in the pre-planning phase itself
- Establish a protocol, or a framework agreement such as a Memorandum of Understanding to guide First Nations participation and consultation for Large Area Land Use Plans.
- Recognize the special status of First Nations in the public participation process. First Nations do not wish to be considered as just another stakeholder, but would like to be consulted as a Nation (Notzke 1994).
- Build First Nations capacity to engage in land use planning. Regarding capacity building the *Convention concerning Indigenous and Tribal Peoples in Independent Countries* of the International Labour Organization recommends:

Article 7.1. The Peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

Article 15.1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

World Wildlife International supports the ILO convention in its own *Indigenous Peoples and Conservation Statement of Principles*, “WWF recognizes indigenous people’s right to decide on issues such as technologies and management systems to be used on their lands” ( Principle 11, WWF Int’l, 1989).

- Ensure that concerned First Nations are provided with timely and adequate information about the planning process.
- Ensure that First Nations traditional land use and occupancy rights, and their different perspective on land use, are carefully considered and included in Large Area Land Use Planning.
- Establish a consultation protocol between the province and First Nations. The consultation should be meaningful and genuine. Provinces often go through the motion of a consultation without allowing for any real consideration of First Nations interests and concerns. For example, sending a paper, waiting some time, and then continuing on, using the premise that First Nations were “consulted”. First Nations are now beginning to insist on genuine consultations.
- Co-management<sup>16</sup> of traditional use lands between First Nations and the Crown should be included in Large Area Land Use Planning. Regarding co-management arrangements with First Nations, the David Suzuki Foundation states:

Co-management is much different than joint ventures. Power and responsibility is shared between provincial and/or federal governments and First Nations, with the tenure holders (corporations) having to comply with the rules and regulations set by the co-management authority on traditional lands. Many First Nations view co-management as joint decision making that reflects government-to-government relationships, and is not a substitute for self-government (David Suzuki Foundation, 1999 pp. 10).

Co-management in traditional lands has been recommended by the Royal Commission on Aboriginal Peoples and Aboriginal Justice Inquiry of Manitoba:

The Commission recommends that [t]he following action be taken with respect to co-management and co-jurisdiction: (a) the federal government

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<sup>16</sup> Co-management arrangements (also known as joint management) cover a specific geographical area where local users and the state agree to a system of reciprocal rights and obligations, and procedures for collective decision making (Osherenko 1988).



work with provincial and territorial governments and Aboriginal governments in creating co-management or co-jurisdiction arrangements for the traditional territories of Aboriginal nations (Royal Commission on Aboriginal Peoples Vol. 2 Chapter 4 Recommendation 2.4.78).

Co-management of natural resources is the only suitable method to ensure that populations of animals, fish, and birds are not only conserved, but also are encouraged to flourish. This will benefit Aboriginal people, who are entitled to first priority in any allowable harvesting activities and other Canadians as well. It will promote wildlife habitat protection and enhancement of the existing stock of harvestable species (Aboriginal Justice Inquiry of Manitoba, 1991 pp. 188).

We recommend that the Province pursue the development of co-management agreements with the First Nations and Metis peoples regarding timber resources off-reserve in the Aboriginal people's traditional territory (Aboriginal Justice Inquiry of Manitoba, 1991 pp. 192)

Currently in Manitoba, several traditional land use studies are being undertaken on the east side of Lake Winnipeg. These studies are not adequately funded. It is suggested that the capacity of First Nations undertaking these traditional use studies be increased, and these and other traditional use studies be included in large area land use plans, and in co-management agreements.

## **6. BC's experience with Land Use Planning—Lessons for Manitoba**

This section analyzes experiences in land use planning in BC and assesses possible relevance to Large Area Land Use Planning in Manitoba. We note that further research, for full comparison, is required.

### **History and analysis of land use planning in BC<sup>17</sup>.**

BC initiated planned attempts at large area land use planning in 1992. Prior to 1992, land use plans across British Columbia were prepared on an ad-hoc basis, mainly in areas where local land and resource use conflicts had arisen. These plans were known by several different names, such as local resource use plans, integrated watershed management plans, Crown land plans and integrated resource management plans. Some of these plans resulted in lands being designated for specific use, while others were adopted informally as agency policy that lacked legal enforceability.

### **Regional planning - CORE**

The Harcourt government established the CORE by legislation in 1992, in response to the growing number of land use conflicts across the province. The CORE Commissioner's mandate was described in Section 4 (1) and (2) of the *Commission on Resources and Environment Act, 1992*:

- (1) The Commissioner shall develop for public and government consideration a British Columbia wide strategy for land use and related resource and environmental management.
- (2) The Commissioner shall facilitate the development and implementation, and shall monitor the operation, of

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<sup>17</sup> The information on the history of land use planning in BC has been obtained from West Coast Environmental Law's *Guide to Forest Land Use Planning* (Haddock, 1999); *Keeping the Special in Special Management Zones* (Cooperman, 1998), various government of BC documents, and from interviews with several people closely involved in the 1990's with land use planning in BC (see Acknowledgements).

(a) regional planning processes to define the uses to which areas of British Columbia may be put.

The Commission initially was to oversee Large Area Land Use Planning in three regions which were considered “hot spots”, and later on expand the planning exercise to the remainder of the province. CORE began preparing regional land use plans for the Vancouver Island, Cariboo-Chilcotin, and Kootenay regions.

The CORE regional planning process typically recommended that certain parts of a region be given protected area status (such as provincial parks), and then recommended zoning the remainder of the region according to priority for community and resource use. For example, certain areas would be designated as special resource management zones (or low intensity resource extraction areas) prioritizing values such as tourism, wildlife or recreation; other areas as intensive management zones prioritizing resource extraction; and remaining areas as integrated management zones maintaining the status quo or a balance between resource extraction and other uses.

CORE completed the three regional land use plans as originally planned, and then continued its work on a provincial land use strategy. CORE published a Land Use Charter in 1992 of overarching principles to ensure sustainable land use in BC. Following public consultation, the Land Use Charter was adopted by the BC Government in 1993. CORE then developed and integrated set of Land Use Goals for BC defining provincial objectives<sup>18</sup>. CORE produced a number of valuable documents including a Strategic Land Use Planning Sourcebook (Brown, 1996), and a four volume Provincial Land use Strategy (CORE, 1994b)<sup>19</sup>.

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<sup>18</sup> The Land Use Charter and the Land Use Goals can be seen in the Vancouver Island Land Use Plan: Volume 1 (CORE, 1994 a )

<sup>19</sup> Available online at <http://www.luco.government.bc.ca/lrmp/plus/index.htm>.

Despite its achievements, CORE was scrapped in 1996 due to budgetary concerns and complaints from the resource sector (Cooperman, 1998).

### **Sub-regional Planning—Land and Resource Management Plans**

Sub-regional planning was being conducted in areas that were not undergoing regional land use planning simultaneously with the regional CORE planning processes. Work towards preparing these sub-regional plans, known as Land and Resource Management Plans (LRMPs) began in many parts of the province before CORE concluded its regional work.

In 1994, the BC government established the Land Use Coordination Office (LUCO), which reported directly to a Cabinet committee comprised of the Minister of Forests, the Minister of Energy and Mines, and the Minister of Environment, Lands and Parks. LUCO<sup>20</sup> coordinates the preparation of LRMPs in the province and is responsible for dealing with issues concerning the implementation of approved LRMPs. With the scrapping of CORE, most of the land use planning in British Columbia is now done under the sub-regional Land and Resource Management Planning process.

### **Characteristics of LRMPs**

Unlike CORE planning which was initiated by an independent Commission, LRMPs are sponsored and implemented by the provincial government. LRMPs cover all Crown lands (including aquatic Crown land), and provincial forests. Private lands are generally not included in LRMPs, unless they are managed as part of timber tenures. However, when local governments participate in the LRMP process, the resulting plan could assist them in planning for development and use of private land. LRMP's are also expected to provide local governments with a context within which they can respond to resource management issues.

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<sup>20</sup> Information on LUCO is available at <http://www.luco.gov.bc.ca>

An LRMP usually covers 15,000 to 25,000 square kilometers, and is usually mapped and presented in a scale of 1:100,000 to 1:250,000 (LUCO, 1993). Resource management objectives and strategies for different zones in the plan area are identified in the LRMPs. Future operational and resource plans and activities, such as timber harvesting, recreation, and range management are expected to be consistent with the goals identified in an approved LRMP. LUCO has identified the following steps in the LRMP process (LUCO, 1993; Haddock 1996):

### **Scoping, Consultation and Process Design**

This initial stage focuses on the identification of issues and developing the planning process. An Inter-agency Planning Team is established to coordinate the process. It is comprised mainly of staff from provincial agencies, but could also include federal, local and First Nations representatives.

Representatives from all key stakeholder groups are then selected to participate in negotiating issues and solutions. The main result from this stage is an agreement among the parties to proceed with the LRMP according to an agreed terms-of-reference that specifies process, roles and responsibilities, and timing.

### **Plan Development**

This stage involves information analysis, scenario development and building agreement to a final plan. Participants divide the planning area into resource zones based on local environmental, economic and social characteristics. Land use and resource management objectives and strategies are developed for each resource zone. Various plan scenarios<sup>21</sup> are developed for each resource zone. Negotiation

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<sup>21</sup> Scenarios are summaries of alternative land and resource management objectives and strategies for the planning area based on environmental, economic and social considerations. Scenarios should be sufficiently distinct from one another to warrant the cost of analysis (LUCO, 1993).

among participants, supported with technical analyses and subject to government policy direction, results in the selection of one or more land use scenarios for the region, showing resource zones and associated objectives and strategies.

Scenarios are evaluated, with public input, to determine their environmental, economic and social implications. The consensus plan is reviewed by government agencies, prior to approval at the ministerial level. If consensus has not been reached, government staff submit options to the approving ministers for a decision. The Minister of Energy, Mines and Petroleum Resources, the Minister of Environment, Lands and Parks, and the Minister of Forests approve the LRMPs on behalf of all participating ministries. If the ministers require some changes to a LRMP, these are included for final review and endorsement of the plan by the participants. The LRMP is then final and ready for implementation.

The process of approval of LRMPs is significantly different from the earlier process adopted for regional land use plans by CORE. The independent Commission did not have to seek government approval before releasing the plan document to the public.

### **Implementation and Monitoring**

LRMP implementation may include legal designation of portions of the plan, as well as statutory designation of other areas such as protected areas. The plan is provided to all resource management agencies that are responsible for implementing the plan's objectives and strategies. Implementation is monitored internally by government agencies to ensure conformance with the plan direction. LUCO recently released a working draft of a Provincial Monitoring Framework for Strategic Land Use Plans to assist government agencies in developing a consistent approach for monitoring approved strategic land use plans.

In the case of implementation and monitoring of the CORE regional plans, CORE recommended that as an independent body it should retain the right to oversee implementation and monitoring of the regional plans. For the Vancouver Island Regional Plan, CORE recommended:

The Commission on Resources and Environment should exercise its statutory mandate to ensure effective resource and environmental management through oversight of the implementation and monitoring of the Plan.....The [Vancouver Island CORE] Table should be reconvened periodically by CORE to review the implementation of the Plan (CORE, 1994a).

### **First Nation participation in LRMPs**

First Nations are encouraged to participate in LRMPs so as to ensure that LRMP decisions are sensitive to First Nations interests. The LRMP process is expected to be consistent with government policy on the relationship between First Nations and the provincial government. First Nations participation in LRMPs is to be without prejudice to their land claims<sup>22</sup>. LRMPs were to be used to implement specific planning requirements of joint stewardship agreements between the province and First Nations.

First Nations participation in LRMPs may consist of membership on interagency planning teams, involvement in general public participation events, or the collection and analysis of information on aboriginal use or value of natural resources. The problem with this approach is that it considers First Nations as just another stakeholder. First Nations hesitate to fully participate in multistakeholder processes unless they are consulted as a government.

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<sup>22</sup> Manitoba crown lands are under treaty with First Nations. This is one significant difference between the BC process and any future Large Area Land Use Planning process in Manitoba.

First Nations did not participate fully in the Vancouver Island CORE regional plan, they preferred to negotiate directly with the provincial government regarding the approval and implementation of the plan (CORE, 1994a).

### **Status of Large Area Land Use Planning in BC**

In 1992, CORE began work on three regional plans. Those plans were approved, and since then six LRMP sub-regional plans have been approved and are being implemented. The current policy on land use planning is to move away from regional land use plans and focus on sub-regional LRMPs. New LRMPs are underway in twelve more sub-regions. In fact, land-use plans are now approved or being developed for more than 80% of BC<sup>23</sup>. Updated status reports are available from LUCO's website at [www.luco.gov.bc.ca](http://www.luco.gov.bc.ca).

### **Assessing BCs Large Area Land Use Planning—and suitability to Manitoba**

Apart from being regional and sub-regional planning processes, the basic structure of CORE and LRMP were quite different. CORE could operate with a degree of independence from government as the Commission was created through a separate act of the legislation, unlike LRMPs, which are initiated, approved and implemented by the government. The following sections from the *Commission on Resources and Environment Act, 1992* provide evidence of the great care taken to safeguard the independence of CORE planning:

Section 2(1)—The Commissioner on Resources and Environment shall be appointed by the Lieutenant Governor in Council and is a public officer reporting to the Executive Council.

Section 3(1)—The commissioner shall advise the Executive Council in an independent manner on land use and related resource and environmental issues in British Columbia....

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<sup>23</sup> Source: <http://www.luco.gov.bc.ca/slupinbc/wrldiff.htm>



Section 3(2)—If the commissioner considers that the public interest will be best served by making a report to the public on a land use and related resource or environmental issue in British Columbia or on the need for legislation, a policy or a practice respecting such an issue, the commissioner shall make this report to the public in the manner the commissioner considers most appropriate.

Section 12—Each year the commissioner shall give to the Speaker a report to the Legislative Assembly concerning the Commissioner's activities under this Act since the last report was made under this section, and the Speaker shall lay the report before the Legislative Assembly as soon as practicable.

The independence of land use planning decisions reached through public consultations that were legislated in CORE, was ignored in LRMPs. The LRMP process involves greater government control in planning, implementation, and monitoring. Decisions reached at LRMP Tables are submitted to government, who then approve the plan and issue executive directions on plan implementation. Responsibility for implementation of LRMPs rests with the different government departments (Forests, Energy and Mines, Environment, Lands and Parks). External monitoring of implementation is not built in.

Thus, the process fails to ensure that decisions reached at LRMP tables, including those not aligned with government or industry interests, are incorporated in the LRMPs and are implemented. Many BC environmental organizations (ENGOs) and citizen groups are disillusioned with their participation in LRMP Tables<sup>24</sup>. According to them, the Tables did not have any real power beyond being forums for consultation and gauging public opinion. The multistakeholder approach at the Tables did not really help the cause of protected areas and conservation to the extent a more independent planning process could have. Environmental interests were frequently under-represented at the LRMP Tables. The Tables were often dominated

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<sup>24</sup> The conclusions reached in this paragraph are based on interviews conducted with several representatives of BC ENGOs in January 2000 (see list of acknowledgments in Appendix 2).

by a range of local interests from the resource sector (forest industry, mining, development etc.), along with officials from various government departments.

Only two Tables in the north agreed to reduce the Annual Allowable Cut of timber in their region. During the LRMP process, interim protection measures to reduce or halt logging in new protected areas were not put in place. Environmental organizations found it hard to effectively participate in the LRMPs, due to the time involved in the planning process (2-3 years), shortage of human and financial resources, and the lack of research and technical expertise and data to counter government or industry.

As a result of the failure of the LRMP process to ensure fairness and respect for diverse values, the planning process did not address the full range of environmental and social concerns. Due to the dominance of economic values, the LRMPs have acquired the characteristics of developmental planning, rather than the characteristics of Large Area Land Use Plans.

A study of British Columbia's experiences with the CORE and LRMP planning processes could prove useful for Large Area Land Use Planning in Manitoba. (We note that while CORE has more features that fulfill the definition used in this report, a thorough comparison will be needed for pre-planning in Manitoba.) The table below provides some comparisons.

**Table discussing the relevance of British Columbia's CORE and LRMP planning models to Large Area Land Use Planning in Manitoba**

<b>Characteristics of land use planning model</b>	<b>Relevance of BC Land Use Planning Models to Manitoba</b>
Scale of planning	CORE initially prepared a provincial land use charter, then regional plans. Later on, LRMPs were prepared for sub-regional planning . Manitoba could initially consider a provincial land use strategy, a regional plan for the east side of Lake Winnipeg, other regional plans based on natural or eco-regions.
Independence of the planning process	The CORE model of legislated independence would result in greater participation of groups who have fewer resources (such as Environmental (ENGO) and First Nations), who do not tend to participate in processes in which they feel their interests would not be considered, or which are dominated by government and industry. CORE operated on the principle of respect for diverse values, which is lacking in the LRMP process. Legislated independence would also provide greater power to the planning authority, enabling it to implement and monitor decisions reached through the public consultation process.

<b>Characteristics of land use planning model</b>	<b>Relevance of BC Land Use Planning Models to Manitoba</b>
Civil Society participation	ENGOs and citizen groups in BC gradually lost interest in the government dominated LRMP process. Manitoba could avoid this by ensuring the independence of the planning process. The legislated independence of the CORE process encourages greater civil society participation as compared to the government initiated LRMP process.
First Nations participation	BC First Nations have not participated in CORE or LRMPs to the extent that was expected. One of the reasons is the fear of compromising treaty negotiations. Manitoba, on the other hand, should be very proactive in ensuring that First Nations are consulted appropriately regarding land use decisions pertaining to traditional lands <sup>25</sup> .
External Monitoring	Unlike the LRMP process, Manitoba should build extensive civil society participation into monitoring so as to ensure that planning decisions are implemented. The independent CORE recommended that it oversee implementation and monitoring. Also, CORE, through its Land Use Charter, ensured full public access to information (CORE, 1994a).

<sup>25</sup> It is worth remembering that Manitoba crown lands are covered by Indian treaties. Land selection (treaty land entitlement) is ongoing in Manitoba.

<p><b>Characteristics of land use planning model</b></p>	<p><b>Relevance of BC Land Use Planning Models to Manitoba</b></p>
<p>Government role</p>	<p>Government should initiate the planning process, taking action like creating and funding an independent planning body. Government should be a partner in initiating, organizing the plans, but not take on a dominant role initiating, implementing and monitoring plans, as the BC government has done in the LRMPs. For example, the government should not be solely responsible for organizing and deciding participants in the public consultation tables.</p>

## **7. Recommendations and Future Directions**

Earlier sections highlighted the need for Large Area Land Use Planning and the Manitoba commitment to implement it. This section makes recommendations so that Large Area Land Use Planning becomes an effective tool to further economic and environmental sustainability in the province. This section also discusses research and other activities needed so that Large Area Land Use Planning can be implemented in Manitoba.

These recommendations are clustered into five categories:

- Preparation for Large Area Land Use Planning
- The planning process
- Scientific and technical basis for Large Area Land Use Planning
- First Nations role and participation
- Implementation , monitoring and follow-up for effective Large Area Land Use Planning

### **Preparation for Large Area Land Use Planning – Recommendations**

- 1. Undertake research and planning prior to initiating large area land use planning prior to public planning.** Large Area Land Use Planning is complex due to its geographical scale, ecological basis, and long term consequences. Research and careful planning would further sustainability, citizen and First Nation participation and increase the ability to achieve planning goals. Hasty directions to implement Large Area Land Use Planning without adequate research and pre-planning could result in a flawed planning exercise with a short-term perspective.

- 2. Establish a group of external and/or independent advisors and experts to assist in research and planning.** The participatory nature and complexities involved in successful Large Area Land Use Planning means the task cannot simply be an internal government exercise. Government departments do not currently have the training, expertise, or the staffing levels required to effectively carry out the extensive consultations, research and pre-planning required to embark on Large Area Land Use Planning. External science and policy experts can assist in the preliminary phase of deciding on how to prepare for Large Area Land Use Planning in Manitoba.
  
- 3. Identify existing capacity in government and other organizations, and the steps to build capacity for large area land use planning.** Technical expertise in public policy, planning, consultation, First Nations traditional uses, conservation biology, mapping etc. in government and outside would be identified so that Large Area Land Use Planning is based on sound science and policy, with expert delivery. Steps to fill gaps in expertise would need to be identified.
  
- 4. Identify the sets of research and the technical tools that will be needed for the different components of large area land use planning.** Various sets of research required for the preparation, implementation, and the monitoring phases of Large Area Land Use Planning will be undertaken. An example would be to assess ecosystem based management and sustainable forest management policies, as they are currently used in development planning, for any relevance to Large Area Land Use Planning in Manitoba.
  
- 5. Clearly establish the policy framework for planning exercise.** This would involve a statement of existing public policy commitments, and putting policy directions in place that will not be compromised or changed in Large Area Land Use Planning. Combined with this policy Framework, a policy document that

describes the context and intent for the Large Area Land Use Planning process would enable first stages of action on the government commitment, including preparation of a provincial Large Area Land Use Planning strategy or charter.

### **The Process – Recommendations**

- 6. Establish an independent land use planning unit. Guarantee its independence by legislation.** An independent planning body would result in greater participation of citizen groups, and would be a check on any body or group dominating the process. Legislated independence would also provide greater power to the planning authority, enabling it to effectively implement decisions reached through the public consultation process. The Commission on Resources and the Environment (CORE), an independent body established to implement regional land use plans in BC, should be studied in greater detail to assess its suitability or adaptation to Manitoba.
- 7. Establish Protocols to ensure equal voice for all participants and to ensure respect for all values and views.** Independent, third party facilitation or chairing of planning sessions would confirm fairness and neutrality. Ensuring equal voice for participants would prevent domination by any sector or interest and increase credible outcomes.
- 8. Provide participant funding so public interest and community voices are heard.** Problems of credibility arise when only the interests of those who have resources to attend and prepare for planning consultations are represented in the planning process.



- 9. Build in procedures to avoid conflicts of interests.** This involves full public disclosure of all the interests a participant is representing, benefits to the parties, identifying conflicts of interest, and establishing processes to resolve them.
- 10. Ensure the planning process is open and transparent.** This builds trust in the process and its outcomes. Procedures for timely dissemination of information and access of documents by the public should be ensured. Public review of planning documents and supporting documentation should be built into any consultation sequence.

### **Science and Technical Basis – Recommendations**

- 11. Use the concept of a planning continuum<sup>26</sup> starting with a provincial land use strategy or charter.** An overall land use planning strategy for the province is needed. The provincial strategy should set goals, policies and directions for Large Area Land Use Planning and sub-plans.
- 12. Use natural biophysical boundaries rather than administrative boundaries for large area land use plans.** Large Area Land Use Planning is planning for large ecosystems, using natural boundaries. The natural regions<sup>27</sup> of the province could be used singly, or combined as boundaries for planning areas.
- 13. Ensure terms of reference for planning exercises include all the values associated with the land.** The planning exercise is not only development planning. For example, planning for land with forest cover should not focus on harvesting regimes, but also on the range of values and science associated with forest ecosystems. Adequate human and technical resources should be allocated

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<sup>26</sup> See Appendix 1 for example of the planning continuum.

<sup>27</sup> Manitoba's natural region and landscape units system received thorough review in the 1990's and is applied to all protected areas consultations. Forest management planning ecoregion boundaries are compatible.

to planning so values such as wildlife management, climate change risks, maintaining ecological functions, non-timber values are realized.

- 14. Use the latest available biophysical and scientific knowledge.** The basis of Large Area Land Use Planning needs to be up to date science. Therefore, it is important that reputed scientists and technical experts, including conservation biology experts, be involved in the planning process.
- 15. Use the “precautionary principle” in planning.** The precautionary principle is based on the fact that humans have limited understanding of ecosystem functioning and change. It advocates that in the face of uncertainty, management be cautious and err on the side of sustaining ecological functions, rather than on the side of short term economics (Cooperman, 1998). Where there are risks of serious damage to the environment, lack of scientific knowledge should not be used as a reason for postponing measures to prevent environmental degradation (UNCED, 1992).
- 16. Continue protected areas establishment consistent with existing protected areas strategies, and protocols.** Current design, review and consultations for establishment of Manitoba’s network of protected areas should continue. Existing protected areas, and areas under review would be maintained and incorporated into large area land use plans.
- 17. Provide local governments with a planning context to respond to resource management issues.** Local governments will be able to fit local development plans with large area land use plans that encompass their municipalities or districts.

**18. Take into account public policy, tenure, legal and traditional rights existing on the landscape.** Planning cannot and should not go against public policy. A careful record of rights and tenure is necessary to avoid legal challenges to the planning process.

### **First Nations and Aboriginal Peoples<sup>28</sup> Participation - Recommendations**

**19. First Nations should be equals with the province in planning for traditional lands access.** First Nations need to be consulted from the preparatory planning phase itself, with regard to traditional lands being included in large area land use plans. First Nations should be provided with timely and adequate information about the planning process.

**20. Establish a framework agreement such as a Memorandum of Understanding to guide First Nations participation and consultations.** Large Area Land Use Planning does not change First Nations rights and treaty entitlements. The intent of existing agreements, including for treaty land entitlement, need to be respected and incorporated. Consultations will be in a form acceptable to First Nations. The test of 'meaningfulness' will need to be applied to consultation protocols.

**21. Recognize the special status of First Nations in the public participation process.** During the planning process, First Nations consultation guidelines, acknowledging First Nation and Aboriginal entitlements, interests and needs are required for participation, consistency and access to a credible planning process.

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<sup>28</sup> These recommendations include all First Nations, Metis, and Aboriginal communities who may identify themselves as affected participants in Large Area Land Use Planning.

- 22. Build First Nation capacity to engage in land use planning.** Provide resources to build First Nations capacity to undertake traditional use studies, for inclusion in large area plans.
- 23. Ensure the unique First Nations and Aboriginal perspective on land use and traditional knowledge is carefully considered and included.** Traditional knowledge of the region (about hunting, trapping, fishing, gathering of medicinal plants etc.) and an appropriate approach to decision making are important to successful planning outcomes.
- 24. Include co-management arrangements between First Nations and the province in large area land use plans.** Co-management of traditional lands has been recommended both by the Royal Commission on Aboriginal Peoples and Aboriginal Justice Inquiry of Manitoba to benefit First Nations and non-indigenous populations, and at the same time conserve the environment and natural resources.

### **Implementation and Monitoring - Recommendations**

- 25. Build in extensive civil society participation in plan implementation and monitoring.** Decisions reached through an independent public planning process are more likely to be implemented. External monitoring also provides independent feedback about the success of land use decisions. An external monitoring body may be set up for this purpose.

**26. Subject all planning products and reports to public and external peer review .**

This would build public trust in the performance of the plan. A variety of mechanisms, stages may be required. Public registry with provincial and regional access is essential.

**Future Directions**

This paper has emphasized Large Area Land Use Planning as a necessary tool to meet the diverse land use objectives of Manitobans. This paper only presents *preliminary* research and recommendations on Large Area Land Use Planning. Further research on the policy and science of Large Area Land Use Planning will be needed prior to Manitoba embarking on Large Area Land Use Planning. A more detailed study of existing planning models in Canada, especially the CORE and LRMP models in British Columbia is one suggested research step.

If the province of Manitoba decides to proceed with Large Area Land Use Planning, it should do so with caution. Some aspects of the preparatory phase have been identified in the recommendations section. The emphasis at this initial stage is on research, pre-planning and extensive consultations, especially with First Nations.

Manitoba's venture into Large Area Land Use Planning could be invaluable to the future sustainability of ecosystems, especially the province's threatened boreal forests. It could immensely benefit all Manitoba communities, both First Nations and non-aboriginal communities, urban, rural and northern. Other provinces will in turn benefit from the Manitoba experience in Large Area Land Use Planning.

The future sustainability of Manitoba's environment and economy depends on improved land use planning and subsequent public decision making.

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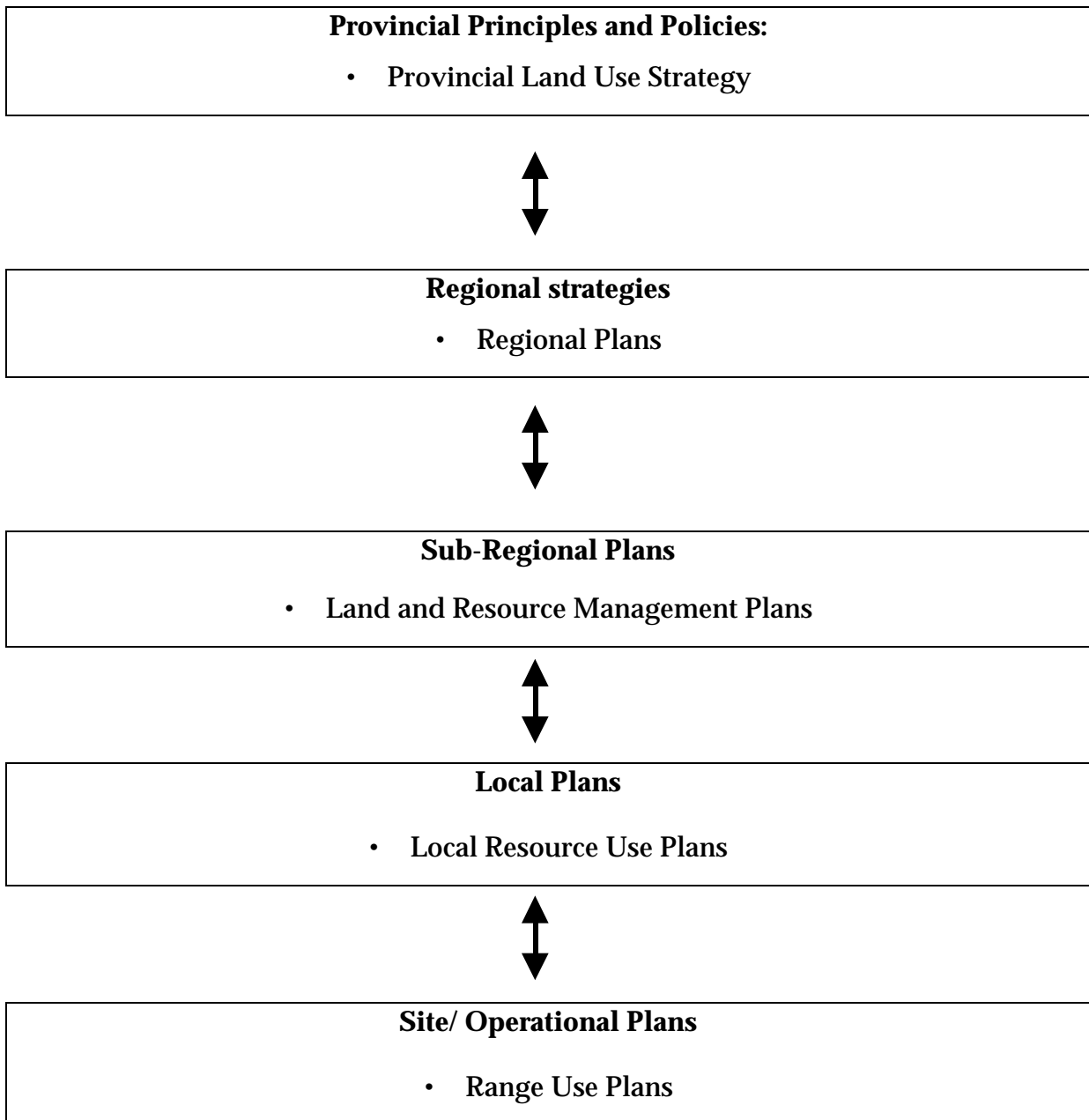
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## Appendix 1

Example of levels of land use planning in British Columbia—adapted from LUCO (1993), Haddock (1999) and Brown (1996).



## Appendix 2

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