Moving Beyond Land Use Plans?
Alternative Approaches to Guide Resource Development

Northern Planning Conference
Whitehorse, Yukon

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Why Develop a Land Use Plan?

Land use planning process is “undertaken to develop a formal framework that guides decisions about existing and future land allocation, use, management and protection”

(BEAHR Building Environmental Aboriginal Human Resources. Land Use Planning National Occupational Standards: Environmental Careers Organizations Canada, 2008)

The underlying rationale for doing a land use plan is to facilitate land uses that will promote orderly development that considers the values of the land, provide for economic, social and environmental well being of the residents of the region, and to reduce or avoid conflicts between different land uses

(Yukon Regional Land Use Planning Department)

What does the land use plan do?

• The land use plan is legally binding on Government and guides and directs resource use and development
• By identifying land uses that are allowed or not allowed in specific areas, the land use plan tells people what uses can occur where and when
• Where there are gaps in our knowledge, ‘Recommendations’ are provided to Government regulators to identify areas of importance to residents and wildlife.

(Nunavut Planning Commission)
Status Snapshot

Yukon:
- North Yukon LUP – approved 2009

Nunavut:
- North Baffin Regional LUP – approved 2000
- Keewatin Regional LUP – approved 2000
- Nunavut LUP – drafted 2014

NWT:
- Gwich’in LUP – approved 2003
- Tłı̨chǫ LUP – approved 2013
- Sahtu LUP – approved 2013
- Dehcho LUP – final draft 2006

Nunatsiavut:
- Nunatsiavut LUP – final draft 2012
The Ideal and the Reality

The ideal
• A common vision
• A regional approach
• Orderly, deliberate development
• Legally binding framework

The reality
• Lengthy development
• Resource intensive
• Political intervention
• Complicated roles & responsibilities
settle **outstanding land claims** and other **Indigenous rights** issues

reach a **preliminary consensus** that mining or oil & gas development provides an acceptable/desired form of economic development and describe how it should be implemented (policy)

**land-use planning** – what uses can occur where and when

**regional cumulative effects assessment** (baselines, forecasting, monitoring)

**community assessments and visioning** (preparedness assessments, community well-being studies)

other **regional scale analyses and engagement** processes to address specific constraints to development (infrastructure gaps, education and training)
Complicating Factors

- multiple projects in a region
- commodities cycles
- a warming climate

- long educational timelines
  - 12 years
  - 5 years
  - 4 years

- infrastructure development life-cycle
  - inspect
  - plan
  - design
  - construct / rehabilitate
  - maintain
  - operate

- engagement & consultation timeline
  - withdrawal
  - tolerance
  - acceptance
  - approval
  - ownership

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Some Planning is Still Necessary

Northern Ontario – Ring of Fire

“No one has assessed the overall opportunities and risks of Ring of Fire development. **No one has prepared a considered vision of the desirable future for the region or how to get us there.**” [IGNITING THE RING OF FIRE: NO ONE HAS A PLAN (Toronto Star, 2014)]

**The conundrum:** how to create a regional approach that is coordinated and consistent (i.e., provides guidance and direction), while still maintaining flexibility (to consider project-specific impacts and benefits)
New Approaches are also Needed

Figure 5: Mining Resource Cycle

Commodity prices – Various acts and regulations – Local engagement – Social licence to operate – Environmental performance – S&T

- Economic feasibility study
- Investment plan and financing
- Infrastructure needs
- Mine design
- Environmental assessments (EA) and approvals
- Secure community readiness
- Scoping of socio-economic challenges
- Design of climate change impacts mitigation measures
- Mine construction and engineering
- Education and skills training
- Local business opportunities and employment
- Social ramifications
- Address infrastructure needs
- EA compliance
- Approvals of mine closure plan
- Sustainable production
- Monitoring and readiness for climate change impacts
- Local business opportunities and employment
- S&T development and implementation
- Skills training
- EA compliance
- Mine-life extension (i.e., brownfield exploration)
- Approvals of final mine closure plan
- Decommissioning
- Reclamation
- Monitoring
- Local socio-economic impacts
- EA compliance

Land-Use Plan: 7 to 10 yrs
Exploration: 3 to 6 yrs
Feasibility/ Mine Planning: 2 to 4 yrs
Construction: 5 to 30 yrs
Mine Operation: 2 to 10 yrs
Mine Closure: Post-Closure

Source: NRCan, 2013
An Evolving Approach to Managing Resources

1970
- Nuclear Waste Management Organization – Willing Host Community
- Royal Commission on Aboriginal Peoples

1980
- Yukon Environmental and Socio-economic Assessment Act

1990
- Free Prior and Informed Consent
- Traditional Knowledge

2000
- Strategic / Regional Environmental Assessment

2010
- Beaufort Regional EA
- Lower Athabasca Regional Plan

Traditional approaches to planning and decision making

Geographic scope
- Local & Site Impacts
  - Environmental
  - Science
- Governments & Industry

Issues scope
- Regional & Cumulative Impacts
  - Socio-economic
  - Traditional Knowledge
  - Indigenous Peoples & Communities

Information considered

Who decides

Who governs

Who benefits

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Range of Tools and Approaches

- Community Assessments
- Regional analysis, coordination and “planning”
- Authentic engagement and partnership
- Value Mapping
- Regional Mineral Policies
Nunatsiavut: The Case for a Mineral Policy

Foundational documents that describe and protect Inuit rights and include some provisions for mineral development

Overarching documents to communicate NG’s vision and conditions for allowing mineral exploration and development to proceed

Legal and regulatory tools that protect rights and enable NG to implement its vision for mineral exploration and development

- Labrador Inuit Land Claims Agreement
- Labrador Inuit Constitution
- Regional Land Use Plan for the Labrador Inuit Settlement Area (Draft)
- Mineral Development Policy (A feeling that this may be needed)
- Labrador Inuit Lands Act
- Nunatsiavut Environmental Protection Act
- Exploration Standards for Labrador Inuit Lands

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Mining Policy Examples
Questions that Arise

• How to provide sufficient guidance in a region, while still leaving space for case-specific decisions?

• What is the right level of engagement with communities? When should this occur in the process?

• How do you strike the balance in attracting business, but creating clear rules for how development will occur (type, pace, etc.)?

• How do you strike the balance between garnering investment and exploration if you have limits on what you are willing to develop?

• How do you build nimbleness into your approach, recognizing that context / external factors will change over time?

• How do you align policy development with other processes that are at different stages of development (e.g., land use planning)?
Final Thoughts

Going forward, approaches need to be:

- Practical
- Nimble
- Flexible
- Tailored
- Regional

What does this mean for...
- land use planning?
- other approaches?
- and their integration?
Thank you!

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Who we are...

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