

# Framework for developing a Land Use Plan for the Eeyou Marine Region

March 2017

## CONTEXT

The Eeyou Marine Region Land Claim Agreement (EMRLCA) is an offshore agreement between the Government of Canada, the Government of Nunavut, and the James Bay Cree of Québec that came into effect on February 15, 2012. Chapter eight of the agreement is the land use planning chapter, providing broad principles and objectives to guide the development of the Eeyou Marine Region Land Use Plan (LUP).

The goal of this document is to provide a framework for the development and implementation of the Eeyou Marine Region Land Use Plan (EMRLUP). The document includes the following sections:

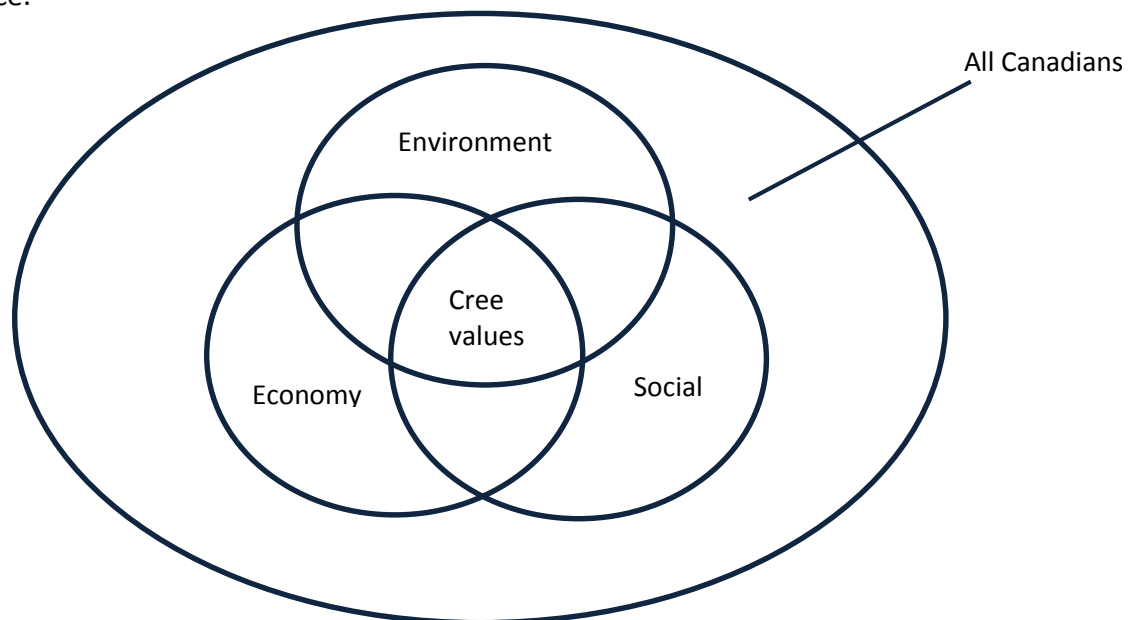
1. Purpose and guiding principles for the Plan;
2. An overview of the planning stages, and;
3. Activities and guidelines for carrying them out each stage.

## PURPOSE AND GUIDING PRINCIPLES

The purpose of the EMRLUP is clearly stated in 8.3.2 of the EMRLCA:

“The purpose of a land use plan shall be to protect and promote the existing and future well-being of residents of the EMR and of the coastal Cree communities of Eeyou Istchee, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the EMR.”

A land use plan defines how we manage our interactions between people and place, reflecting the culture of place.



**Figure 1: Planning Framework**

## **OVERVIEW OF PLANNING STAGES**

Developing the EMRLUP involves the following seven (7) stages: pre-planning; research and data collection; information analysis; writing the plan; approval of the plan; implementation, and; evaluation, monitoring, and amendments. This section includes the list of activities associated with each stage, and approximate timelines for completion.

\*Note that many of the stages and activities will be carried out concurrently, and that the timelines are approximations.

### **Stage 1: Pre-planning**

Assemble team

- 1.1 Determine planning partners
- 1.2 Prepare annual work plan and budget
- 1.3 Draft goals and objectives
- 1.4 Define the study area
- 1.5 Community consultations
- 1.6 Develop communications strategy
- 1.7 Draft community and regional profiles

### **Stage 2: Research and Data Collection**

- 2.1 Set up infrastructure for housing data, documents, and research products
- 2.2 Initiate new research to fill data gaps
- 2.3 Consolidate existing and new data
- 2.4 Package data for consumption, communication, and analysis
- 2.5 Prepare information and data gap analysis

### **Stage 3: Analysis**

- 3.1 Conduct ranking of themes and values
- 3.2 Group areas with similar rankings
- 3.3 Define management units / zones
- 3.4 Validate information with communities / experts

### **Stage 4: Writing the Plan**

- 4.1 Develop management objectives for each unit / zone
- 4.2 Prepare scenarios and alternatives
- 4.3 Community and partner outreach and validation
- 4.4 Consolidate information into a draft report
- 4.5 Review plan (internally and externally)

### **Stage 5: Plan Approval**

- 5.1 Public hearings
- 5.2 Plan approval by the GDO
- 5.3 Submission of plan to “the Ministers” for approval
- 5.4 Plan approval by Cabinet

### **Stage 6: Implementation**

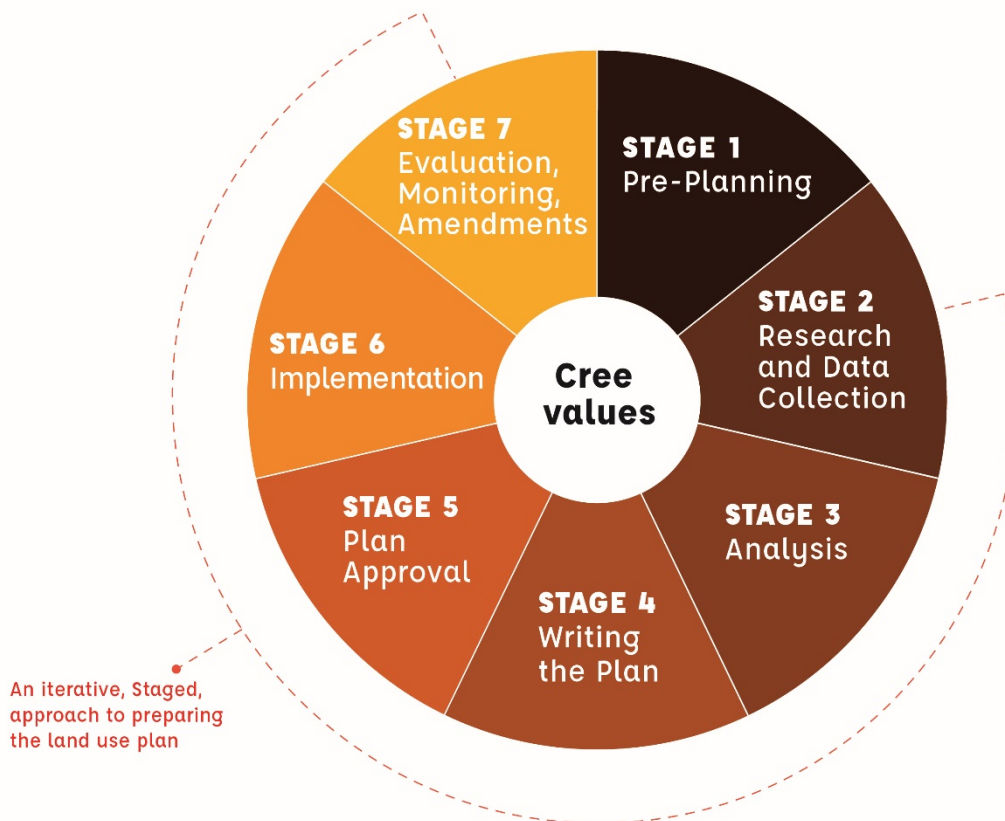
- 6.1 Prepare a framework for Impact Review

- 6.2 Prepare a framework for conservation
- 6.3 Prepare a framework for economic development
- 6.4 Inform other agencies, plans (e.g. Wildlife Board)

**Stage 7: Evaluation, Monitoring and Making Plan Amendments - (cyclical review period)**

- 7.1 Maintain the plan as a living document – feedback loops and updates

The following diagram lays out the stages required to complete the EMRLUP.



**Figure 2: Planning Framework**

## **DETAILS: PLANNING STAGES AND ACTIVITIES**

### **STAGE 1: PRE-PLANNING**

#### **1.1 Assemble team**

The core planning team is made up of the Commissioners and the Director. From time to time, external consultants and services may be required to assist with completing the planning process.

#### **1.2 Determine planning partners**

Planning Partners are an individual, group, organization, either public or private, interested in participating in the land use planning process. For added clarity this includes: both Cree and Non-Cree residents; not for profit community and Cree organizations; Municipalities; the business community; industry; environmental non-government organizations; Government Designated Organization (GDO); territorial and federal government department and agencies; Eeyou Marine Region Impact Review Board; Eeyou Marine Region Wildlife Board; and any other community, regional, territorial or national organization with an interest in the social, cultural, economic and environmental impacts and benefits associated with land use in the Eeyou Marine Region.

#### **1.3 Develop work plan and budget**

An overarching framework, that outlines the planning stages and activities for the development of the EMR land use plan, guides the planning process. Annual work plans and budgets are based on this framework, and follow the cost worksheets, under annex A of the Implementation Plan.

#### **1.4 Develop goals and objectives**

The EMRPC, and the Director, will develop a set of broad planning goals and objectives that guide the EMR land use plan, and will work collaboratively with Indigenous and Northern Affairs Canada (INAC), the Government of Nunavut and the Cree Nation Government (CNG) during this process. These goals and objectives takes into consideration the Cree context (culture, values, issues and vision), existing broad goals and objectives drafted for Nunavut and Nunavik's land use plans, other Indigenous land use plans, and the planning principles, policies, priorities and objectives listed in chapter 8 of the EMRLCA under sections 8.2.1; 8.2.2; 8.2.3; 8.3.1; 8.3.2; and 8.3.3.

#### **1.5 Define the study area**

While it is recognized that the jurisdiction of the EMRLUP will address only the areas described in the EMRLCA under schedules 4-1 and 4-1A, with reciprocal arrangements for management of the overlapping areas of interest between the Nunavik Inuit and the Cree of Eeyou Istchee, factors such as natural conditions and adjacent jurisdictions must be considered and incorporated in the EMRLUP.

Natural conditions:

It is acknowledge that the boundary of the Claim is arbitrary to many natural conditions and outside influences, such as shipping, climate change, wildlife migration, and pollution. As such, the planning process will take into account the broader regional influences when consolidating data, conducting analysis and crafting recommendations for the Plan.

Adjacent jurisdictions:

In addition to overlapping interests with the Nunavik Inuit, many policy and management issues also overlap with Nunavut, Quebec, the Eeyou Istchee James Bay Regional governments, and Cree Nation Government. In dealing with these overlapping interests, the EMRLUP will, when possible, dovetail with the Nunavik Marine Region Planning Commission's Plan in the overlap area, and will take a collaborative approach in addressing any policy and management issues with Nunavut, Quebec, and Eeyou Istchee James Bay Regional governments, and Cree Nation Government.

### **1.6 Prepare information and gap analysis**

Develop a searchable annotative bibliography of publically available information about the EMR, and identify existing information gaps. This will be done by contacting planning partners to review existing information and assess publically available information libraries. From this initial assessment, strategies for filling information gaps can be explored, including formal data requests where information is known to exist, and new research where there is an obvious lack of current or relevant information.

### **1.7 Conduct community consultations**

Consultations will be conducted for each of the five coastal Cree communities; Waskaganish, Eastmain, Wemindji, Chisasibi and Whapmagoostui. The information collected during these community consultations will inform the content of the EMRLUP. These consultations will take the format of interviews with coastal and island user groups including: hunters, Elders, women and youth. The methodologies will be defined in a separate more detail consultation document.

### **1.8 Develop a communications strategy**

Develop a communication strategy that will provide an overview of the planning process, and a strategy for communicating this to communities within Eeyou Istchee. This plan will include details such as the broad goals and objectives of the plan, key milestones, and tools for outreach.

### **1.9 Draft community and regional profiles**

Community and regional profiles provide an understanding of the social, economic and environmental composition of the region. This work will build on any existing information to summarize socio-economic picture of the region's communities (including health, housing and demographics), industry and incomes, and environmental conditions.

## **Stage 2: Research and Data Collection**

### **2.1 Set up infrastructure for housing data, documents, and research products**

Consideration needs to be given to a data management and infrastructure strategy for housing and securing data for the plan. A data management and infrastructure strategy will: compile, and safeguard sensitive and cultural data, data library standards, backup and data safety, mapping and GIS capacity, internet access to data, and updating strategies to keep the data library up-to-date.

### **2.2 Initiate new research to fill data gaps**

By comparing information required to complete the plan with information currently available,

the data gap analysis will highlight areas where additional research is needed.

### **2.3 Consolidate existing and new data**

The EMRPC recognizes the need to have EMR data available to the public, and to share datasets with neighboring institutions. The EMRPC will explore opportunities to share datasets with the NMRPC, Cree communities, Cree Nation Government (CNG), the Nunavut Government and the Government of Canada. Available data will be consolidated along with its accompanying metadata. Confidentiality and data - user agreements may be needed to gain access to sensitive or proprietary data.

### **2.4 Package data for consumption, communication, and analysis**

Raw data are often difficult to interpret. In preparation for the analysis phase of the land use plan, it is important to package and summarize data in formats that can be readily digested and interpreted by the communities. Maps will be used as a key tool to prepare raw data for the analysis phase of planning.

## **Stage 3: Analysis**

### **3.1 Conduct ranking of themes and values**

At this stage of the planning process we need to apply values to the information we have collected. Environmental, social and economic conditions will mean different things to different audiences. It is essential to apply Cree values to the evaluation of these conditions, while respecting and balancing the values of other interests (as described in EMRLCA 8.2.1). Values can be articulated in a variety of ways, including the ranking of themes from high to low. An example of this might be areas showing economic development potential for the Crees of Eeyou Istchee, illustrated on a map as colour gradients from high to low.

### **3.2 Group areas with similar rankings**

Once the conditions have been ranked and assessed, map overlays can be used to help group areas with similar rankings. An example might be two sets of maps, one showing areas of critical fish habitat and the other as critical Cree fishing areas. These areas might be grouped together to create a third map illustrating key fish protection zones.

### **3.3 Define management units / zones**

Following the analysis stage of the planning process, each region will be further broken down by marine management areas (MMAs) based on the ranking of areas of similar values. Management areas may follow ecological, biophysical or cultural boundaries as appropriate to each theme.

### **3.4 Validate information with communities / experts**

It is important to validate the outcomes of the analysis phase of the planning process with the communities and other experts in the region. Since the plan is to be an outward expression of how the Cree communities of Eeyou Istchee want to manage their marine resources, the interpretation of values, rankings and groupings should be scrutinized and validated by the communities. This can be done through a series of workshops where maps can play a key role to communicate and capture community and other expert feedback. The planning team will host several validation and consultation workshops throughout the planning process.

## **Stage 4: Writing the Plan**

### **4.1 Develop management objectives for each unit / zone**

At this stage of the planning process we need to apply broad management categories to each management unit or zone. Plans can be creative in the categorization of zoning, but common zones used in Canadian land use plans include: special management zones; general use zones; conservation zones; and multiple-use areas. A quandary in many Aboriginal land use plans is how to effectively compartmentalize the landscape into zones for land management purposes while at the same time recognizing the holistic interconnections between all systems within a living landscape.

Management prescriptions should be drafted for each management unit and management zone. This should include broad objectives for the area along with a list of permitted or restricted activities and implementation considerations for achieving the stated management goals.

### **4.2 Prepare scenarios and alternatives**

An effective management plan will evaluate alternatives and scenarios for balancing the often conflicting interests and priorities for a region. For the EMRLUP, this might include looking at options for shipping routes or conservation strategies which recognize tradeoffs between development interests and conservation priorities in the region.

### **4.3 Community and partner outreach and validation**

Another key outreach and consultation milestone in the planning process will be to meet with the communities and other experts to review the management zones, their specific management prescriptions, discuss alternatives and validate preferred options for the land use management plan. Circling back to the original list of issues and concerns and demonstrating how these concerns were addressed in the plan will help demonstrate that the process has listened to community concerns. This will be important when trying to get buy-in towards implementing the plan.

### **4.4 Consolidate information into a draft report**

Here is where we draft a final plan for the EMR. We now have all the input we need to consolidate our work into a final report. The report will include the community / regional profile, summary maps of management units / zones, descriptions of management goals and strategies for each management unit, evaluation of options and recommended preferred options for the management of the land use plan. The plan will also include an implementation strategy as noted as a requirement in the EMRLCA under section 8.3.3.

### **4.5 Review plan (Internal and External)**

The draft plan will need to be reviewed by planning partners, then the plan will move into public hearings. The stages for review are outlined in the EMRLCA under sections 8.5.3 and 8.5.4.

### **4.6 Public Hearings**

The EMRPC is responsible for conducting Public Hearings throughout the planning process, however, this does not limit the Commission from conducting other

consultations and public participation throughout the planning process.

### **Stage 5: Draft Plan Approval**

#### **5.1 Submit the revised draft plan to the GDO for approval (chapter 8, section 8.5.6).**

- If necessary revise plan and resubmit

#### **5.2 Submit the revised draft plan to the Ministers for approval (chapter 8, section 8.5.8 and 8.5.9).**

- If necessary revise plan and resubmit

#### **5.3 Plan approval by Cabinet**

This is the finish line of the planning process, where the plan is approved and moves into the implementation phase (chapter 8, section 8.5.10 and 8.5.11).

### **Stage 6: Implementation**

#### **6.1 Prepare a framework for Impact Review**

EMRLCA Part 18.3.2, 18.3.3 and 18.4.3 describes how the Eeyou Marine Region Impact Review Board (EMRIRB) will use the land use plan as a guide to determine if development is in conformity with the plan.

#### **6.2 Protected Areas**

EMRLCA, Chapter 6, section 6.2 describes the creation of new protected areas that can be based on the outcomes and recommendations of the plan.

#### **6.3 Development**

Section 8.3.1 of EMRLCA describes the need for the plan to address development in the region.

#### **6.4 Inform other agencies**

After the plan has been approved, and is being implemented, the EMRPC will inform other agencies of the land use plan through annual reporting and developing an implementation strategy.

### **Stage 7: Evaluation, Monitoring and Plan Amendments**

#### **7.1 Maintain the plan as a living document – feedback loops and updates**

It is important that the EMR plan be regarded as a living document; a plan that can be continuously improved through testing, feedback loops, and the incorporation of new data and new knowledge. The plan will be a sketch for how the region is to be managed, and routine evaluations should be performed to determine if the plan has been successful in meeting its stated objectives. Procedures for amending the plan are outlined in EMRLCA section 8.6.