

Land Use Planning in Northern Canada: Precursors to Land Claims Agreements”.

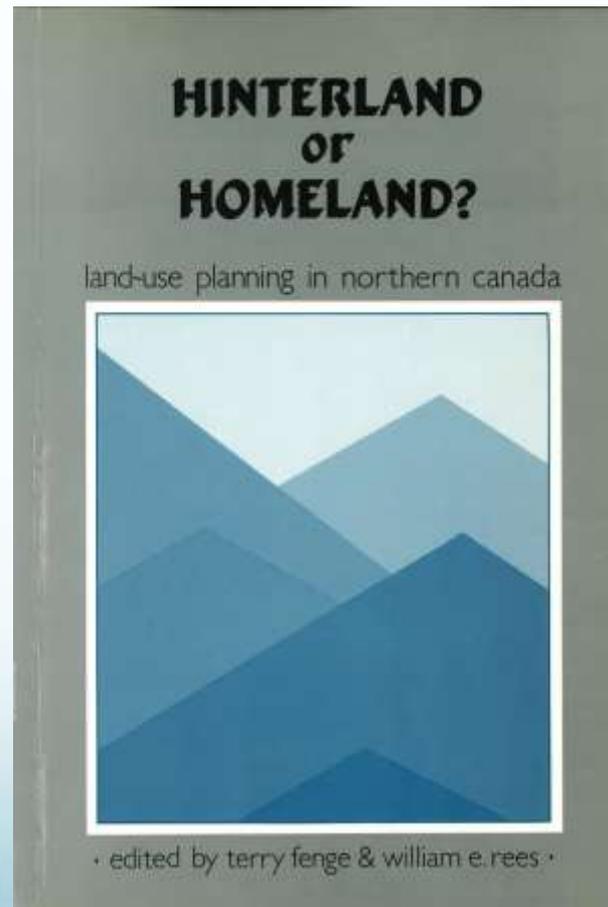
Terry Fenge, NTI.

Modern treaties invest much capital in regional land use planning and environmental assessment: why?

- Response to abandonment of northern conservation reserves, 1948-1966;
- Response to identification of ecologically sensitive sites through the International Biological Programme in the early 1970s;
- Response to weaknesses of federal approach to land and natural resource management put in place in 1970s;
- Exert **control** over land and natural resources owned by the Crown;

- Inject concepts of carrying capacity and ecological sensitivity into decision-making;
- 1971 establishment of the Department of the Environment;
- Broaden decision-making concerns in line with 1973 policy on balanced development;
- Large scale hydrocarbon development assumed for the Beaufort Sea, Mackenzie Valley and High Arctic Islands.

Hinterland or Homeland; book cover



- 1970s and early 1980s: land use regulation not planning, and EARP guidelines
 - a. Northern Inland Waters Act and regulations
 - b. Territorial Lands Act and regulations
 - c. Arctic Waters Pollution Prevention Act
- Purely reactive approach toward managing the use and development of land and natural resources

- Mid to late 1970s and early 1980s: Hydrocarbon exploration continuing and development thought to be imminent in the Beaufort Sea, Mackenzie Valley and High Arctic Islands;
 - a. 1975 attempt at land use planning in the Mackenzie delta collapsed as a result of no local support;
 - b. 1977 Berger report recommendations: land use management to reflect the harvesting economy, and negotiate and settle Aboriginal land claims;
 - c. 1978 Inuvialuit Agreement-in-Principle proposes a land use planning commission for the western Arctic;

- d. Northern Minerals Advisory Committee proposes planning to provide "certainty" for development;
- e. Lancaster Sound EIA and resulting green plan process;
- f. 1980 ITC proposes development of an "official plan" for the proposed territory of Nunavut;
- g. 1980 CYI and DIAND sign agreement for land use planning in Yukon;

- January 1980 Paul Tellier, new DIAND Deputy Minister, supports the concept of planning for land use management.
- Four types of land use--8% for strict conservation and 15% for development. The intent was to accommodate industry, link the exercise to world demand for energy and defend the programme on the basis of expected resource revenues.

- a. November 1980 DIAND draft Cabinet discussion paper heavily criticized by EMR, DFO and DOE. Not given to Aboriginal groups or municipalities. Territorial governments responded verbally and CARC "liberated" a copy and went to the CBC. Much criticism for its Ottawa-based, national interest, industry accommodating approach;
- b. July 30 1981 John Munro announced the Northern Land Use Planning Policy - again, severe criticism by northerners - and refusal by many to engage.

- DIAND new DG to consult with northerners. October 1982 162 page implementation strategy attracted much negative commentary. Land use planning outside the ambit of land claims negotiations and agreements, and outside the ambit of devolution. Interpreted as grandfathering DIAND into the distant future.

Northern Land Use Planning Regions and Units

in Land-Use Planning Process

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land-use plans

Northern Land-Use Planning Commissions

Membership (10-15 people):

- federal government
- territorial governments
- native organizations
- municipal and/or community groups
- industry and/or other groups or individuals
- DIAND regional director(s)

Responsibilities:

- prepare terms of reference for area planning team studies
- ensure public input to northern land-use plans
- develop northern land-use plans for ministerial approval

Area Planning Teams

Membership (7-10 people):

- DIAND land-use planning staff
- territorial governments' land-use planning staff
- native representatives
- other expertise

Responsibilities:

- undertake studies in northern land-use planning areas
- prepare draft northern land-use plans

Fig. 3 Northern Land-Use Planning Regions and Units

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Source: DIAND, *Land Use Planning in Northern Canada, draft* (Ottawa: Minister of Indian Affairs and Northern Development, 14 October 1982), p. 32.

- 10: Negotiations with territorial government and to a lesser extent, Aboriginal peoples, began in late 1982.
 - a. March 1983 DIAND/GNWT sign agreement;
 - b. July 1983 Inuit, Métis and Dene--joint position--sign agreement with DIAND;
 - c. September 1983 YTG and DIAND sign agreement;

- d. PMO objected to the agreements, characterizing them as constitutional change. Not approved by PMO until May 1984, on condition territorial government to sign letters affirming PMO view;
- e. August 1984 federal election;
- f. February 1985 minister Crombie supports implementation;
- g. May 1985 Treasury Board approves funding;
- h. Hire staff and begin implementation.

- 1990 Report of the Auditor General of Canada. DIAND had spent more than \$20 million on land use planning over nine years but there were no plans.
Recommendation: get the plans finished and approved. The outcome:
 - abandonment by the Government of Canada of land use planning pursuant to the 1981 Northern Land Use Planning Policy;
 - land use planning put in place through northern land claims agreements.