
Northern Boreal Initiative

A Land Use Planning Approach

CONCEPT DOCUMENT

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Community-based Land Use Planning

Northern Boreal Initiative

Community-based Land Use Planning: A Land Use Planning Approach

Executive Summary:

The *Northern Boreal Initiative*, or *NBI*, has a goal to provide several northern First Nation communities with opportunities to take a leading role in the development of new, sustainable commercial forestry opportunities, including working collaboratively with the ministry on planning for such opportunities. *NBI* supports the shared goal of the First Nation communities and the Ministry of Natural Resources of sustainable development of natural resources in northern Ontario as well as the shared objective of ecosystem sustainability.

The approach to provide strategic direction for lands and resources in an area described with the *Northern Boreal Initiative* is called *Community-based Land Use Planning*. Results will expand the portion of Ontario covered by an approved land use strategy.

Community-based Land Use Planning will consider forestry as one of many interests, providing direction essential for individual First Nations to proceed with Community-led economic development initiatives. In planning, communities will address and find a balance among protection, conservation, traditional and livelihood uses, and development. The described approach encompasses three planning scales:

- *Community-centered,*
- *Landscape-scale, and*
- *Provincial context.*

First Nation communities will lead the *Community-centered* planning, ensuring that they are afforded the fullest possible opportunity to rationalize proposed new commercial uses with traditional uses and to establish clear objectives for sustainability.

The Ministry of Natural Resources (MNR) is responsible to address the *Landscape-scale* and *Provincial context* components. Communities will be invited to share in this responsibility and ensure that broader interests are introduced and integrated with the *Community-centered* process.

The areas in question are north of the area of Ontario that is described in both the *Area of the Undertaking for the Timber Class Environmental Assessment on Crown Lands in Ontario*, and the *Ontario's Living Legacy* planning area.

This document presents an approach for land use planning. Additional preparatory work with the Northern Boreal Initiative includes relationship building, information management, environmental assessment for forest management, forest management planning and business planning. Both the *1999 Ontario Forest Accord* and Ontario's *Building Aboriginal Economies Strategy* provide a foundation for the Northern Boreal Initiative.

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1. **Introduction,**

‘A Commitment to Community-based Land Use Planning – led by First Nation communities to guide the future and define a balance among protection, conservation, traditional and livelihood uses, and development.’

The Ministry of Natural Resources (MNR) has established the *Northern Boreal Initiative* (NBI) to address the expressed interest of several northern First Nation communities and the province, in new, sustainable commercial forestry opportunities. These opportunities can lead to First Nation communities being the holder of new Sustainable Forest Licences (SFLs). The areas in question are north of the area described as the Area of the Undertaking (AOU) for the Class Environmental Assessment for Timber Management on Crown Lands in Ontario, and the Ontario Living Legacy (OLL) planning area.

NBI will provide leadership for the steps leading to issuing SFLs. Steps include land use planning, information management, environmental assessment, forest management planning and business planning. Ontario’s commitment to NBI is founded on two directives: the [1999 Ontario Forest Accord](#) provides support to move forward with northern development initiatives in an orderly way; the [Building Aboriginal Economies Strategy](#), implementing Ontario’s 1996 *Aboriginal Policy Framework*, encourages partnership arrangements such as NBI to assist First Nations with economic development.

Land use planning is an important first step for orderly economic development in the north. For the NBI, a planning approach called ‘*Community-based Land Use Planning*’ is described, a process designed to include recognition of:

- the goal of sustainable development and objective of ecological sustainability,
- the central relationship of First Nation communities to the planning areas,
- the interest of the individual First Nation communities in leading the planning process and ensuring cultural sustainability,
- the interplay of wider, more broadly-based interests and provincial policy on these same areas.

Community-based Land Use Planning will provide timely direction, responsive to individual First Nations preparedness to proceed with Community-led economic development initiatives. Results will expand the portion of Ontario covered by an approved land use strategy, but will not completely address planning in the north. Planning areas may reach to 200 km north of the OLL planning area; this will vary from west to east, community-by-community. The *Community-based Land Use Planning* approach could be adopted to guide planning for other more northerly areas in the future.

Community-based Land Use Planning will be comprehensive, considering forestry as one of many interests. Results will take the form of strategic direction. Specific activities are then the subject of further resource management planning and MNR’s Environmental Assessment (EA) Act procedures.

Figure 1 provides a reference map identifying the location of First Nation communities currently planning with NBI and the eco-regions identified for northern Ontario.

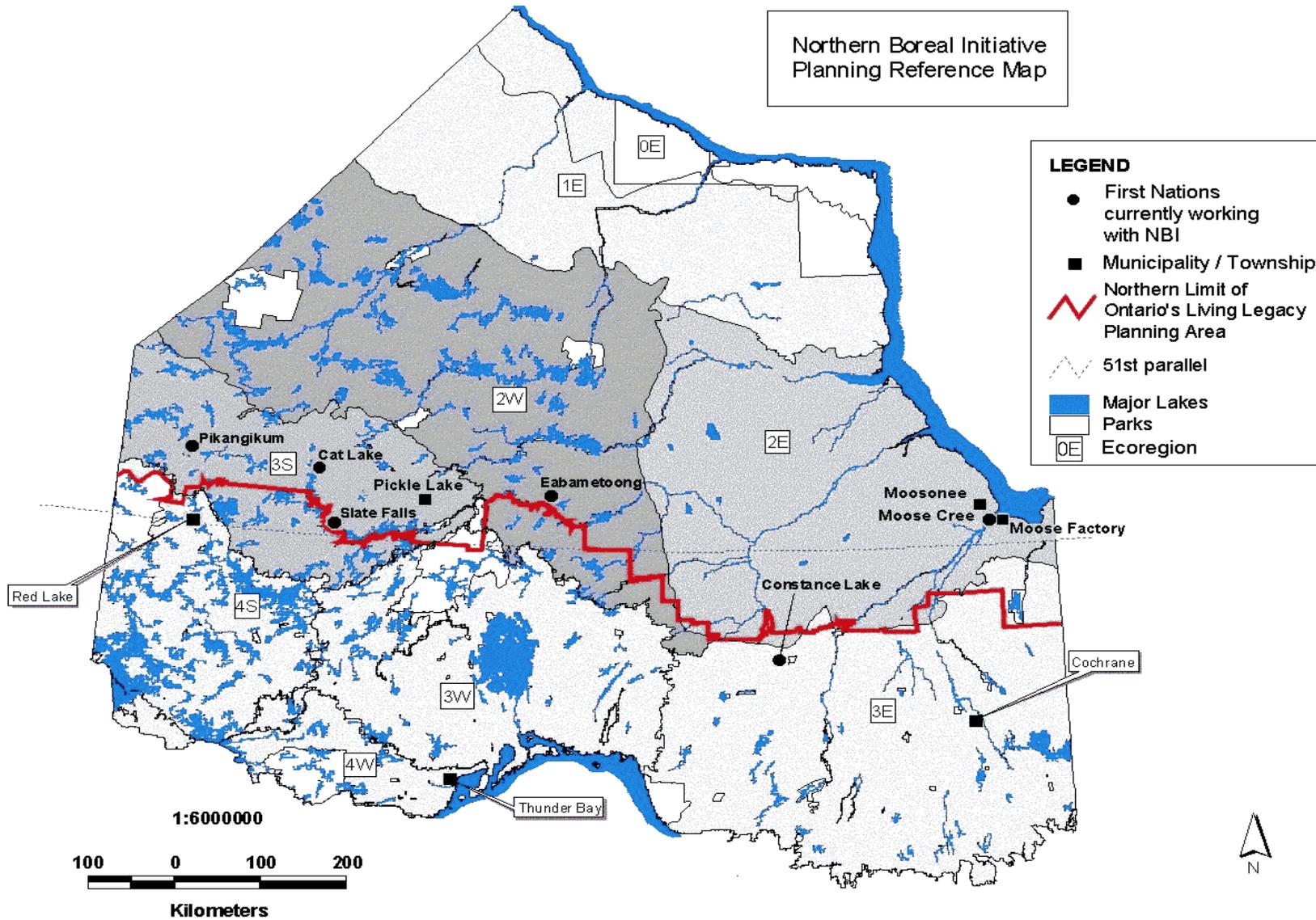


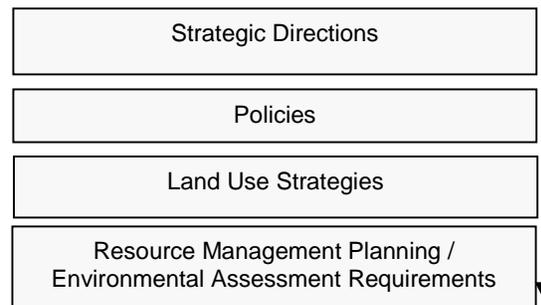
Figure 1: Location Reference Map: First Nation communities currently associated with the Northern Boreal Initiative. Eco-regions are labelled in boxes (for example 1E.)

2. **Background: Provincial Land Use Planning Framework**

The *Community-based Land Use Planning* approach adopted by NBI is to be completed under the umbrella of the partnership between First Nation communities and MNR. Upon approval, recommendations will add to Ontario's available strategic direction for Crown lands and resources, within the provincial framework.

MNR's provincial framework for making decisions about Crown land¹ and natural resource management includes:

- MNR's strategic directions - [Beyond 2000](#)
- guiding direction available from policies
- land use strategy planning
- environmental assessment procedures, and
- resource management planning (e.g. Park Management Planning, Forest Management Planning).



For all planning, MNR follows its strategy of Integrated Resource Management (IRM), directing ministry efforts to achieve the optimum sustainable level of benefits from all of Ontario's natural resources, while, at the same time, minimizing conflicts among resource management activities, users and uses.

Preparation of a land use strategy does not relieve MNR of its obligations under the Environmental Assessment Act (EA Act). MNR's existing approvals for activities will continue to apply and new EA Act coverage will be required for commercial forest management activities, north of the AOU. The approach for new commercial forest management coverage will be modeled after the coverage of the Timber Class EA terms and conditions.

Approved strategic land use direction is in place for the area of Ontario described in [Ontario's Living Legacy Land Use Strategy, 1999](#), but not for areas to the north. Recommendations for land and resource allocation north of the OLL area are considered through MNR's approved procedures under the EA Act and provincial policy direction. Broad scale land use planning for the north has been approached in the past, however, successfully integrating community level needs unique to the north with the provincial level needs has remained elusive. Previous work included:

- Provincially-led land use planning proceeded from 1980 to 1983. *Strategic Land Use Plans* were approved in 1980 for the Northwest and Northeast Planning Regions. *District Land Use Guidelines* were approved in 1983 for the northeast administrative areas then described as Cochrane, Kapuskasing and Hearst Districts. A background information report, a precursor to a District Land Use Guideline, was prepared for the Moosonee District, however it did not proceed to approved guidelines.

Similarly, the 1982 *West Patricia Land Use Planning* Project attempted to produce guidelines for the northwest administrative areas of Red Lake, Sioux Lookout and Geraldton, but was not completed. In these areas, Crown lands outside of protected areas do not have approved land use plans or guidelines in place.

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

- The *Windigo and Shibogama Interim Planning Boards* 1993-1998, guided a community-based approach that led to the preparation of draft plans which provide the respective communities with a base on which to develop further land use direction.

The [*MNR's Statement of Environmental Values*](#) (SEV) under the Environmental Bill of Rights (EBR) will be considered as decisions are made through land use planning. In July 2000, MNR posted an [*information notice*](#) on the Environmental Registry website describing the Northern Boreal Initiative generally and identifying the commitment to land use planning as one step in orderly development.

3. The Context for Planning:

A set of circumstances in the areas associated with NBI provides the context for this planning initiative.

- First Nation communities have a relationship to these lands which is central to their way of life. Customary indigenous livelihood practice and culture have been retained to a large degree. Many communities have rapidly growing populations and wish to now explore resource-based economic development opportunities, while ensuring protection of culture and tradition. To this end, in a planning process, First Nation communities will need to rationalize the proposed new commercial uses with traditional uses. Consensus on new direction will be built from within the community.
- For many northern First Nation communities, there is an urgent need to improve social and economic conditions. Providing access to resources and facilitating partnerships to address development interests can contribute to an improved economic outlook. Efforts with the NBI will recognize that completion of work within a reasonable timeframe is important to the communities.
- Individual First Nation communities have varying levels of association with other communities, with Tribal councils and with the Nishnawbe-Aski Nation Treaty organization. NBI has been established on the basis of interest from individual communities and will continue to work directly with those communities. Information exchange among communities, the First Nation organizations and MNR is also encouraged. Opportunities for support and synergies may present themselves.
- A large degree of remoteness still exists; most areas have winter roads only. There is an increasing level of interest in the provision of all-weather community access, as one way to improve the economic outlook and living conditions for communities. Access is always a significant determinant of future land use. Although resource access will be the focus for NBI land use planning, broader, community-access planning will also require consideration.
- Allocation of resources to industry has occurred for tourism and mining operations, however areas north of the AOU have remained unallocated to commercial forestry. This presents an opportunity to define sustainability objectives for landscapes before development is present; these objectives can guide subsequent planning for activities.
- Several Provincial Parks were established following the strategic planning exercises of 1980-83, however, natural heritage representation through eco-region assessment and the completion of the Provincial Park system is still to be addressed. Moving forward with NBI in an orderly way necessitates that the identification of protected areas, and resulting recommendations for parks,

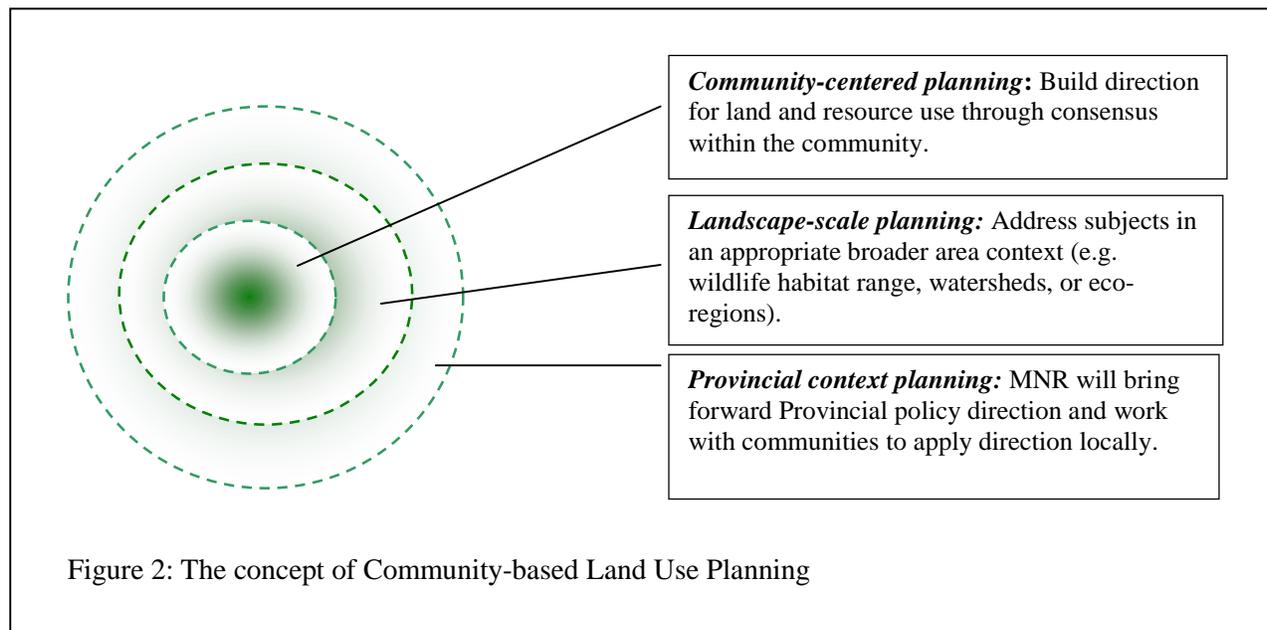
occur prior to decisions on development or access. The eco-region scale direction must be integrated with local planning; both local and provincial partners must develop direction.

- Interest in commercial forest management north of the AOU was recognized through the 1999 *Ontario Forest Accord*, an agreement reached at the conclusion of Ontario's Living Legacy. Commitment #24 provides the following:
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
- The implementation of land use direction to pursue commercial forest management north of the AOU will require that MNR obtain appropriate Environmental Assessment (EA) Act coverage. The preparation of this coverage, to be modeled after the coverage of the Timber Class EA terms and conditions, will likely be taking place concurrently with land use planning. Wherever possible, efficiencies will be sought for information management and consultation efforts.

Planning with the NBI must balance the community needs with broader ecological considerations, and provincial level direction. The proposed way to find this balance is described as *Community-based Land Use Planning*.

4. Community-based Land Use Planning Description:

Community-based Land Use Planning incorporates three overlapping planning components described in Figure 2:



First Nation communities will lead the *Community-centered* planning. In this manner, communities are afforded the fullest possible opportunity to rationalize proposed new commercial uses with traditional uses and to establish clear objectives for sustainability.

MNR is responsible to address the *Landscape-scale* and *Provincial context* components. Through the partnership arrangement of NBI, communities will be invited to share in this responsibility and ensure that broader interests are introduced and integrated with the *Community-centered* process. The degree to which communities choose to share in the broader planning will be the subject of early planning discussions.

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

4.1 Community-centered Planning:

- 4.1.1 Principles
- 4.1.2 Process
- 4.1.3 Planning Areas
- 4.1.4 Planning Products

4.1.1: Principles

Principles will be described as planning begins, to guide the development of planning options and recommendations by providing expression of ecological, cultural, social and economic values. Principles that the Province brings forward to guide its role in planning are based on MNR's strategic directions document 'Beyond 2000'. First Nation communities may wish to express additional principles, specific to their philosophy and traditional relationship with the land.

4.1.2: Process

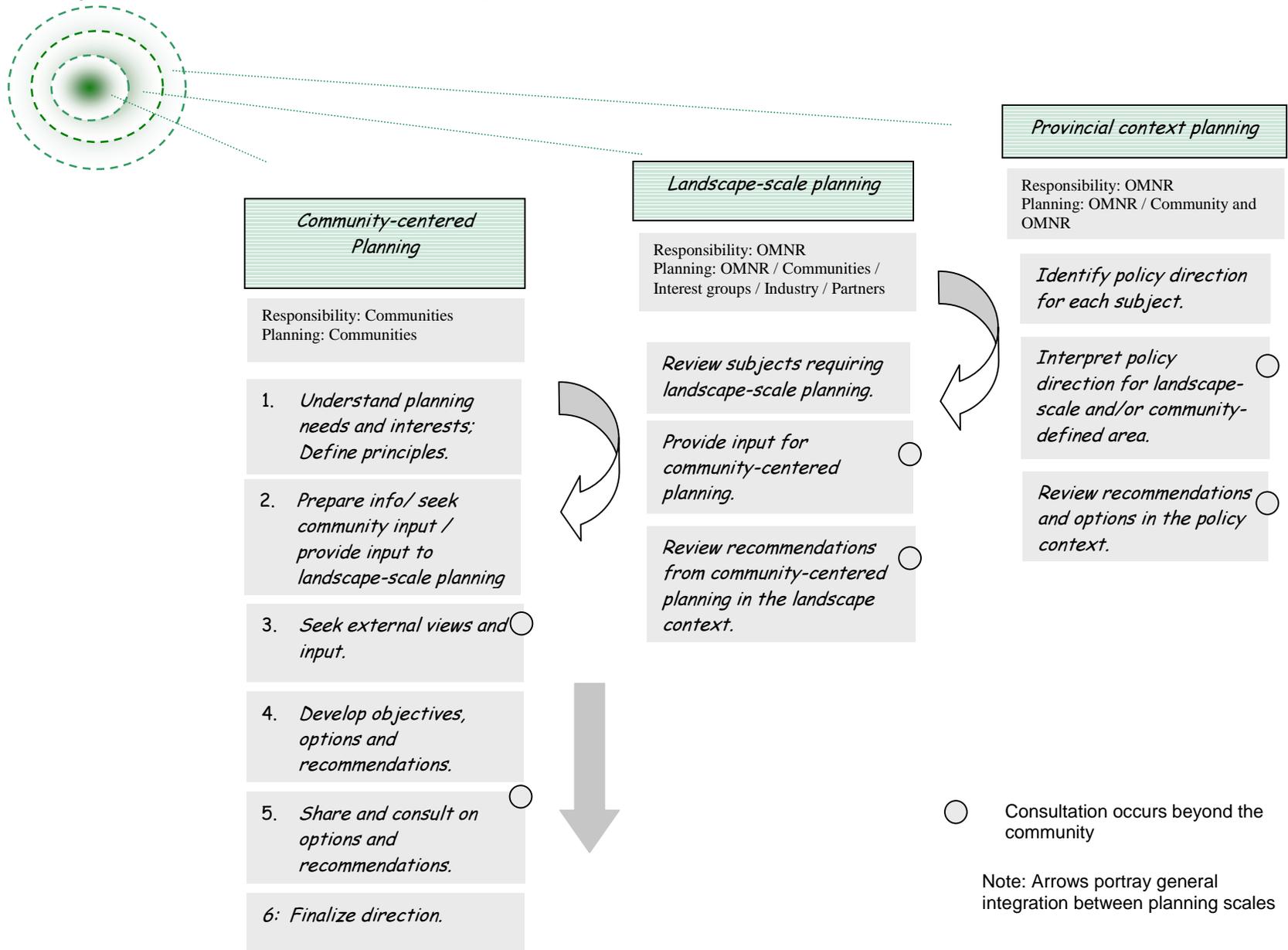
Planning begins with description of a process identifying expected outcomes, timeframes, and consultation. Each community will outline the process it intends to follow, suitable to its own planning area and to its customary decision-making approach. A generic description of the process is provided in Figure 3.

The following elements of planning will be captured through the defined process:

- recognition of principles that will guide decision-making
- preparation of information, including quantification of resources
- sustainability objectives setting
- values identification
- review of the capability of an area to support existing and potential uses
- preparation of options and recommendations for strategic land use direction
- integration with other plans and processes
- consultation opportunities to both share thoughts and seek input.
- description of an amending procedure
- description of conflict resolution mechanisms

As information or interests change through time, strategic direction may be modified through an amending procedure, thus planning is an ongoing activity.

Figure 3: Community-based Land Use Planning Processes

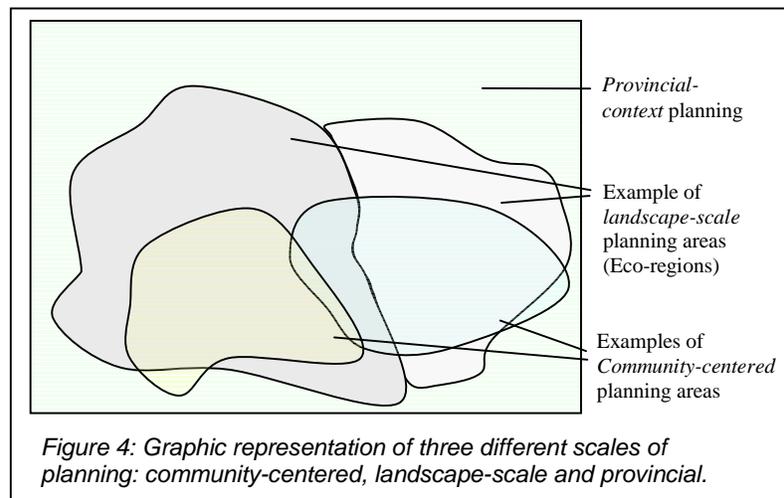


Consultation to accompany planning will also be customized community-by-community. First Nation communities will build consultation from the community outward. The within-community consultation focuses on sharing knowledge, articulating community values, principles and interests. The intent of consultation beyond the community is twofold: to share the community views with others and to invite others to share their views and interests. Consultation will involve other indigenous and non-indigenous communities, interest groups and people with interest in the community-defined planning areas. MNR will work with the communities to identify opportunities for participation.

The methods for consultation will be developed by the community and may include set discussions or meetings with the community, workshops, invitation for correspondence, etc. Other communication tools to be considered include use of the internet, and publications such as newsletters, postcards etc.

4.1.3: Planning Areas

Three scales of planning have been noted: *Community-centered*, *landscape-scale* and *provincial context*. Communities will identify their community-centered planning area. Some subjects may be addressed entirely at this level (e.g. traditional livelihood resource use); others will require recognition of all three planning scales (e.g. protected areas). An example of the three different scales of planning is provided in Figure 4.



Community-centered planning areas will be established early in the process. It is expected that:

- planning areas will be defined by the First Nation communities using indigenous knowledge on the basis of occupancy, use and land values.
- there will be several First Nation community-defined planning areas in the northern portion of the province.
- the size of planning areas will vary; early discussions suggest defined areas of from approximately 500,000 to 1,500,000 hectares.
- if overlapping interests on the community planning areas are identified by neighbouring First Nations, a recommended approach to proceed will be described through consensus between, or among the communities (i.e. collaboration on planning, or deferral of areas of overlap may be appropriate.)

Landscape-scale planning areas will be described for specific subjects, for example:

- eco-regions or eco-districts (defined areas that incorporate similar ecological characteristics and functions) will be used to plan for protected areas.
- watershed units or wildlife habitat ranges may also be identified as planning areas.

Provincial-context planning will be required for most subjects, in order to:

- describe existing policy direction,
- apply policy direction at a local level, and,
- ensure identified landscape-scale planning areas are consistent with policy direction

4.1.4: Planning Products

Land use planning provides strategic direction on where, and in what manner, activities will occur across the landscape; direction will be consistent with established principles. *Community-based Land Use Planning* will result in a strategic planning framework for each defined planning area that will include:

- Principles
- Description of sustainability objectives (i.e. ecological, cultural, social, economic)
- Strategic direction for lands and activities (i.e. for protected areas, for livelihood and traditional use purposes, for resource-based economic development such as forestry, non-timber forest product use, tourism, mining, waterpower, for recreational use, for the implementation of provincial policy, for future ecological conditions)
- Strategic direction to provide input to broader access development planning
- Provincial context evaluation of planning recommendations.

Upon preparation of the strategic direction, and with endorsement from the communities and the Province, results will add to Ontario's available direction for lands and resources, within the provincial framework. Preparation of a land use strategy does not relieve MNR of its obligations under the Environmental Assessment Act (EA Act). MNR's existing approvals for activities will continue to apply and new EA Act coverage will be required for commercial forest management activities, north of the AOU.

4.2 Integration of Landscape-scale and Provincial context planning with Community-centered planning

MNR is responsible to ensure that the *Landscape-scale* and *Provincial context* components of *Community-based Land Use Planning* are addressed. NBI is a partnership: First Nation communities will be invited and encouraged to share in the responsibility for broader planning and its integration with the *Community-centered* process. The degree to which communities choose to share in the broader planning will be the subject of early planning discussions.

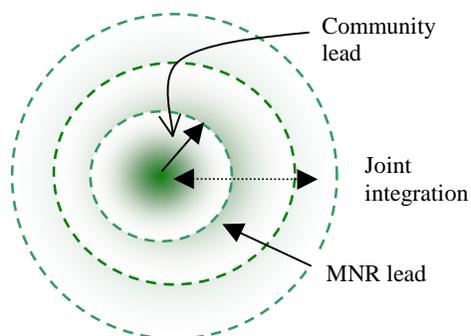


Figure 5: *Planning leads and Integration*

As portrayed in Figure 5, the First Nation community will lead its own local planning exercise (*Community-centered* component) and MNR is responsible to lead the *landscape-scale and provincial context* planning.

The First Nation community will take into account *landscape-scale and provincial context* concerns such as protected areas and wildlife strategies while developing its own *Community-centered* strategic direction.

Both parties work to integrate the local and broader strategies.

The description of process provided earlier in Figure 3, portrayed the required integration of the *Community-centered* processes with the *landscape-scale* and *provincial context* processes. A flow and exchange of information between levels will be required throughout.

The *provincial-context* input to *Community-centered* planning will be founded upon existing policy direction. Policies and guidelines will be provided to communities. Policies may include specific objectives &/or targets for the province and, possibly, the *landscape-scale*. Recommendations for the implementation of policy in *Community-based Land Use Planning* will be prepared by MNR, in consultation with individuals, groups and other agencies associated with the subject. Facilitated workshops, establishment of working groups or meetings will be arranged as necessary to prepare this input.

As an example, planning for protected areas has been identified by provincial policy as a subject that requires broader scale, specifically, eco-region direction. The following will occur:

- recommendations for protected areas and additions to the Provincial Park system will be identified for an eco-region (or eco-district, if appropriate);
- one individual community's planning may address some, but not all of the recommendations, depending on the extent of the planning area.
- respecting that each First Nation will address planning when they are prepared to do so, complete implementation of the broader area recommendations would occur with subsequent, additional area planning by other communities.
- the province will facilitate coordination and consultation among communities to ensure that recommendations are fairly and appropriately implemented and to ensure that multiple implementation timelines do not restrict individual community progress.

In summary, strategic planning for subjects at a broader scale will be implemented through recommendations made in *Community-based Land Use Planning*. Harmonization of the implementation of broader scale objectives will be necessary.

5. Approvals and Conflict Resolution

A joint First Nation community/MNR endorsement of the recommended strategic planning direction will be sought in order to proceed with a recommendation for approval. The provincial legislative basis for approval of strategic land use direction is provided by the Public Lands Act. As noted earlier in the paper, in order to proceed with specific activities, further planning and approvals are required.

Every attempt should be made to resolve issues and disputes concerning planning matters before final recommendations are made. Ensuring that those issues are identified early in any planning process, and attempting to address those issues within the process is critical.

6. Roles and Responsibilities

The planning process described is being addressed in a partnership arrangement between the First Nation communities and MNR, and any other identified community partners. The development of planning direction contributes to addressing MNR's responsibility for the conservation and management of Ontario's natural resources. These responsibilities are carried out in the context of MNR's vision of sustainable development, and mission of ecological sustainability described in 'Beyond 2000'.

A number of government agencies have roles in the management of natural resources, including the Ministry of Agriculture and Food, the Ministry of the Environment, and the Ministry of Northern Development and Mines. As a result, coordination of policy development, planning and management direction is essential.

MNR will support the development of strategic land use planning direction through provision of advice, and will assist with consultation and coordination of broader planning interests where appropriate. Information support will also be provided where possible. MNR will follow its strategy of Integrated Resource Management (IRM), directing ministry efforts to achieve the optimum sustainable level of benefits from all of Ontario's natural resources, while, at the same time, minimizing conflicts among resource management activities, users, and uses.

MNR will guide the implementation of policy direction through the *Community-based Land Use Planning* process. Policies to be addressed in this context include, but are not limited to the following:

- Ontario's Parks and Protected Areas Policy Framework – 'Nature's Best', 1997
- Ontario's Provincial Park Planning and Management Policies, 1992
- Ontario's Resource-based Tourism Policy, 1997
- Ontario's Policy Framework for Sustainable Forests
- guidelines for waterpower development (in development).

MNR and the communities will work with the Ministry of Northern Development and Mines (MNDM) to ensure their full participation in presentations and discussions of Ontario's mineral exploration policies.

The First Nation communities associated with NBI have the role of leading the *Community-centered* process. The community will establish an administrative framework for planning, set out and follow a defined process for planning and consultation. The communities are expected to capture funds from a number of agencies to complete land use planning work. The need to consult with people and interest groups beyond the community will be addressed by the community, with MNR's assistance if required. Provincial responsibilities for general public consultation, including the Environmental Bill of Rights legal requirements will be addressed by the MNR

MNR has legal requirements for consultation established under the Environmental Bill of Rights. Environmental registry notices will be posted as required and may also be posted to provide updates and information.

7. Timelines and Next Steps

Community-based Land Use Planning can reasonably be expected to take at least two years to complete, depending on the existing level of information and preparedness of the community. The First Nations' need to move forward on planning in a timely manner is recognized and supported through NBI and consistent with direction in the *1999 Ontario Forest Accord* and the *Building Aboriginal Economies Strategy 1998*.

The communities' description of process and consultation will provide specific timelines and targets. Resource management planning, for example, park management planning and forest management planning, would be initiated subsequent to completion of strategic land use direction and subject to requirements of the Environmental Assessment Act.

From a timing perspective, it will be in the communities' interest to integrate provincial context and landscape-scale considerations into their planning at an early stage. The information requirements, timelines and expectations for landscape-scale direction will be described within the Community-based Land Use Planning process, as a provincial responsibility. Consultation on the development of strategic direction, draft and final recommendations will be addressed.

Harmonization of broader area recommendations among communities will be addressed in a manner that recognizes the importance of timely progression on each community's interests.

An approach to seek coverage under the EA Act for new commercial forest management north of the AOU will be described in the near future, and is to be modeled after the coverage of the Timber Class EA terms and conditions. Once described, the timing of preparations for this coverage is expected to overlap with the timing for some of the First Nation communities working on Community-based Land Use Planning. Opportunities may be identified to blend information requirements for both processes.

MNR and the communities will share information broadly on NBI and *Community-based Land Use Planning* with other agencies, interest groups, neighbouring provinces, and industry to build awareness of the process.

Response to the approach will be considered and a decision provided through public notice on the Environmental Bill of Rights registry.

Do you have comments?

Comments on this document may be submitted in writing to:

Manager, Northern Boreal Initiative
MNR Field Services Division
Ontario Government Bldg., 435 James St. Suite 221A
Thunder Bay, Ontario, P7E 6S8
FAX: (807) 473-3023

The Ministry of Natural Resources collects comments to assist in making decisions and determining further public consultation needs. Comments and opinions will be kept on file and may be included in study documentation that is made available for public review. The MNR may also use this information as public input on other resource management surveys and projects.

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