

Understanding Land Use in the Grand Falls-Windsor – Baie Verte – Harbour Breton Region

Final Report



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Executive Summary

Successful land use planning can prevent (or resolve) land use conflicts and is a key tool for governments, businesses and industry to plan for long-term usage of land and natural resources. It allows communities to plan for growth and to make decisions regarding allocation of land for future growth, conservation, aesthetics and quality of life. Planning is inherently important as Curran and Associates state in *Land Use Planning & Municipal Economic Development*, it “leads to orderly growth, efficient provision of infrastructure and services, and compatible economic development”. Without adequate planning or planning personnel, communities are prone to dispersed development patterns, inefficient use of infrastructure, uncontrolled shoreline development, environmental degradation, and use of inappropriate sites for commercial development. This can in turn negatively affect the attractiveness, economic opportunities, and sustainability of communities. In contrast, when land use planning is carried out effectively, it helps to ensure that land is allocated and used in a manner that maximizes current and future economic, social and ecological benefits while reconciling diverse and competing demands on the province’s natural resources.

Overall, Newfoundland and Labrador has a poor record in land use planning. The provincial government plays a major role in land and resource use planning in large part because it controls the vast majority of the land in the province; approximately 88% remains in public ownership (Crown land). However, there has been no consolidated approach to tackling land use planning and conflicts in the province. Although there are plans that exist, they are often focused on a single issue or area of usage.

In early 2011, the Council initiated a research partnership with Memorial University to investigate past experiences with citizen and community engagement in the region as well as to identify innovative approaches to engagement that might be undertaken in the future. A multi-year community-based research agenda was envisioned, with lessons learned regarding community engagement subsequently employed to initiate a dialogue in the region on land use issues and land use planning. The ultimate goal is to work towards improved land use and land use planning in the region.

The purpose of this study was to identify key issues and recommendations relating to and in aid of working towards improvements in land use planning process in the region and the province. Data collection for this study took place between September 2012 and March 2013. This data included key informant interviews, compiling case studies from other jurisdictions (through the Geography 3350 class projects), the development of web-based engagement instruments (including a website, Facebook page, mapping tool and online survey), and regional engagement sessions. This data was then analyzed and results were compiled according to a number of key land uses and related issues that were identified in this and in previous studies including: forestry; agriculture;

mining; cottage/cabin and residential development; aquaculture-related development; competing demands for waterfront lands and uses; access to Crown lands; tourism and recreation, and conservation and environmental protection.

Overall five key areas of concern that cut across multiple land uses were identified in this study: current land use decision making processes; limited resources available for planning; balancing conflicting industries and interests; information and coordination; and stakeholder communication and engagement. This report outlines a number of overall recommendations related to these cross-cutting issues, which are outlined below. Additional recommendations related to specific land use issues, such as access to Crown lands and issues related to forestry, mining, agriculture and other uses can be found in the section "Recommendations for Specific Land Uses".

Recommendations:

1. Initiate sub-regional integrated land use planning processes that aim for a balanced, strategic approach, take a long-term view and consider the perspectives of all stakeholders. This will require dedication of financial and human resources in support of land use planning efforts.

- Planning processes should only be undertaken where there is a formal expression of commitment to planning and implementation from municipalities and provincial government departments with responsibilities for land use planning and allocation within the planning area.
- The Province of NL should provide support for sub-regional land use planning efforts where municipalities have also indicated their commitment to participate in land use planning. This support should include financial and human resources and a commitment to an inclusive planning process and to plan adoption and implementation.
- A qualified regional land use planner should be appointed to assist with land use planning and management in the region, including further discussion of the recommendations contained in this report. This planner could be employed to work with one or more Joint Councils, with MNL and/or with a designated lead provincial department.
- Memorial University and the Harris Centre, in collaboration with stakeholders such as MNL and relevant provincial agencies, should undertake a cost-benefit analysis of regional land use planning, taking into account the costs of delays and lost opportunities associated with not having a land use plan versus the cost of creating one. This analysis should also include a review of cost-effective options for land use planning such as partnerships with private developers to offset costs for some aspects of

municipal planning and development or the use of existing agency staff and/or volunteer professionals in planning and engagement processes.

2. Create tools to coordinate land use information and make this information available to residents, municipalities and other interested parties

- The Province of NL should create a land registry system that is widely accessible to citizens (through online access), that is interactive and as up-to-date and accurate as possible. This system should include clear identification of lands where ownership is uncertain or under dispute. The success of registry will depend on promotion to encourage residents to register their land, providing information on the benefits of land the registry and assistance to individuals who may be unsure of the process.
- A partnership should be formed that includes the Exploits Joint Council and MNL, working in collaboration with relevant provincial departments, Memorial University and the College of the North Atlantic to develop a pilot collaborative land use geographic information system (GIS) to coordinate and make available information on land use, land capabilities and land use conflicts and concerns in the sub-region. This system should be updated on a regular basis after its initial development and could be scaled up for use elsewhere in the region or even throughout the province. As a partner in this initiative the Province on NL should make available digital data currently within the provincial land use atlas to the project partners and, ultimately, to the public through a web-based GIS tool.
- The Department of Municipal Affairs, in collaboration with Municipalities NL (MNL) and Professional Municipal Administrators, should develop an information booklet for municipalities explaining the benefits and costs and steps that can be taken to undertake a tax sale for properties with unpaid taxes. Specific attention should be paid to circumstances where property ownership is unknown or unclear.

Specifically related to the issue of access to Crown lands:

- The Province of NL should develop an online tool where individuals or municipalities can check the status of applications for Crown land (and related referrals) to help alleviate pressure on Lands Branch staff and frustration experienced by applicants.
- The Province of NL (Crown Lands Branch in collaboration with the Department of Municipal Affairs and Municipalities NL) should provide additional, user-friendly resources and information about the land acquisition process. The Province of Ontario's *Guide to the Acquisition of Crown Land to Support Municipal Economic Development* (2009) is one example.

3. Increase communication between stakeholders, residents, municipalities, policy- and decision-makers in a manner that is open, transparent and inclusive

- Agencies with responsibilities for land use planning, land allocation and development approvals should ensure adequate consultation and opportunities for dialogue between affected parties during the land use planning process or when new developments are proposed that are contrary to, or were not anticipated within, existing land use plans (recognizing different levels of engagement are appropriate for different forms of development).
- Agencies with responsibilities for land use are encouraged to provide a forum for competing stakeholders to discuss ideas and concerns with a mediator present should tensions escalate (or have the potential to do so). Mechanisms for conflict management and dispute resolution should be outlined within the land use planning process. Participants in the Springdale regional workshop suggested that a network of individuals be identified and trained who can assist with conflict resolution in the province. Memorial University should offer courses in conflict resolution to assist in building this network, working in conjunction with existing program such as the IBRD Community Capacity Building Program.
- Municipalities and provincial agencies should endeavor to provide residents with adequate time and means to contribute their opinions and concerns to planning and/or decision-making processes when development is occurring in or around a municipality or in areas where user groups can be identified.
- Responsible provincial agencies should report back to participants in land use planning processes (such as five year forestry plans) on the final plan submitted, and on any decisions made contrary to agreements made within a consensus-based process. Provincial agencies should also respond to the advice provided by another level of government (e.g. a municipality or First Nation), including two-way communications regarding the final decision made on any land use matter for which input was sought. Provide residents with updates on developments and planning processes.
- The Province of NL, other levels of government and parties involved in land use planning processes should utilize Internet-based tools to make information widely accessible (to those with Internet access) and provide a space where citizens can voice opinions and engage in discussion with others. In consultation or engagement processes, however, these tools should supplement rather than replace opportunities for face-to-face dialogue.
- The Province of NL, other levels of government and parties involved in land use planning processes should provide residents with updates on

planning processes (such as five year forestry plans) at multiple stages utilizing local media outlets.

- Should a regional land use planning body be established members of this entity should consider offering an ongoing forum for residents to discuss land use planning and management (such as the online tools used in this project).
- The Regional Council of the Rural Secretariat should consider reviewing this document with regional partners to encourage discussion of possible next steps for land use planning in the region to ensure that the ideas generated in this document are evaluated and where possible and deemed appropriate, implemented.

Part One: Introduction

Background and Research Questions

In 2010 the Grand Falls-Windsor - BaieVerte - Harbour Breton Regional Council identified two priorities for community-based research in their region: community engagement and land use planning. In early 2011, the Council initiated a research partnership with Memorial University to investigate past experiences with community engagement in the region as well as to identify innovative approaches to citizen and community engagement that might be undertaken in the future. A multi-year community-based research agenda was envisioned, with lessons learned regarding community engagement subsequently employed to initiate a dialogue in the region on land use issues and land use planning. The ultimate goal is to work towards improved land use and land use planning in the region.

In 2011-2012, the research team, in collaboration with the Regional Council and Town of Grand Falls-Windsor (a project partner), investigated current and potential community engagement approaches based on a literature review and regional interviews. The results of the *Developing Innovative Techniques for Community Engagement in the Grand Falls-Windsor – Baie Verte - Harbour Breton Region* project were presented to the Regional Council and a summary report was distributed to municipalities, Miawpukek First Nation, Central Health, Nova Central School District, relevant Ministers, and Municipalities Newfoundland and Labrador.¹

A scoping document entitled – *A Scan of Land Use Issues in the Grand Falls-Windsor – Baie Verte - Harbour Breton Region* – was also completed in 2011-2012 based on a document review and initial consultations with regional stakeholders. This document provided a preliminary scan of the land use conflicts and potential conflicts in the region as well as current and potential processes for moving forward with addressing these issues.

The research and engagement activities undertaken in 2012-2013 were focused on two recommendations from the 2011-2012 *Scan of Land Use Issues* report:

- Undertake an evaluation of current issues surrounding land use planning in the region and, more broadly, within Newfoundland and Labrador.
- Use innovative community engagement techniques to engage communities within the Central West Region to identify prioritize and discuss potential solutions for on-going or potential land use issues.

¹ See Rural Resilience, “Developing Innovative Approaches for Community Engagement.” http://ruralresilience.ca/?page_id=407 (accessed March 14, 2013) for more information on this study and for copies of the resulting report and summary.

Four **research questions** guided this research, including:

1. What are the current issues related to land use and land use planning that are of concern to residents and stakeholder groups in the Grand Falls-Windsor - BaieVerte - Harbour Breton region?

Related sub-questions included:

- Are there differing uses or values associated with the land base that are causing land use-related conflicts in the region?
 - What are the potential opportunities for future land use that have been identified?
 - Is there potential for these future uses to create land use conflicts?
 - What are the specific locations where these potential or existing issues exist?
 - What is the nature of these issues and opportunities from various stakeholder perspectives?
2. How are these issues prioritized by residents and stakeholder groups (including land users, planners and decision-makers)?
 3. What potential solutions for resolution of on-going or potential land use issues have been identified within the region, or in regions elsewhere that face similar issues? What are the steps to date that have been taken to address these issues (or potential issues) and opportunities?
 4. What steps are required to move forward with developing a land use strategy for the region?

Land Use Planning Processes and their Importance to the Region

The Canadian Institute of Planners defines planning as “the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities.”² Land use planning determines: what will be done and to what extent to land and resources; where activities can and cannot take place; and how the activities should be carried out.³

²Canadian Institute of Planners. “Planning Is,” (2012) [file://localhost/< http://www.cip-icu.ca/web:la:en:pa:3FC2AFA9F72245C4B8D2E709990D58C3:template.asp](http://www.cip-icu.ca/web:la:en:pa:3FC2AFA9F72245C4B8D2E709990D58C3:template.asp) (accessed 29 March, 2013).

³Reginald Garland, “Presentation on Land Use Planning to the Provincial Council of the Rural Secretariat,” paper presented, Rural Secretariat Provincial Council provincial land use planning citizen engagement event, St. John’s NL, April 7, 2009.

Land use planning is crucial to ensure that land is allocated and used in the best way possible, maximizing economic, social and ecological benefits from the province's natural resources while reconciling diverse and competing demands on these resources. Municipalities Newfoundland and Labrador (MNL) makes this very clear in stating that:

Land is a scarce resource and there are many competing demands for its use. Planning acts as a mediator to manage these competing demands for land and natural resources. It provides a framework for municipalities to set goals for how they will grow and develop while keeping important social, economic, and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community. Good planning leads to orderly and compatible growth and the efficient provision of infrastructure and services.⁴

Essentially, effective land use planning ensures that resources are used in a manner that meets the needs of today while looking toward potential future land use. It provides a vision and a blueprint for the landscape that is inclusive of several different actors and activities.

Economic development and prosperity is often a primary motivation for land use planning. Land use plans are developed as a guiding framework to obtain the maximum amount of benefits from a particular area and its associated resources. The economic spin-offs such as revenue and job creation are important considerations to those developing and implementing the plan.⁵ Land use planning can also help to avoid costly delays and disputes. Land use planning does not necessarily mean choosing one 'more profitable' industry over another, however. It can mean being inclusive of different industries at the same time, or as Mahapatra observes, implementing a different land use after a previous use is exhausted and no longer feasible.⁶ While economic concerns remain important, the concept of sustainable development has become increasingly recognized as individuals become more conscious of the environmental and social implications associated with various land uses.⁷

⁴ Curran et al., *Land Use Planning & Municipal Economic Development*: A community Development Project, Municipalities Newfoundland and Labrador, <http://www.nlreda.ca/system/filestore/OM%20resource%20materials/Municipal%20Economic%20Development/Land%20Use.pdf> (accessed March 26, 2014)

⁵ J.H. Kim, "Linking land use planning and regulation to economic development: A literature review." *Journal of Planning Literature* 26, no. 1 (2011): 35-47.

⁶ A.K. Mahapatra, "Planning economic land-use models for dry land farm forestry in India." *International Journal of Sustainable Development and World Ecology* 7, no.1 (2000): 25-40.

⁷ F.W. Wellmer, "Resource development, land-use planning and sustainability in Germany." *Zeitschrift fur Angewandte Geologie* 42, no. 1 (1996): 62-65.

Rural Newfoundland and Labrador is undergoing a period of adjustment to changing economic, social and cultural conditions. With outmigration in many rural areas and downsizing in the fishery, forestry and other sectors, many communities and regions are being forced to reinvent themselves and imagine new futures. In response to these changing circumstances, the provincial government is also being forced to make some tough decisions about how to allocate limited financial and other resources (including land), in order to satisfy competing demands. Community engagement has an important role to play in making these difficult decisions. Community engagement represents a move past community consultation in a process that includes meaningful, two-way dialogue between citizens and policy makers. With respect to land use, community engagement is an inclusive process designed to involve residents who use the land and are directly affected by land use planning and management in a dialogue about priorities and alternatives. It allows citizens to express their opinions, concerns, and ideas as they relate to land use planning in their home communities and region. Land use planning was once considered a unilateral decision-making process governed by top-down policies and practices. However, it has become clear that the public has a role to play in the process and that individual citizens, community leaders, and special interest groups all have valuable contributions and perspectives to add to land use planning and management.⁸

While community and regional engagement is critical) effective land use planning also requires legislation to guide policies and practices.⁹ Policies and legislation help determine the types of plans produced, decision-making processes, resource allocation, and the responsibilities of each party involved.¹⁰ In Newfoundland and Labrador, the provincial government plays a crucial role in land use planning and management, in large part due to the fact that it owns and controls the majority of lands in the province. Approximately 88% of the land is designated as Crown land.¹¹ Unfortunately, “despite a number of task force studies and planning recommendations land use planning in Newfoundland and Labrador has lacked a coherent overarching policy and systematic approach”.¹² According to one

⁸ G.C. Homsy, “The land use planning impacts of moving “partial takings” from political theory to legal reality.” *Urban Lawyer* 37, no.2 (2005): 269-298.

⁹ Mirza et al., “A Scan of Land Use Issues in the Grand Falls-Windsor – Baie Verte – Harbour Breton Region” (2012). Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012, http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013)

¹⁰ Reginald Garland, “Presentation on Land Use Planning to the Provincial Council of the Rural Secretariat,” paper presented, Rural Secretariat Provincial Council provincial land use planning citizen engagement event, St. John’s NL, April 7, 2009.

¹¹ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], “Crown Lands Administration Division,” Government of Newfoundland and Labrador http://www.env.gov.nl.ca/env/department/branches/divisions/crown_lands.html (accessed March 27, 2013)

¹² Kelly Vodden et al., *Understanding Regional Governance in Newfoundland and Labrador: A Survey of Regional Development Organizations* (2013).

official, *The Lands Act* (revised in 1991 from the former *Crown Lands Act* of 1844¹³) provides the guiding legislation which governs all Crown Land in province and gives government authority to issue property.

In the province, three key provincial organizations involved in land use planning include the Interdepartmental Land Use Committee (ILUC) and the Department of Municipal Affairs and the Department of Environment and Conservation. The goal of the ILUC is to ensure that “public sector policy and decisions related to land use and natural resource planning and management are consistent and complementary”.¹⁴ The ILUC looks after proposals concerning: municipal or regional plans; community or regional watersheds and municipal boundary changes; agriculture, forestry, wildlife, park, mineral aggregate, ecological and wilderness reserves; cultural, historic and recreational sites; major road, hydro, forestry and other service roads, and; legislation, regulations or guidelines affecting the use of Crown or public lands.¹⁵

The Department of Municipal Affairs on the other hand is guided by the *Urban and Rural Planning Act, 2000* and promotes the “growth of sustainable and attractive communities.”¹⁶ The Act also requires protective road zoning plans to regulate development within 400 metres of a highway. According to one representative the Department of Municipal Affairs reviews each municipal plan and “looks at it to ensure it complies with legislation and provincial policies.” The Department also provides administration and professional support for three regional appeal boards (west, central, eastern). Individuals who feel aggrieved by a decision made by a municipal council with respect to development can appeal to the regional appeal board. According to one participant, there have been several instances in the region where appeals have been filed.¹⁷

A third important player is the Department of Environment and Conservation and particularly the Crown Lands Branch, which answers questions related to land title and use and receives and processes applications for development of Crown lands for personal or commercial-industrial use. Personal use includes recreational and remote cottages as well as residential developments within municipal boundaries. Individuals who want to access Crown land for such purposes must obtain approval from the local municipal council if the land is within a municipality and then from Crown Lands Branch (who will refer the application to all relevant departments in this process). Larger proposals may be

¹³ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], “History” <http://www.env.gov.nl.ca/env/lands/ownership/history.html> (accessed March 14, 2013)

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], “Interdepartmental Land Use Committee (ILUC)”, Government of Newfoundland and Labrador, http://www.env.gov.nl.ca/env/wildlife/environmental_review/land_use_committee.html (accessed March 26) quoted in Vodden et al., 2013.

¹⁷ Personal communications.

referred to the ILUC. Commercial and industrial uses include: general commercial (often service industries), resource-based camps (temporary housing for workers or utility structures; five year terms), agriculture (50-year leases), and aquaculture (licenses up to 5 years; leases up to 50 years).¹⁸ Crown Lands policy also establishes a process whereby individuals or groups who have held possession of lands for over 20 years (prior to 1977) can apply for the title to the land.¹⁹ There is currently one Crown Lands Branch office in the study region located in Grand Falls-Windsor. However, the office is only open on Tuesdays or by-appointment. In addition to its responsibilities for Crown Lands the Department of Environment and Conservation is charged with the environmental protection and enhancement and with management of wildlife, inland fish, water, parks, and climate change mitigation and adaptation efforts.²⁰

Other provincial departments are also involved in planning and/or commenting on development applications related to specific sectors. Examples include the role of the Department of Natural Resources and its Forestry Services Branch in leading forestry planning processes (and their implementation), Agrifoods Development Branch in providing advice and direction in determining lands suitable for agricultural production, and Mines Branch in reviewing forestry or municipal plans where there are mining interests. The Department of Fisheries and Aquaculture's also plays a leadership role in the Province's Coastal and Ocean Management Strategy and Policy Framework and in the approval process for aquaculture license and lease applications.

The Grand Falls-Windsor – Baie Verte – Harbour Breton Region

The Grand Falls - Windsor - Baie Verte - Harbour Breton region is the largest Rural Secretariat region in insular Newfoundland, spanning over 33, 000 square kilometres with a population of almost 50,000.²¹ There are seven noted service centres in the region: Grand Falls-Windsor, Bishop's Falls, Botwood, Springdale, Baie Verte, Harbour Breton, and St. Alban's.²² Within the region there are 81

¹⁸ Lévêque et al., *Access to Crown Lands – Land Use Case Studies*, Memorial University, 2012, p. 1.

¹⁹ Newfoundland and Labrador Department of Environment and Conservation [NLDEC]. (2012a). "Crown lands: Land ownership." Government of Newfoundland and Labrador, <http://www.env.gov.nl.ca/env/lands/ownership/index.html> (accessed December 7, 2012)

Government of Newfoundland and Labrador. (2000). *Statutes of Newfoundland 1991: Chapter 36: An act to revise and consolidate the law respecting crown lands, public lands and other lands of the province*. St. John's: Queen's Printer in Leveque et al. 2012.

²⁰ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], The official website of the NLDEC <http://www.env.gov.nl.ca/env/> (Accessed March 14, 2013)

²¹ Rural Secretariat, "Grand Falls-Windsor – Baie Verte - Harbour Breton", Government of Newfoundland and Labrador, http://www.exec.gov.nl.ca/rural/regional_councils/grandfalls_windsor_baieverte_hrbreton.html (accessed March 8, 2012)

²² Ibid.

communities, however only Grand Falls-Windsor has more than 5,000 residents (Grand Falls-Windsor, population 13,725 as of 2011 Census).²³ As of 2006, 47 of these communities had a population of fewer than 1,000 residents and nearly half of the population (41%) lived in communities with fewer than 1,000 people.²⁴ The region includes three recognized sub-regions: Emerald Zone, Exploits Valley/Bay of Exploits, and Coast of Bays. According to Census data, the 2006 populations for each of these sub-regions are as follows: Emerald Zone (14,250); Exploits Valley/Bay of Exploits (26,450); and Coast of Bays (7,905).²⁵

Communities within the region have worked together through various organizational structures. From the mid-1990s until 2013 each of the three sub-regions noted above were served by a Regional Economic Development Board (REDB). Prior to funding cuts that led to closure of most of the boards in the province, REDBs brought municipalities and other community partners together to plan, develop, and implement economic development initiatives.²⁶ Rural development associations formed in the 1960s and 70s had divided the Coast of Bays into four separate sub-regions (or development association areas) – Fortune Bay East, Fortune Bay North Shore, Bay D-Espoir, and Conher; Exploits into Exploits Valley and Red Indian Lake; and Emerald into Baie Verte Peninsula and Green Bay. The region’s municipalities have also worked together to share services such as waste management and have formed Joint Councils or Mayor’s Committees in recognition of their common interests. These include the Coast of Bay Mayor’s Committee, Exploits Valley Joint Council, Green Bay South Joint Council and, previously, the Joint Councils of Green Bay. An analysis of 2006 labour flows identified five functional regions within the larger Central West region, including two in the Coasts of Bays area – Bay d’Espoir and Connaigre East, one in the Exploits and two in the Emerald zone – Baie Verte and Springdale.²⁷

In terms of demographics, the region saw a population decline of 5.2% between 2001 and 2006 while the province as a whole only saw a decline of 1.5%. From

²³ Statistics Canada, “Population and dwelling counts, for Canada, provinces and territories, and census subdivisions (municipalities), 2011 and 2006 censuses.” Government of Canada (2012), [http://www12.statcan.gc.ca/census-recensement:2011:dp-pd:hlt-fst:pd-pl:Tableau-Tableau.cfm?3LANG=Eng&T=302&SR=176&S=51&O=A&RPP=25&PR=10&CMA=0](http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hlt-fst/pd-pl/Tableau-Tableau.cfm?3LANG=Eng&T=302&SR=176&S=51&O=A&RPP=25&PR=10&CMA=0) (accessed March 8, 2012).

²⁴Rural Secretariat, “Grand Falls-Windsor – Baie Verte - Harbour Breton”, Government of Newfoundland and Labrador, http://www.exec.gov.nl.ca/rural/regional_councils/grandfalls_windsor_baieverte_hrbreton.html (accessed March 8, 2012)

²⁵Community Accounts, “Economic Zone Profiles,” <http://nl.communityaccounts.ca/> (accessed March 27, 2013)

²⁶ Newfoundland and Labrador Regional Economic Development Association, “MNL disappointed to learn of cuts to REDBs”, May 23, 2012, <http://www.nlreda.ca/news.php?nid=246> (accessed March 14, 2013)

²⁷ See Regional Economic Capacity Index, “Functional Region”, <http://reci.ucs.mun.ca/fr.php> (accessed March 14, 2013) for more information on each functional region.

2006 to 2011, some communities in the region grew (such as Grand Falls-Windsor: 1%, Springdale: 5%, Samiajij Miawpukek: 6%, Port Anson: 6.5% and Baie Verte: 7.5%) while many others shrank (such as Lushes Bight-Beaumont-Beaumont North on Long Island: -20%, Beachside: -18%, Fleur de Lys: -17% and Harbour Breton: -9%).²⁸

Sales and service is the largest occupational category in the region, employing an estimated 25% of all workers.²⁹ Approximately 14% (an estimated 3,280 residents) of the region's population worked in primary resource sectors as of 2006, indicating reliance on the primary industry and natural resources.³⁰ The majority of workers in primary industries (53%) identified themselves as fishers, but 17% were loggers; and 7% worked in mining. An additional 480 jobs were provided in support activities related to mining and oil and gas and 1,755 in processing and manufacturing. Many of these individuals worked in fish processing and other natural resource-related manufacturing.³¹ Land use and land use planning has implications for each of these major sectors.

Methodology

The scoping document, *A Scan of Land Use Issues* was used to form the basis for this project. In the document, a variety of issues were identified pertaining to land use in the Grand Falls-Windsor – Baie Verte – Harbour Breton region. The report *Developing Innovative Approaches for Community Engagement in the Grand Falls-Windsor – Baie Verte – Harbour Breton Region* was used to guide the methodology, especially that regarding community engagement, for this project. In particular the following recommendations made in the *Developing Innovative Techniques for Community Engagement* summary report from 2011-2012 were taken into account in this project:

- Work to engage the groups that are currently unengaged or disengaged in decision-making processes that affect these citizens and their interests.
- Focus on using multiple engagement strategies to achieve desired community engagement goals.

²⁸Statistics Canada, "Population and dwelling counts, for Canada, provinces and territories, and census subdivisions (municipalities), 2011 and 2006 censuses." Government of Canada (2012), <file://localhost/<http://www12.statcan.gc.ca/census-recensement:2011:dp-pd:ht-fst:pd-pl:Table-Tableau.cfm%3FLANG=Eng&T=302&SR=176&S=51&O=A&RPP=25&PR=10&CMA=0>> (accessed March 8, 2012).

²⁹Ibid.

³⁰Community Accounts, "Grand Falls-Windsor – Baie Verte – Harbour Breton Rural Secretariat Region - Employment and Working Conditions, Worker Type and Occupation" http://nl.communityaccounts.ca/table.asp?_0bfAjIydpaWrnbSTh5-FvKRtxKFIVoGNb4q1x6OIIJfFn6OP (accessed March 8, 2012).

³¹Ibid.

- Use technology, arts and media in new and different ways to decrease costs of engaging larger audiences, while providing innovation and inclusivity.
- Design processes in collaboration with local organizations who understand the contexts and the citizens that are to be reached.
- View community engagement as an iterative process and not a one-time deal, with “reporting back” included in all engagement processes.
- Ensure the engagement process is transparent and that participants understand how their input and feedback will be used.

There were several elements to the methodology for this project, including key informant interviews, case studies from other jurisdictions, web-based engagement instruments (including a website, Facebook page, mapping tool and online survey), and regional engagement sessions.

The key informant interviews took place from September 2012 to March 2013 with local residents, municipal leaders, leaders of special interest groups, and government representatives. Departments that were interviewed included: Crown Lands, Department of Natural Resources, Environment and Conservation, and Municipal Affairs. Industry associations were also consulted as part of the interview process. Fourteen key informant interviews were conducted in both individual and group settings. Questions covered land use issues in the region, opinions surrounding current relationships between stakeholders, decision-making and suggestions for improvement (see Appendix 1). As part of the interviews, the research team also gathered additional relevant documents (such as newspaper articles and documents relevant to interviews) not identified in the 2011-2012 scan.

From September to December 2012 students in the Geography 3350: *Community and Regional Planning and Development* class compiled case studies from other jurisdictions in Canada that had similar land use planning issues to those of the Grand Falls-Windsor – Baie Verte – Harbour Breton region (as identified in the *Scan of Land Use Issues* document). Student groups compiled two case studies per issue in a written paper and presented these to the class and to Council members and Rural Secretariat staff who attended via Skype. A selection of reports and presentations from these projects can be found at http://ruralresilience.ca/?page_id=635.

From December 2012 to March 2013 online engagement methods were developed and implemented to provide opportunities for local residents to express their opinions and concerns. This included the project website (www.cwlanduse.ca), Facebook page, online mapping tool, and online survey. The online engagement methods were promoted through articles in community newspapers (see Appendix 5), through a CBC radio interview on The Central Morning Show and through email messages to approximately 50 groups and businesses where they were encouraged to visit the website. The project website was an education and awareness tool that was created to generate more discussion amongst citizens and

share information and perspectives about land use planning and management issues in the region.

A project Facebook page linked from the website included general information about the project and provided a place for residents to post photos and comments about land use planning. The page reached 181 people (according to the Facebook insights panel for administrators). During the engagement sessions with the youth in Harbour Breton and Springdale a photo submission contest was created to encourage students to post photos of their favorite places, or an area they were concerned about. This caused the most opportunity for interaction on the page a total of four youth submitting pictures to the Facebook page and numerous responses to each (see Appendix 6).

The Online Mapping Tool provided a way to identify locations where land use issues may exist and a visual method to examine the geographic and spatial dimensions of land use issues in the Central West region (see Appendix 3). The Online Mapping Tool is moderated to ensure appropriate use and to remove duplicate points or inappropriate comments.

Finally, an online survey was linked from the project website, where it was hosted by FluidSurveys. The survey was also distributed after engagement sessions, with the first version of the survey piloted at the Springdale Harris Centre session in September 2012 (described below). The survey consists of 13 questions covering various aspects of land use issues generally and some specific to the study region, as well as general demographic information (see Appendix 1). The total numbers of responses was 122 and the majority of respondents were residents of the Central West region (see Table 1).

Table 1. Respondents by sub-region

Regional Distribution	Frequency	Percent
Exploits Valley/Bay of Exploits	26	21
Emerald Zone	41	34
Coast of Bays	37	30
Other	12	10
Responses with location	116	100
Missing location	6	
Total responses	122	

With over 50% of the regional population residing in the Exploits Valley sub-region, this sub-region was under represented in the survey responses while the

Coast of Bays sub-region was overrepresented (30% of responses vs. 16% of the regional population).

The majority (51%) of survey respondents were in the 46-64 age range, with the next largest respondent groups in the 31-45 bracket (24%), 15-30 (17%) and 8% over 65. Among the region's population 15 years of age and older, 38% are in the 45-64 age range, 25% are 30-44; 18% 15-29 and 19% are 65 and older, thus 15-64 year olds are over-represented and seniors underrepresented among the survey respondents. In terms of how respondents describe themselves, the majority identified as individual residents (73%), municipal leader (14%), leader of an interest/community group (11%) or business/industry representative (11%). The most common industries that respondents worked in were government (29%) and service (21%), with lower numbers in retail (12%), primary (10%) and manufacturing (1%). Manufacturing and to some extent primary sector workers are therefore underrepresented within the survey respondents.

Unfortunately, due to the low number of returned surveys the statistical analysis of the survey results cannot be considered representative of the entire population. However descriptive statistics of survey results are used throughout this report to provide insights into the general feelings regarding land use and issues within these areas (see Appendix 2 for survey results).

Regional engagement events occurred from September 2012 – March 2013. The purpose of these was to engage with two specific groups: youth and municipalities. In the Community Engagement Report from 2012 it was suggested that youth are often not included in community engagement activities and, further, that utilizing existing groups such as Youth Networks was an effective strategy. Municipalities were considered key decision-makers in land use and are also important as a local, elected level of government within the region. The engagement sessions began in Springdale on September 26th 2012 with a Harris Centre Regional Workshop in the Emerald Zone, which captured input from a range of leaders from the Springdale/Baie Verte area. The second type of engagements were meetings held with municipal leaders of the Exploits Joint Council in Bishop's Falls on January 31, 2013 and on February 25, 2013 with the Green Bay South Joint Council. Engagement sessions also occurred on March 1, 2013 in Harbour Breton and March 4, 2013 in Springdale with Community Youth Networks (CYNs). These sessions involved asking the youth questions about land use, leading an interactive map exercise where the youth marked points on a map, and completing the land use survey. The youth were very engaged during these sessions and readily raised many issues concerning land use in their communities (See Appendix 4 for details on the results of these sessions).

Part Two: Overall Challenges and Concerns

Current Land Use Decision Making Processes

Participants in this study expressed strong support for land use planning. The majority of survey respondents (88%) agreed with the statement that land use planning is important to ensure that natural resources are well managed. In the Exploits Valley/Bay of Exploits sub-region 96% of respondents agreed with this statement, while 95% in Emerald Zone, 92% in Coast of Bays, and 67% of respondents from outside the region also agreed. As one youth from Springdale put it simply, it is important to plan for land use because otherwise “thing could get ’messed up’”. Respondents also felt that land use planning affects their everyday lives – 77% of respondents agreed that land use planning affects them on a day to day basis, rising to 96% in the Exploits Valley/Bay of Exploits and 89% in the Coasts of Bays sub-regions.

Survey respondents’ feelings about how land is currently managed were, however, negative to neutral. More than half of the respondents were neutral (52%) about the statement that land is well managed in the Grand Falls-Harbour Breton-Baie Verte region, while 32% disagreed and only 16% agreed. Respondents were more negative about the province as a whole, with 45% disagreeing with the statement that land is well-managed in the province of Newfoundland and Labrador and only 21% who agreed with this statement; 32% were neutral. Residents of Exploits Valley/Bay of Exploits felt more strongly negative about how land is managed in the Central West region, and in the province as a whole. At the local level respondents were divided (36% neutral 30% agreed, 34% disagreed) on whether land is well managed in their community. Clearly there is room for improvement in existing land use planning decision-making, as illustrated not only by these results but also by a host of land use-related concerns raised throughout this report.

Participants in this study indicated that more needs to be done in the province to involve the public in land-use related decisions. Most survey respondents agreed or strongly agreed (86%) with the statement that more needs to be done to involve citizens in land use related decisions. When asked what groups should be involved in land use planning, municipal councils were the most highly favoured (agreed upon by 75%), followed by local residents and provincial government (both suggested by 64% of respondents). NGOs and business/industry also received over 50% support, while only 31% of respondents saw a role for the federal government. Overall, most respondents chose multiple responses, suggesting a desire for a multi-stakeholder process.

Focus group discussions with municipal leaders demonstrated significant frustration with limited consultation and communication between municipal and provincial levels of government regarding development within town boundaries and watersheds. Examples were provided of towns rejecting developments such

as logging or mining (e.g. gravel pits) and the province allowing these developments to proceed without a dialogue on the reasons for this decision or what compromises might have been developed.

The need for (sub)regional land use planning was expressed during these sessions, particularly within the Exploits Valley/Bay of Exploits area, where one provincial official explained:

“... you have Grand Falls-Windsor, Bishop's Falls, Botwood, Northern Arm, it's almost a continuous stretch of some municipal jurisdiction with very little unincorporated area in between... you have these four or five separate entities undertaking their planning processes sort of in isolation of one another... the land uses that say Botwood may suggest to be appropriate adjacent to the boundary with Bishop's Falls may not be what Bishop's Falls sees to be appropriate, so there's potential for conflicts there and I think from a provincial perspective, not that this would ever happen, but if that area could be comprehensively planned...”

Despite the skepticism expressed above, municipal leaders expressed interest in the potential for an increased voice and development opportunities through a regional approach. They also recognize their shared dependence on the Exploits River system.

Sub-regional land use planning would enable municipalities to have their voices heard, to access land use-related information and to plan collectively for development opportunities. The sub-regional scale (rather than the entire Central West region) is considered appropriate for land use planning because municipalities and other groups are familiar working together at this level (through REDBs and Joint Councils for example, as described above). Sub-regions such as the Exploits area also have commonalities such as being part of a particular ecosystem (such as the Exploits watershed), possessing shared land use characteristics (such as aquaculture-related development in the Coast of Bays and in Green Bay South) and patterns in the daily routines of residents, as illustrated by functional regions analysis³².

³² Alvin Simms, “Functional Regions and the Regional Economic Capacity Index”, An invited presentation to The Federal Regional Council, St. John’s, NL, January 29, 2009.

If appropriately designed and managed, a regional or sub-regional approach to land use planning would allow for greater participation not only by municipal leaders but also by others affected by land use decisions. It should also encourage long-term planning where land use is strategic and undertaken, with careful consideration of priorities for land uses that work well together, and of trends such as climate change and changing socio-economic conditions. As participants in the Harris Centre workshop in Springdale pointed out, without a plan development proposals are dealt with in a reactive manner. This can lead to sub-optimal outcomes and potential future conflicts.

Embarking on one or more sub-regional land use planning processes, however, will require provincial and municipal commitment to planning and implementation. Genuine commitment, and formal mechanisms to realize this commitment are needed to avoid land use processes that require significant time and resources and then are not completed or implemented or that experience significant delays. The Humber Valley Regional Planning process was noted as an example. The process took five years and approximately \$400,000 to complete and has yet to be finalized.³³ The Humber Valley draft plan was submitted to Minister of Municipal Affairs March 2011. Two years later the plan remains under review by the Province. One provincial official explained,

“they've presented it to government and government has to grapple with the provincial issues that might be ... that are potentially at conflict with that plan. And hopefully if we can get over those potential provincial issues we can get into the position where that plan can come into legal effect.”

Developing the plan is, therefore, only part of the planning process. Commitment to implementation is a critical factor in planning success.

Recommendations related to land use decision-making:

- Initiate sub-regional integrated land use planning processes that aim for a balanced, strategic approach, take a long-term view and consider the perspectives of all stakeholders. Planning processes should only be undertaken where there is a formal expression of commitment to planning and implementation from municipalities and provincial government departments with responsibilities for land use planning and allocation within the planning area.

³³ Don Downer, Independent Chair of the Humber Valley Regional Planning Advisory Authority, “Humber Valley Regional Planning Advisory Committee (HVRPAA)”, Presentation to MNL 2012 spring symposium. Gander, NL.

Limited Resources Available for Planning

One concern that was brought up during interviews was that when it comes to land use planning, communities do not usually have adequate resources, time or personnel to deal with potential conflicts, issues, or simply land management practices. Under the *Urban and Rural Planning Act*, one official explained, a plan prepared under the act shall be certified by a member of the Canadian Institute of Planners. Yet few municipalities in the region have planners on staff (only the towns of Grand Falls-Windsor and Bishop's Falls indicated that they had planners on staff during this research). If planning is a priority for communities without qualified personnel on staff, they are required to hire a consultant to do the work. This can be very costly, especially for smaller communities with limited financial resources.

It was brought forward that many municipalities simply do not have the capacity or knowledge to effectively deal with land use planning and management. One provincial official estimated that approximately half of the towns in the region have a municipal plan and then "probably less than half of those again have a good understanding of how to use that plan and are making decisions in accordance with the plan." Some Central West communities are undergoing or have recently completed reviews of their official plans, including Grand Falls-Windsor, Bishop's Falls, Harbour Breton, Milltown-Head of Bay d'Espoir and Triton. According to a provincial representative, several communities in the Coast of Bays sub-region have recently brought municipal plans into effect for the first time, including St. Jacques-Coomb's Cove, Hermitage-Sandyville and Belleoram. Many others still do not have a municipal plan in place or have plans that are badly out-of-date. Several small towns who participate in the Green Bay South Joint Council explained that planning is simply too expensive for communities with a limited and in some cases decreasing tax base.

Given these financial realities, through sharing of resources, sub-regional planning would allow towns to engage in planning processes that would otherwise find planning unaffordable. Although it may not be feasible for a single municipality to hire a qualified individual (whether on staff or as a planning consultant) sharing a planner amongst several communities would increase the feasibility of having this expertise and knowledge available. Having a planner on staff for the region would also increase the likelihood of land use plans being "living documents" that are implemented on an ongoing basis and revisited periodically. This individual could work with municipalities on a sub-regional basis in conjunction with the interested Joint Councils and serve as a conduit between municipalities and provincial agencies, helping to alleviate current frustrations with lack of information and communication.

Workshop participants in Springdale also suggested the need to assess both the costs and benefits of land use planning. As one official explained:

“one of the big changes I think is seeing planning for the value of creating that certainty, okay, if I buy a house or a piece of land here to build a house I'm reasonably assured that an industrial plant is not going to go next door to me. Or, if I build a house and I use groundwater as my drinking supply, private well, the town has done enough work to ensure that that groundwater resource is going to be protected...”

Another barrier to regional land use planning is that where communities recognize the need to plan on a regional basis the management structures may not exist to allow this regional collaboration,³⁴ The *Regional Services Board Act* provides one option for forming a regional land use planning body:

“The Regional Services Board Act allows for that regional cooperation on a whole range of issues and includes land use planning. So perhaps this is a stepping stone that once we get the waste management, regional waste management authorities up and running properly and that the participating communities understand that it's an efficient means of doing something they might see that okay well this is a mechanism that we could probably do some more comprehensive land use planning or service delivery and for other types of things as well.”

Current discussions regarding regional government in the province also offer potential for regional land use planning in the future. In the meantime, the potential formation of Regional Service Board dedicated to land use planning or other less ambitious options should be explored along with the potential for existing bodies such as Joint Councils working in cooperation with Municipalities NL to play a leadership role in initiating these processes.

Some financial support is available for towns to undertake comprehensive municipal planning under the gas tax agreement, which allows them “to access the gas tax agreement for funding to help pay for the costs of the planning process and then solidifies the I.C.S.P. as a legal document by virtue of calling it their municipal plan under the Planning Act.” Towns such as Grand Falls-Windsor have taken advantage of this opportunity. Another suggestions that was raised during municipal consultations was to invite corporate partners to participate in sharing the costs of planning and, where needed, rezoning. Options for plans that are not formally endorsed under legislation, with greater emphasis on process,

³⁴ *Harris Centre Regional Workshop, Springdale, NL: Summary Report*, http://www.mun.ca/harriscentre/regionalworkshops/Emerald_RW_Final_Report.pdf (accessed March 14, 2013)

dialogue and conflict resolution rather than on creating an official planning document, could also be explored.

Despite these alternatives, the costs and challenges faced in undertaking regional land use planning should not be underestimated. Participants in the Springdale regional workshop suggested that further research is needed to quantify the benefits of land use planning and management and thus balance expenditures with required investments. It will be important for researchers to take a full-cost accounting approach in such an assessment in recognition of social and ecological land use values.

Recommendations related to limited planning resources:

- The Province of NL should provide support for sub-regional land use planning efforts where municipalities have also indicated their commitment to participate in land use planning. This support should include financial and human resources and a commitment to an inclusive planning process and to plan adoption and implementation.
- A qualified regional land use planner should be appointed to assist with land use planning and management in the region, including further discussion of the recommendations contained in this report. This planner could be employed to work with one or more Joint Councils, with MNL and/or with a designated lead provincial department.
- Memorial University and the Harris Centre, in collaboration with stakeholders such as MNL and relevant provincial agencies, should undertake a cost-benefit analysis of regional land use planning, taking into account the costs of delays and lost opportunities associated with not having a land use plan versus the cost of creating one. This analysis should also include a review of cost-effective options for land use planning such as partnerships with private developers to offset costs for some aspects of municipal planning and development or the use of existing agency staff and/or volunteer professionals in planning and engagement processes.

Balancing Conflicting Industries and Interests

“I think that the most important thing is more of an integrated approach to land use planning.”

- Provincial official

One of the major conflicts (or potential conflicts) discussed in this study and by others in land use planning is the need to balance demands for environmental conservation with those for industrial and economic development and, preferably, to seek “win-win” solutions where both objectives are accomplished. In an area recognized for its pristine environment, industrial activities can be seen as

detrimental. This can mean that such industries as tourism and outfitting are competing with industrial development. One participant urged that land use planners consider economic benefits of development, for example, as opposed to keeping places intact as a retreat for people who do not live or work in the region. Conversely, another participant urged that special care be taken to ensure that certain areas, namely those that are seen as pristine and untouched, are protected from development. The significance of the natural environment was acknowledged by numerous respondents and seen as a value that can easily be taken for granted.

As one respondent explained, the need for a balanced approach to development is paramount in ensuring that all perspectives are accounted for:

"[We need] to strike a balance between residential properties, industrial properties and trying to make sure that you build in areas for playgrounds and green spaces and walking trails and that you allow space for just aesthetic things, for nature and for forestry" -

- Municipal Leader

Participants also stressed existing and potential conflicts between past or traditional and emerging land uses and the need to accommodate both the old and the new. Survey respondents identified the importance of preserving knowledge of traditional practices such as berry picking. The majority of respondents (59%) felt that knowledge of traditional practices being lost on the younger generation is a moderate or extreme concern: Land uses change over time due to changing values, demands and policies. In areas where contemporary land uses overlap with traditional uses such as hunting or domestic wood cutting or longstanding industries such as forestry, it is necessary to understand how compatible these different uses may be. In some instances, new land uses rely on or complement aspects of older ones, such as the mineral industry's reliance on forestry access roads for exploration. These same access roads are often used for recreational or commercial outfitting purposes as well.

Many examples of current and potential conflicts were identified through this study. In many instances it appears that there are few processes available to assist in conflict management and resolution. Rather, in most instances, provincial authorities are left to make a decision – with resulting winners and losers. One respondent suggested that the forestry industry, one of the region's dominant land users, takes measures during five year consultations to ensure that tourism and other values are taken into account; however, others suggested that agreements made during forestry planning processes are not always followed. It was suggested that mechanisms for conflict management and dispute resolution are needed and should be identified in a land use planning process. This was seen as especially important when there are power imbalances among the parties involved, such as smaller and larger communities, municipal and provincial governments, and small and large industries.

Conflict management-related recommendations:

- Agencies with responsibilities for land use planning, land allocation and development approvals should ensure adequate consultation and opportunities for dialogue between affected parties during the land use planning process or when new developments are proposed that are contrary to, or were not anticipated within, existing land use plans (recognizing different levels of engagement are appropriate for different forms of development).
- Agencies with responsibilities for land use are encouraged to provide a forum for competing stakeholders to discuss ideas and concerns with a mediator present should tensions escalate (or have the potential to do so). Mechanisms for conflict management and dispute resolution should be outlined within the land use planning process. Participants in the Springdale regional workshop suggested that a network of individuals be identified and trained who can assist with conflict resolution in the province. Memorial University should offer courses in conflict resolution to assist in building this network, working in conjunction with existing program such as the IBRD Community Capacity Building Program.

Information and Coordination

"A lot of the maps that we have aren't really accurate into what's actually owned by the town or what's owned by the Crown or what's owned by private and in the Baie Verte area there was a fair bit of land that was owned by [a certain] family and it was really hard to, to determine what was Crown and what was [the family's]. And a lot of times you had to go through a process of trying to secure the land first before you actually know who owns it, and that delays the process of trying to secure the land for development."

- Municipal Leader

Participants frequently noted concerns about confusion and frustration surrounding the process of acquiring Crown land. One source of this frustration is an absence, in some cases inaccuracy and inaccessibility of records on land ownership. A provincial official explains, *"there's not always a clear chain of title for land tenure, so you have a lot of what Crown called adverse possession"* (lands where "Squatters' Rights" may apply due to continuous occupation of

Crown land without title for 20 years or more prior to January 1, 1977).³⁵ Currently there is no mandatory land registration system in NL, which creates challenges in trying to identify land ownership and usage. According to one participant in this study, the registering of title is a service offered by the government that allows owners to advertise ownership and improves a land owner's ability to prove title but does not affect the title itself. That is, registration does not prove ownership if someone with a competing and stronger claim comes forward. By contrast, under New Brunswick's Land Titles system (see below), the province guarantees title upon registration.

Lack of information regarding land ownership within a municipal boundary can cause municipalities difficulties in collecting property taxes. One municipal participant explained that property taxes are associated with the property and not the owner. Without owner contact tax sale of a property may be a municipality's only recourse if taxes are unpaid. This can be a difficult and costly process; therefore it is generally preferred to find the owner of property if possible. As long as the proper procedure is followed for a tax sale, however, the sale extinguishes all previous claims of title to the property. An information package for municipalities on conducting a tax sale could be useful to clearly explain this process and its implications to municipal leaders.

Residents in the province often turn to Crown Lands offices for information regarding Crown lands occupation, but municipal representatives in Pilley's Island explain that residents have to travel as far as Gander to avail of these services. Examples were also cited where Crown Lands Branch officials provided inaccurate information about the level of servicing on lots within a municipality. Both Joint Councils recounted examples of entrepreneurs who had experienced long delays in starting businesses their communities due to lengthy processing times. An example was also provided of a case where inaccurate information about municipal infrastructure and services within an area resulted in inflated pricing of Crown lands.

Some respondents suggested that a database or registry of land ownership and land use that includes more accurate and up-to-date records could alleviate confusion and speed the approval process for Crown land applications. This could also assist municipalities who do not have up-to-date maps of where infrastructure, such as water pipes, is located. Such an initiative would build on existing land registries in the province, including the Crown Lands Registry and the Registry of Deeds. While incomplete,³⁶ the Crown Lands Registry includes over 70,000 grants, leases and licences, with an estimated 1600 titles added

³⁵ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], "Squatter's right", Government of Newfoundland and Labrador, <http://www.env.gov.nl.ca/env/lands/ownership/squatters.html> (accessed March 14, 2013)

³⁶ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], "Crown lands: Land registries." Government of Newfoundland and Labrador, <http://www.env.gov.nl.ca/env/lands/titles.html> (accessed March 29, 2013)

yearly.³⁷ Making registry(ies) of land ownership and usage readily available to citizens (e.g. through the Internet, as in the New Brunswick case study below) would reduce pressure on Crown Lands offices, provide ready access to information, and could expedite the application process. The registry could also assist in identification of lands where ownership is under dispute, thus allowing for further research and steps towards resolving areas of conflict or uncertainty over land ownership. Provision for designation of family or community owned lands should be considered in this process given the complexities associated with multi-generational and communal properties.

Case Study - New Brunswick Registry

The New Brunswick Land Registry is maintained by Service New Brunswick. The Registry is made up of a network of land based registries across the province and provides a database of legal plans and documents related specific property parcels. This registry allows ownership of real property to be made available for public scrutiny. The records in the Registries are derived from information dating as far back as the original purchase of the land from the then crown agents. Legal plans and documents stored in the registry include deeds, mortgages, wills, subdivision plans, etc. The SNB also provides land information products and services for residents through a digital property map database, their parcel index files and their assessment database which provides details for residents about property values and taxing information. Registry and mapping services are also available on a fee per use or on a subscription basis for residents, including Internet based access to property maps and ownership information on all land parcels in the province. A Personal Property Registry and Lien Check can also be accessed online.

Source: <https://www.pxw1.snb.ca/snb7001/e/2000/2400e.asp>

Participants also called for greater clarity about processes for acquiring Crown lands. This was noted to be a particular concern when it comes to acquiring permission to use former Abitibi lands and in the Red Indian Lake area in particular. These results suggest the need for improved tools to communicate information related to accessing Crown lands (see Access to Crown Lands below).

Finally, in addition to information about land ownership and current use, land use planning requires information regarding land capability. A coordinated, geospatial land information system including information layers such as forest type and age, archaeological, tourism and recreation sites, mineral and agricultural potential, fish and wildlife habitats and other characteristics could also assist the land use

³⁷ Newfoundland and Labrador Department of Environment and Conservation [NLDEC]. "History", Government of Newfoundland and Labrador, <http://www.env.gov.nl.ca/env/lands/ownership/history.html> (accessed March 14, 2013)

planning process and reveal opportunities for development and for protection of sensitive or significant areas. Such a system should be accessible to municipalities and other stakeholders.

Within the Province of NL-one representative explained that there is a provincial land use atlas, a geographic information system (GIS)-based system of layers of digital data that allows various government departments to see uses on landscape. Unfortunately, the system is not currently available to residents. The respondent suggested that the government “*would like to get a small scale version to public with a web-based viewer. The intention is to help people in their decision to apply for Crown land.*” The Nature Conservancy of Canada has recently also compiled information about the central region in a GIS as part of their efforts to develop a “conservation blueprint” for the region. The Conservancy is a potential partner, along with provincial departments, Memorial University and the College of North Atlantic’s Geospatial Research Facility in the development of a regional land use information system.

Recommendations related to information and coordination

- The Province of NL should create a land registry system that is widely accessible to citizens (through online access), that is interactive and as up-to-date and accurate as possible. This system should include clear identification of lands where ownership is uncertain or under dispute. The success of registry will depend on promotion to encourage residents to register their land, providing information on the benefits of land registry and providing assistance to individuals who may be unsure of the process.
- The Department of Municipal Affairs, in collaboration with Municipalities NL (MNL) and Professional Municipal Administrators, should develop an information booklet for municipalities explaining the benefits and costs and steps that can be taken to undertake a tax sale for properties with unpaid taxes. Specific attention should be paid to circumstances where property ownership is unknown or unclear.
- A partnership should be formed that includes the Exploits Joint Council and MNL, working in collaboration with relevant provincial departments, Memorial University and the College of the North Atlantic to develop a pilot collaborative land use geographic information system (GIS) to coordinate and make available information on land use, land capabilities and land use conflicts and concerns in the sub-region. This system should be updated on a regular basis after its initial development and could be scaled up for use elsewhere in the region or even throughout the province. As a partner in this initiative the Province on NL should make available digital data currently within the provincial land use atlas to the project partners and, ultimately, to the public through a web-based GIS tool.

See also the Access to Crown Lands section below for additional information tools recommendations to assist in the Crown lands application process.

Communication and Engagement

Project participants called for more open communication flow in land use planning and decision-making, ensuring that the public is kept informed on land use issues, reporting back on the results of consultation processes and ensuring that participants in land use planning processes understand how the information and opinions they contribute are used. Opportunity should be provided for stakeholders, such as residents, municipalities and industry to discuss potential benefits, risks and/or challenges associated with the types of development being suggested. Giving each stakeholder a voice ensures that concerns and opinions can be shared and discussed before developmental decisions are made. Encouraging communication between all stakeholders (including young people, young families and other community members often not included in planning processes), can increase the effectiveness of land planning and management practices. As suggested by one interview respondent, when people are involved in the planning process, feel that their opinions are being heard and understand where the policies and land use decisions are coming from, they are more likely to comply and even be supportive of these decisions.

In order to communicate effectively with stakeholders it is important to understand how they access information. Survey respondents were asked how they learn about land use issues. The most common methods used were word of mouth, followed by media (radio, television, newspapers), town meetings, and through government agencies and other organizations. Many respondents reported learning from multiple sources. Respondents favoured more local involvement in land use planning. Therefore, the use of media and spreading information through word of mouth will be important for future land use planning.

The 2012 *Developing Innovative Techniques for Community Engagement* report indicated that the Internet can be an effective method for reaching citizens but takes time and dedicated resources to utilize it to its full potential, particularly with social media as it takes time to build relationships. This was evident with the project's Facebook page which picked up considerable activity in the last month or so following engagement sessions and considerable effort spreading the word about the website and Facebook page. The online mapping tool received limited use outside of the research team. The 2012 engagement report described a mapping tool being successful when volunteers went into classrooms and engaged with organizations and citizens to help them to understand the software. Thus, such tools also require hands-on support and in-person engagement.

In an age where the Internet can be seen as a valuable tool, overall face-to-face engagements remain the most effective way to reach people, involve them and obtain their opinions. People feel valued when they are personally contacted and

asked for their advice especially if they are a group that has not been previously engaged.³⁸ During the youth sessions the photo contest was encouraged as a way to allow the youth to express themselves. This was a suggestion from the 2012 community engagement report as a way to break down the barriers of participation. However, only three youth from Harbour Breton and one from Springdale submitted a photo, which indicates a lack of interest in participating relative to the in-person participation. Perhaps if the photos were taken during the engagement session and not left to the students to submit at a later date this method would have garnered more participation. That said, students who did post photos and explanations offered important insights into their perspectives on their communities and land uses. Overall experiences with online tools in this project suggest that online communication should be used as an add-on to enable widespread access to information and avenues for participation rather than as a replacement for direct consultation. Online tools can, however, provide an ongoing forum for involving citizens in land-use related decisions, contributing local knowledge and valuable insights into the issues facing communities and the region.

Finally, Council together with the research team should ensure follow-up communication with participants in this study, through dissemination of this report. The Regional Council should also consider reviewing this document with regional partners to encourage discussion of possible next steps for land use planning in the region. Consultation and dialogue need to be ongoing processes to ensure that the ideas generated in this document are evaluated and where deemed appropriate, implemented. It was clear from interviews with residents that some citizens are skeptical of their contributions to the research and doubt whether or not their concerns, ideas and opinions will be considered and applied in meaningful ways. Follow-up communication will help ensure that this research does not feed into this already existing skepticism regarding research, planning and consultation processes among residents who feel that decision-makers are unwilling to listen to the concerns of local residents.

Recommendations related to communication and engagement:

- Municipalities and provincial agencies should endeavor to provide residents with adequate time and means to contribute their opinions and concerns to planning and/or decision-making processes when development is occurring in or around a municipality or in areas where user groups can be identified.
- Responsible provincial agencies should report back to participants in land use planning processes (such as five year forestry plans) on the final plan submitted, and on any decisions made contrary to agreements made within a

³⁸ Mirza et. al., “Developing Innovative Approaches for Community Engagement”, Government of Newfoundland and Labrador and Memorial University, 2012. <http://ruralresilience.ca/wp-content/uploads/2012/07/Community-Engagement-Project-Report-GC-Final-April-13b.pdf> (accessed March 11, 2013)

consensus-based process. Provincial agencies should also respond to the advice provided by another level of government (e.g. a municipality or First Nation), including two-way communications regarding the final decision made on any land use matter for which input was sought. Provide residents with updates on developments and planning processes.

- The Province of NL, other levels of government and parties involved in land use planning processes should utilize Internet-based tools to make information widely accessible (to those with Internet access) and provide a space where citizens can voice opinions and engage in discussion with others. In consultation or engagement processes, however, these tools should supplement rather than replace opportunities for face-to-face dialogue.
- The Province of NL, other levels of government and parties involved in land use planning processes should provide residents with updates on planning processes (such as five year forestry plans) at multiple stages utilizing local media outlets.
- Should a regional land use planning body be established members of this entity should consider offering an ongoing forum for residents to discuss land use planning and management (such as the online tools used in this project).
- The Regional Council of the Rural Secretariat should consider reviewing this document with regional partners to encourage discussion of possible next steps for land use planning in the region to ensure that the ideas generated in this document are evaluated and where possible and deemed appropriate, implemented.

Part Three: Specific Land Use Issues Identified

Land use planning draws on a diverse group of interested people and stakeholders, each with their own interests, values and expectations. What is considered an issue of concern, for example, can vary from person to person based on their experiences, expertise, and interests. Thus there was a diverse range of responses regarding what participants in this study thought were issues in their industries, communities, and region. These are discussed below within nine key issue (and land use) categories.

i. Forestry

Many of the reports and studies surrounding land use and land use conflicts that have emerged from Newfoundland and Labrador have dealt with the forestry

sector.³⁹ Participants in the study pointed out that that domestic woodcutting (cutting for firewood) remains important for residents and co-exists with commercial forestry operations.

Traditionally forestry has been an important economic sector holding the majority of lands within the province and in the Central West region, through tenure arrangements with two major private companies – Bowater and AbitibiBowaters – that have had exclusive rights to timber harvest.⁴⁰ Baehre⁴¹ explains that forests on Crown land are either located on lands with area-based tenures and land grants or allocated through volume-based tenures. In addition to substantial freehold grants, Bowater holds cutting rights for over seven million acres of land under a 99-year contract extending to 2037, while AbitibiBowaters controlled leasehold and licensed areas of nearly five million acres. With the 2009 closure of the pulp mill in Grand Falls-Windsor, rights associated with lands leased and licensed to Abitibi reverted to the Crown.

Interview respondents explained that the forestry industry has undergone drastic changes in Newfoundland. The demand has changed from pulpwood to lumber, silviculture workers who participated in this study suggest, and the silviculture program is now focused on producing larger trees in a shorter time. For example, silviculture workers are now planting eastern juniper, which produces higher quality lumber. Overall respondents seem optimistic about the future of the industry, but explained that there is more work to be done:

“When Abitibi left Grand Falls, they left a lot of areas still needing to be treated silviculturally, site preps, planting. It was just taken from them, they left it empty.”

Concern was also noted about land being held by forestry companies (or in the case of former Abitibi lands held by the Province for forestry purposes) but not being logged. Interview participants spoke of the desire to use former Abitibi lands for cabin and residential development purposes and for other forms of commercial activities, including smaller-scale forestry operations but expressed confusion and frustration over access to these lands.

A respondent on the project’s online blog explained:

³⁹ Mirza et al., “A Scan of Land Use Issues in the Grand Falls-Windsor – BaieVerte – Harbour Breton Region.” Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012. http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013)

⁴⁰ Ibid.

⁴¹ R. Baehre, “Whose Pine-Clad Hills: Forest Rights and Access in Newfoundland and Labrador’s History,” Memorial University, <https://www.mun.ca/harriscentre/reports/nlquarterly/MemPreNQ103-4.pdf> (accessed March 29, 2013)

“The land area surrounding and including the community of Millertown is limited in its expansion due to the Crown land ownership issue that developed when the Newfoundland government expropriated the Grand Falls mill. This issue needs to be resolved as soon as possible.”

A call for expressions of interest has been issued for the use of former lands for commercial forestry but it is unknown whether these lands will be available to a series of smaller operators or only to one large firm willing to assume the entire Annual Allowable Cut (AAC).⁴² The majority of participants in the online survey (52%) agreed that land held for forestry purposes but not being used for this purpose is a concern, while 21% were neutral and 26% disagreed (notably over 50% disagree or are neutral in the Coast of Bays sub-region, however).

During interviews many respondents, particularly in the Exploits Valley/Bay of Exploits sub-region, identified forestry as the dominant and most important land use. Forestry was also noted in consultations for its importance to the Emerald Zone. Among the survey respondents, however, responses were mixed regarding the current amount of land devoted to forestry. The most common response (40%) was that the current amount designated is appropriate, while 33% of respondents overall felt there should be a reduction and 27% felt that more land should be dedicated to forestry purposes.

Since forestry has dominated much of the land base in the region, there have been struggles between parties involved in forestry practices and *“competing interests in the land base, cabin development, non-consumptive issues, parks, other uses that don’t involve timber or using timber.”* Several concerns related to land use for forestry were identified in project consultations. Forestry and tourism and recreation were noted as sometimes conflicting interests, particularly with the province being *“marketed as a pristine wilderness.”* Concerns were raised in the Emerald Zone about cutting taking place within municipal boundaries, and near water bodies and hiking/walking trails. Forests offer important aesthetic values for communities, which may not be recognized in forestry planning processes oriented towards commercial operations. In one case, there were permits granted to harvest timber on a hill adjacent to the town of Buchans that was regarded as having aesthetic purposes. As one leader explained of a decision to allowing cutting in an area visible from a municipality:

“It seemed to indicate that nobody placed any value on that other than what a chunk of wood was worth and for this community it was a part of the natural environment and the setting for the town.”

⁴² Government of Newfoundland and Labrador, “Expressions of Interest are invited for the commercial development of the timber resource in Central Newfoundland and the establishment of a viable timber processing facility(s).”

http://www.nr.gov.nl.ca/nr/forestry/timber/eoi_central.pdf (accessed March 14, 2013)

Five year forestry planning processes that include multiple stakeholders and consideration for multiple uses of forest lands are undertaken in each forestry district. As one interview respondent explained, “*we actually write a five year plans for harvesting, silviculture and road building, which is about as close to land use planning as you can get.*” Members of the Exploits Joint Council raised concerns regarding these planning processes. Municipalities and other stakeholders explain that they are asked to participate in the development of five-year plans but then forest managers do not necessarily follow the plans. Nor are these changes discussed with planning team members. An example of municipal input being disregarded was provided. When Abitibi wanted to log in the Peter’s River bridge area within a town watershed a representative explained that the town rejected a plan to log the area but the Province then approved it.

As White et al point out:

“Forest development requires cooperation from multiple actors and the dedication of those engaged . . . Maintaining respect for the natural and social components of the region will translate into maximizing resource use and public support.”⁴³

Case study: British Columbia Ministry of Forests, Lands and Natural Resource Operations (Forest Service)

Like Newfoundland and Labrador, British Columbia (BC) lands are primarily Crown owned and host both commercial forestry and tourism and recreation activities, among others. The Ministry of Forests, Lands and Natural Resource Operations grants permission to individuals, businesses or groups that wish to use provincial forests, whether for recreation or extraction. The Ministry also offers education of forest professionals and environmental education to tourists to raise awareness of the importance of this resource. Studies in the province have shown that road-side timber harvesting creates a strong visual impact. The Province has developed a visual management system for managing scenic landscapes that includes the establishment of Visual Quality Objectives based on an area's physical characteristics and social concerns.

Source: White et al., 2012; BC, 2011

Forestry-related recommendations:

- The Province of NL Department of Natural Resources should conduct a review of how municipalities, industry and non-government organizations

⁴³ White et al., *Case Study Analysis in Support of Forestry Development in the Central West Region, NL*, Memorial University, 2012.

in the Central West region participate in forestry planning and implement new methods that enhance communication and ensure meaningful participation. In particular, stakeholders participating in forestry planning processes should be informed about and have the opportunity to discuss their concerns with forestry decision-makers when provincial decisions are made contrary to the five year plan and/or when the land use recommendations from other levels of government (e.g. municipalities and First Nations) are not followed.

- Community leaders should identify areas that should be restricted from domestic woodcutting (e.g. for water, recreation or visual quality reasons) and work with the Department of Natural Resources to enact and enforce these restrictions.
- Ensure non-timber values in the region's forested landscapes are documented and acknowledged in forestry planning, including values associated with visual quality of landscapes, tourism and recreation, and fish and wildlife.
- The Province of NL Department of Natural Resources should give serious consideration to a range of development proposals, including small-scale forestry and other industries in response to the recent call for Expressions of Interest for use of former Abitibi forest lands. Further, they should engage regional stakeholders in a discussion on the uses proposed in response to the call, the respective costs and benefits of each and implications for land use and community and regional development.

ii. Agriculture

A 1998 study asserted that one of the most basic land-use related issues facing Newfoundland and Labrador was the availability of land, particularly arable land that could be used for agricultural purposes.⁴⁴ Historically, outport and remote coastal communities in Newfoundland had to be largely self-sufficient in terms of food resources. This self-sufficiency decreased post-Confederation, making food security an important consideration in land use planning and for the province today. With fewer youth choosing to remain in rural communities and a decreasing interest in farming, many arable lands are being left fallow.⁴⁵ Some of these lands are also under pressure for alternative forms of development, such as housing or cabin lots.

An issue raised several times by interview respondents was the fact that there is very little arable land in the province and hence policy-makers need to manage this resource carefully. The Census of Agriculture acknowledges that

⁴⁴ Ramsey, Douglas, *Land Competition Issues Affecting the Development of Agriculture in Newfoundland and Labrador*, (Rural Research Centre, Nova Scotia: 1998), 2.

⁴⁵ Mirza et al., "A Scan of Land Use Issues in the Grand Falls-Windsor – BaieVerte – Harbour Breton Region." Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012. http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013)

Newfoundland and Labrador has less than 1% of the arable land in Canada,⁴⁶ while several interview respondents expressed the view that:

"There's a really small amount of land in NL, like maybe 1 or 2% that is actually arable for agriculture so we have to use that wisely"

- Environmental representative

Participants in the study identified several agricultural operations in the region, including farms on Kippen's Ridge, at King's Point and Rattling Brook in the Baie Verte/Emerald Zone. One agriculture industry respondent notes that most of the agriculture in the Emerald sub-region consists of root crops, yet in their 2008-2011 Strategic Economic Plan (SEP) the Emerald Zone REDB notes an abundance of land for potential farms, including sheep, mink, blueberry, cranberry and seabuckthorne.⁴⁷ In the eastern portion of the region farm cash receipts exceed \$5 million annually from both livestock (poultry, beef, hogs, sheep and fur) and crops such as small fruit, vegetables, forage, Christmas trees and greenhouse production.⁴⁸ Wooddale, along with Botwood and Springdale, was provincially designated as an Agricultural Development Area in recognition of its potential productivity for agriculture. The Wooddale area has had legal protection for agricultural lands since 1978. The Development Area of Wooddale (Agriculture) Regulations under the *Lands Act* allow for the appointment of a Wooddale Land Development Advisory Authority by the Minister of Natural Resources to review development applications in accordance with these regulations.

The majority of survey respondents (74%) felt that there should be more land dedicated to agriculture in the region. Within each sub-region over 70% of respondents felt that there should be more land dedicated to agriculture. In the Exploits Valley sub-region support for increases in land dedicated to agriculture rose to 91%. Support for local food production within the Exploits sub-region has been illustrated through the introduction of a local Farmer's Market. In the summer of 2012, the Town of Grand Falls-Windsor began hosting a Farmer's Market to provide access to local goods for residents and more direct economic

⁴⁶ Statistics Canada, "Census of Agriculture Counts 558 Farms in Newfoundland and Labrador," Government of Canada, <http://www.statcan.gc.ca/ca-ra2006/analysis-analyses/nf-tn-eng.htm> (accessed March 29, 2013)

⁴⁷ Emerald Zone Corporation, "*Strategic Economic Plan 2008-2011*", Regional Economic Development Boards, (2007) <http://www.ezc.ca/files/plan/1/SEPFinal.pdf> (accessed March 28, 2013).

⁴⁸ Newfoundland and Labrador Department of Natural Resources, "Forest Management Districts 4, 5, 6, and 8 Sustainable Forest Management Plan-Crown (2007-2011)", http://www.env.gov.nl.ca/env/env_assessment/projects/Y2006/1302/1302_regtext.pdf (accessed March 14, 2013)

benefits to the farmers as it "cuts out the middle man" and enables farmers to receive revenue immediately.⁴⁹

Both survey participants and interview respondents expressed the need to protect agricultural land and disclosed instances where people work around the permitted agricultural uses. One example given was that a person might be denied land for a cabin lot, but then request land for a 'barn' when the barn is in fact a cabin. This results in inappropriate use of land designated for agricultural purposes. According to the Department of Environment and Conservation⁵⁰, agricultural leases "are issued for a term of fifty years, and must be approved by the Agrifoods Branch of the Department of Natural Resources". An interview respondent commented that obtaining land for legitimate agricultural purposes can be a daunting and time-consuming task. However, one industry representative suggested that the long-term lease provides a balance, with some security for the farmer while also allowing for enforcement ensuring the land is being used appropriately. Leased land can be taken away if it is not being used for agricultural purposes. Unfortunately, the respondent notes that there is little enforcement of these lands occurring.

Another issue raised during the interviews was the sustainability of current investments in agricultural land uses. For instance, cranberries have been introduced to the region as an agricultural product over the past five years. Cranberry production has been identified as an economic opportunity, particularly for the Grand Falls –Windsor sub-region, but some interview respondents questioned the sustainability of cranberry farming. The growing of cranberries requires large plots of land with access to particular sediments as well as large amounts of water to flood the fields. Cranberry farming changes the original wetland soil, hydrology and landscape of the area in which it is carried out.⁵¹ The Michigan Department of Agriculture and Rural Development⁵² notes that "farming within a wetland environment presents considerable potential for adversely affecting existing natural resources or the function of those resources." Yet there are ways to make cranberry farming more sustainable, such as audits and monitoring of water consumption in an attempt to find ways of alleviating

⁴⁹ Andrea Gunn, "Make it, Bake it, Grow it, Sell it," The Advertiser Newspaper, accessed March 29, 2013 at <http://www.gfwadvertiser.ca/News/2012-06-06/article-2997233/Make-it%2c-bake-it%2c-grow-it%2c-sell-it/1>

⁵⁰ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], "Agriculture Leases or Licenses," Government of Newfoundland and Labrador, <http://www.env.gov.nl.ca/env/lands/ownership/commercial/agriculture.html> (accessed March 29, 2013)

⁵¹ U.S. Geological Survey, "Cranberry Farms' Habitat Function in the Wetland System of the New Jersey Pine Barrens," <http://water.usgs.gov/wrri/08grants/2008NJ163B.html> (accessed March 29, 2013)

⁵² Michigan Department of Agriculture and Rural Development, *Generally Accepted Agricultural and Management Practices for Cranberry Production*, http://www.michigan.gov/documents/mdard/2013_FINAL_CRANBERRY_GAAMP_409765_7.pdf (accessed March 29, 2013)

wastage.⁵³ Current initiatives such as the creation of Environmental Farm Plans are a move in this direction.⁵⁴

Respondents also questioned the economic sustainability of the cranberry industry, noting that there are currently no value-added incentives for cranberries within the province, which means that there are fewer economic benefits. An industry respondent acknowledged that there have been issues in recent years related to lower prices and poor market conditions for cranberries but was optimistic that despite these current problems, the industry has potential for future economic growth for both the region and the province.

Agriculture-related recommendations:

- Organizations involved in land use planning, including both municipal and provincial governments should identify lands with high agricultural capability as part of land use planning and seek to protect these lands for current and future food production.
- The Province of NL should monitor agricultural leases and enforce lease requirements to ensure proper usage of land for agricultural purposes.
- The Province of NL should continue to provide support and incentives to encourage farmers to employ environmentally sound management practices.

iii. Mining

Land acquisition for mining (and other extractive industries) is a global trend, and has had impacts in the Central West region, with three mining operations in the area and several abandoned mine sites.⁵⁵ Changes in the industry, prices and demand, perception and policy have all shaped changes and contemporary mining uses of the regional landscape. For instance, the mining sector has undergone drastic changes in terms of resource management and environmental legislation. One interview respondent, for example, compared the original ASARCO operation in Buchans to that of the current Duck Pond operation in Millertown. Differences between the two operations were said to illustrate that policies and practices of today are much further ahead than those of the past.

⁵³ Wisconsin Cranberry Board and University of Wisconsin, *Sustainable Cranberry Production for a Vibrant Future: The Wisconsin Experience*, accessed March 28, 2013 at <http://www.cals.wisc.edu/downloads/SustainableCranberry.pdf>.

⁵⁴ Newfoundland and Labrador Department of Natural Resources, “Environmental Farm Planning”, Government of Newfoundland and Labrador, n.d., http://www.nr.gov.nl.ca/nr/agrifoods/land_resources/land_use/envplanning.html (accessed March 14, 2013)

⁵⁵ Mirza et al., “A Scan of Land Use Issues in the Grand Falls-Windsor – BaieVerte – Harbour Breton Region.” Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012. http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013)

Both interview and engagement session participants expressed concerns regarding the environmental risks posed by either operating or closed mines. Closed mines were a particular concern. For example, the “barren landscape” left as a result of poor mining practices was also mentioned as an issue in the community of Buchans:

“The assumption I had as a resident is that following closure there would be a plan in place to clean up and renew the environment that had been destroyed but what we found was...they had so many dollars allocated a year to remediate areas but it wasn’t nearly enough and it was a constant battle with the company to remediate the damage and it was only resolved when we raised health issues and insisted that testing be done.”

- Municipal leader

In South Brook, a portion of a tailings dam located at the former Gullbridge mine site collapsed in December 2012, releasing water and heavy metals into water bodies and a nearby bog, resulting in fears about impacts on the town’s water supply.⁵⁶ Municipal participants expressed uncertainty surrounding risks associated with the site of the former Pyrite Mine in Pilley’s Island.

A Baie Verte area community leader pointed out, however, that

“Today most of the mines have a reclamation process so after the mine is finished they restore the land”.

Current concerns remain related to the need for the protection of drinking water supplies, and to address impacts on wildlife, and damage to neighbouring areas. Concern about the environmental risks posed by operating or abandoned mines was lowest in the Coast of Bays sub-region, with 22% saying it was not a concern (compared with only 8% in the Exploits Valley and 5% in the Emerald Zone who did not see this as a land use concern).

Several concerns were raised related to quarries (for sand, gravel, rock, peat). In Point Leamington, for example, municipal leaders explained that a quarry by the river, which reduced the bank, has caused concern about ice dams and the loss of cemeteries. Another respondent acknowledged that there was land use conflict between tourism development and quarry development on the Exploits River. Youth in Springdale suggested that the digging at the Boyle’s Hill Glacial Deposit should stop because they are destroying the unique deposit. The CYN in Springdale identified several conflicts between mining and tourism, health and the

⁵⁶ “Environmental Disasters Feared in South Brook”, CBC News, Newfoundland and Labrador, December 20, 2012, <http://www.cbc.ca/news/canada/newfoundland-labrador/story/2012/12/20/nl-south-brook-water-update-1220.html> (accessed March 14, 2013)

environment. They mentioned that mining could affect tourism by ruining the trails and landscapes that are important to tourists.

Overall, most survey respondents (58%) felt that the current amount of land dedicated to mining development is appropriate, with over one-third indicating however that more land dedicated to mining and only 8% indicating there should be less. Survey results indicate significant regional differences in support for increased mineral production, however. Only 6% of respondents from Exploits Valley/Bay of Exploits were favourable toward increasing the amount of land for mining, compared to the 54% from the Emerald Zone sub-region.

Several survey respondents noted that land use planning can result in restrictions on land available to prospectors and exploration companies, which in turn can reduce opportunities for jobs and future economic activity at an early stage. A municipal leader adds that mining exploration involves limited impact on the land unless a developable mine results from exploration activities. One mining exploration sector employee expressed frustration related to increasing restrictions on the industry:

“Access to crown land for mineral exploration and development is increasingly difficult due to special interest groups and/or people who have no idea of what most exploration activities entail and how mining practices have changed over the past few decades. The amount of even crown land available for most exploration continues to shrink even though most levels of exploration leave a very small to inconspicuous footprint.”

Another respondent added that:

“it is important to consider the socio-economic benefits of the mineral industry (mining, exploration) to this area.... The economic stability of communities in this area benefits from mining and exploration activities and this should be taken into account when considering land use planning.”

An interview respondent provided an example from Baie Verte, stating that property values had increased significantly in the community over the past five years due, at least in part, to an upswing in the mining industry. Looking to the future, a municipal leader from the Exploits region added *“We can develop adventure tourism and do those things but if there’s going to be growth and prosperity I think there’s always got to be a mining play at work here.”* One provincial official explained that overall the region is “mining friendly” due to its long history with mineral development and has significant potential for continued mining development in the future.

Through engagement sessions and interviews with interest groups the network of forestry access roads was acknowledged as important to mining exploration and providing access to remote and otherwise inaccessible areas. An issue emerging from this is that in areas where forestry activities have ceased, it is questionable who is responsible for the upkeep of forestry access roads and bridges when there is a variety of individuals and groups using them. In addition it was noted that there is often a lack of communication between those engaged in mining and in forestry and silviculture activities regarding their activities and common use of the land base and associated infrastructure.

One final issue noted was that land owners do not always understand that they do not control access to minerals on their lands. Concerning mineral rights one provincial respondent explained:

“If you own land, you don't own the mineral rights. The mineral rights are held by the Crown and then we confer them to the companies through a claim that you go and stake your claim.”

Mining-related Recommendations:

- Parties involved in mining and forestry sectors should take measures to increase communication between the sectors, including discussions regarding upkeep of access roads used by both industries. Provincial agencies can play a role by increasing information flow between Mines and Forestry branch staff about activities underway at the local and regional level (e.g. provincial Forestry Service staff can inform forestry companies of mineral exploration plans and access requirements).
- The Mines Branch should clearly identify abandoned mine sites and, in collaboration with the Departments of Municipal Affairs and Environment and Conservation, discuss potential associated risks with community leaders and develop risk management and/or remediation strategies for contaminated areas.
- Government, through the Crown Lands Branch, should make clear the limitations on property rights regarding mineral exploration to those who purchase Crown lands. Clear identification of areas under mineral exploration permits and where investments in exploration have occurred within a widely accessible land use information system will assist with transparency for land owners and users where mineral development may be occurring or may occur in the future. Interview responses suggest that further education is also needed (for land owners, community organizations and the public) about the stages of mineral exploration and associated impacts on the landscape.

iv. Cottage/Cabin and Residential Development

Cabins are considered an important social and recreational asset for many Newfoundlanders and can provide an important economic stimulus in rural areas.⁵⁷ Cabin or cottage development plans have been developed in some parts of the region, including the Burnt Berry Pond area in the Emerald Zone.⁵⁸

During engagement sessions and interviews it was mentioned that in instances where owners are being required to prove ownership, issues may arise where a cabin has been owned for decades but the owner does not have original documentation, or in some instances may never have sought permission to occupy Crown lands (such as cabins reportedly destroyed in the Kippen's Ridge area where forestry operations were occurring).

Numerous concerns were raised related to cabin/cottage development in the Red Indian Lake area where cabin owners had previously been granted rights of use by Abitibi but may not have adequate documentation of this previous use. Cabin owners became frustrated after the expropriation process when they discovered that Abitibi had failed to turn permits and related documentation over to the provincial government, placing the onus on cabin owners to prove their claims to cabin lots. This became a large issue for older residents who had owned the piece of land for several decades but had misplaced documentation. Another related specific issue brought forward during interviews was that while individual residents who live near Red Indian Lake were reportedly unable to attain land for development purposes, a large plot of land near the community on the waterfront was sold for a commercial cottage/cabin development project.

Further conflicts exist between cabin/cottage owners and Nalcor over the use of Red Indian Lake, with cabin owners citing Nalcor as causing erosion and threatening cabins located near the water. Nalcor uses the lake as a way to create hydro-power, which means that water levels in the lake can fluctuate depending on power generation. These fluctuations can lead to erosion along the sides of the lake, where many cabins and cottages are located.

One specific issue brought forward in the survey comments was the inability of immediate relatives to inherit a cabin or cottage after the last registered owner has died; 54% of respondents identified that this was a concern, suggesting the need to revisit this provincial policy given the importance families place on their cabins and cabin areas.

⁵⁷ Mirza et al., "A Scan of Land Use Issues in the Grand Falls-Windsor – BaieVerte – Harbour Breton Region." Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012. http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013)

⁵⁸ Newfoundland and Labrador Department of Environment and Conservation [NLDEC], "Burnt Berry Pond Cottage Development Plan Phase II Environmental Assessment Registration", 2008, www.env.gov.nl.ca/env/env_assessment/projects/Y2008/1371/1371_burnt_berry_pond_reg.pdf (accessed March 14, 2013)

Several issues related to residential development also arose in engagement sessions. Youth in Springdale raised the issue of cutting of trees in the Riverwood area prior to residential development. They argued that the vegetation should have been left until a house was going to be built there, and that once cutting had occurred “*the trees were not even cleared away, but just left to rot*”. Springdale youth also suggested that municipal leaders increase density within the town rather than building outside to decrease sprawl, while youth in Harbour Breton suggested there should be a limit to the number of houses that go in one area. They also felt that it is important to let the public know what type of development is happening in their communities and surrounding areas. Respondents highlighted the importance of maintaining greenspaces and viewsapes within and nearby a community.

Cottage/Cabin and Residential Development-related Recommendations:

- The Crown Lands Branch should revisit any policy that prohibits an immediate relative from inheriting a cabin licence after the last registered owner has died and implement changes that would allow for the inheritance of cabins/cottages and associated lands and/or licences.
- Municipalities that are developing land should make efforts to involve residents in the development process, to build consensus and keep lines of communication between residents, municipalities and other development stakeholders open. See the report *Developing Innovative Approaches for Community Engagement in the Grand Falls-Windsor – Baie Verte – Harbour Breton Region* for suggestions on engagement approaches and techniques.⁵⁹ To assist implementing this recommendation Municipalities NL and the Professional Municipal Administrators organization should consider offering training for their members related to citizen engagement and multi-stakeholder collaboration.
- When land is available near a municipality, care should be taken to ensure that it is used in the most effective and meaningful way possible and municipalities should be involved in any process that sees development on their doorstep.
- Due to existing and potential land use conflicts, the Red Indian Lake area is a strong candidate for integrated land use planning. The Exploits Valley sub-region is recommended as an appropriate starting point for ILUP in the region. If ILUP does not proceed in the sub-region in the near future the Crown Lands Branch should develop a cottage development plan for Red Indian Lake area. The plan should address restrictions and/or other measures to address fluctuating water levels and erosion impacts, including improved communication between cabin owners and Nalcor so that owners can expect fluctuations in problem areas and act accordingly.

⁵⁹ “Developing Innovative Approaches for Community Engagement”
http://ruralresilience.ca/?page_id=407 (accessed March 14, 2013).

As part of the planning process steps should be taken as well to ensure that cottage/cabin owners clearly understand the process of proving rights to existing cabin locations.

v. Aquaculture

Aquaculture is a relatively new industry in the province, but one that coincides with Newfoundland's fishing history. The Coast of Bays and Emerald Zone sub-regions are home to significant aquaculture activity. Growth in the industry has caused pressures in both areas, including demand for land-based and waterfront facilities. The Coast of Bays Coastal Planning Committee was established in 2005 and has since worked to develop relationships among sectors in the south coast of the region, including aquaculture, fisheries and tourism.⁶⁰

Nearly 50% of survey respondents agreed that pressures from the growing aquaculture industry on local infrastructure and land is a concern, with 34% neutral and 26% disagreeing; 65% agree that it is a concern in the Coast of Bays sub-region. This highlights the impact that aquaculture has in the Coast of Bays.

Growth in aquaculture in the Coast of Bays has created a need for infrastructure expansion. During the interviews, some respondents suggested however that aquaculture can be a volatile industry and that municipalities should be wary of investing large amounts of money into infrastructure and development. A similar concern was documented in a 2000 report stating that there is a need to "create confidence in the industry and to provide a basis for attracting investment, both private and public, into the industry"⁶¹. The outbreak of infectious salmon anaemia (ISA) at a facility on the south coast in the summer of 2012 is a vivid illustration of potential volatility in the industry, cautioned one interview respondent.

Conflict between cabin owners and the aquaculture industry in the Emerald Zone was also noted, along with the importance of not threatening salmon rivers. Issues with waste and garbage were also brought forward regarding the mussel farms in Head's Harbour where residents are displeased with such items as ropes washing ashore. In an area as scenic as the Emerald Zone, wastage in the landscape can be problematic, especially during months with high tourism potential. This highlights the importance of encouraging communication between stakeholders such as tourism operators, cabin owners, municipal leaders and aquaculture producers as well as social and environmental responsibility on behalf of the aquaculture industry.

⁶⁰ Mirza et al., "A Scan of Land Use Issues in the Grand Falls-Windsor – BaieVerte – Harbour Breton Region." Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012. http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013)

⁶¹ Burke Consulting Inc. and Resource Development Associates on behalf of the Department of Fisheries and Aquaculture, *Strategic Plan - Newfoundland and Labrador Aquaculture*, Government of Newfoundland and Labrador, accessed March 29, 2013 at http://www.fishaq.gov.nl.ca/publications/strategicplan/strategic_plan.pdf.

Because some residents and members of the public are wary of aquaculture development, as described below, Corporate Social Responsibility (CSR) activities are beneficial to the industry. Corporate Social Responsibility (CSR) is a practice that sees corporations involved in the social development of the communities and regions in which they operate. It has evolved from industries that have often been accused of having detrimental social impacts, such as non-renewable extractive industries. Implementing CSR initiatives often results in improved risk management, favourable relations with communities and an improved reputation.⁶²

Aquaculture-related recommendations:

- To foster trust and confidence in the industry and to encourage responsible practices the Department of Fisheries and Aquaculture in collaboration with industry stakeholders should continue to document, highlight and support Corporate Social Responsibility (CSR) activities, plans to preserve the health and wellness of wild and cultured fish populations and contributions of the aquaculture sector to communities.
- Crown Lands Branch in collaboration with the Department of Fisheries and Aquaculture should consider initiating an integrated land use planning process for the Green Bay South area where conflict has been noted between cabin owners and aquaculture producers. At a minimum dialogue related to future waterfront usage should be fostered and encouraged between aquaculture operators, municipalities and cabin owners.
- Department of Fisheries and Aquaculture should also facilitate communication between aquaculture operators and municipalities and implement measures to ensure that waste associated with aquaculture operations is properly disposed of and does not drift onto shorelines and into nearby communities.

vi. Competing Demands for Waterfront Lands and Uses

The demand for waterfront land has increased with individuals seeking to acquire plots with a scenic viewscape and municipalities hoping to capitalize on the development of such areas. Municipalities are experiencing conflicts and differing points of view surrounding the development of waterfront areas.⁶³ Waterfront developments can be commercial, industrial, residential or recreational and can include any combination of land uses. Since waterfronts have such diverse uses and potential for so many development opportunities, the stakeholders that can be

⁶² Government of Canada, "Corporate Social Responsibility," <http://www.ic.gc.ca/eic/site/csr-rse.nsf/eng/home>. (accessed March 29, 2013)

⁶³ Mirza et al., "A Scan of Land Use Issues in the Grand Falls-Windsor – BaieVerte – Harbour Breton Region." Government of Newfoundland and Labrador and Memorial University of Newfoundland, 2012. http://ruralresilience.ca/wp-content/uploads/2012/07/LAND-USE_Report-May-8b.pdf (accessed March 11, 2013).

involved are also diverse and can include government, municipal, individual, and private entities.⁶⁴ The value of waterfront land, combined with these multiple demands can also increase the likelihood of land use-related conflicts.

The towns of Grand Falls-Windsor and Bishop's Falls are incorporating measures to protect viewscales into their municipal plans by not allowing development on one side of the Exploits River. However, there is a fear that the Department of Municipal Affairs (Crown Lands) will go ahead and approve developments on the protected side of the river. While they acknowledge that these plans are still in the planning process and that there will be time to discuss them, their fear highlights the lack of communication between municipalities and provincial decision-makers.

Issues related to waterfront development were brought forward during engagement sessions when participants expressed concern over the conservation of viewscales and how they might be compromised if a new development is approved on the protected side of the river. Conversely, one interview respondent noted that since the Exploits River is approximately 200 km long, with only about 5 km actually going through the town of Grand Falls-Windsor, there should be ample room to allow development while still balancing conservation and industry, and stated:

"There is public opinion that development such as a hotel is not to be permitted along that five kms [going through the community], or fishing lodges etc. There has to be a reasonable balance that takes into consideration the vast expanses of virgin countryside around this small area we have carved out to build a community"

- Member of Town Council

Waterfront conflicts have also occurred in other sub-regions. On the Baie Verte Peninsula, for example, there was a proposal to install a dock to service the mining industry and other industrial users. However, it was perceived as a potential conflict with waterfront residential development.

As discussed in the previous sections conflicting demands for waterfront lands also occur between cottage/cabin owners and hydroelectric development (e.g. on Red Indian Lake) and with aquaculture operations (e.g. in Green Bay South).

⁶⁴Waterfronts NL, "About Waterfront Development", <http://www.waterfrontsnl.com/the-process/what-is-waterfront-development/>. (accessed March 29, 2013)

Competing waterfront usage-related recommendations:

- Given the increased likelihood of conflicting land use demands, land use planners (including municipal planners and provincial officials engaged in forestry and cottage area planning) should pay particular attention to multi-use waterfronts in land use planning efforts.

vii. Access to Crown Lands

Newfoundland and Labrador is primarily made up of Crown lands, which are often leased or tenured to commercial interests.⁶⁵ One of the most prominent issues in the region that participants identified throughout the surveys, interviews and engagement sessions was access to Crown lands. The majority of survey respondents felt that inaccessibility of Crown Lands for development purposes is a moderate to extreme concern. Concerns related to Crown Lands access were highest among respondents living in the Exploits Valley sub-region, with 77% indicating concern about this issue, followed by 59% in both Emerald Zone and Coast of Bays.

Through interviews the expropriation of former Abitibi forestry lands by the provincial government was identified as the source of much concern and debate where many residents are confused by the process for acquiring these (now Crown) lands and suggest that available information is inaccurate, unavailable, or inaccessible. A related issue raised has been that residents claim that Abitibi destroyed all information and documentation regarding cabins around Red Indian Lake, including permits, during or before the expropriation process instead of turning them over to government. This has resulted in issues regarding ownership of land as well as the potential allocation of land. First, it puts the onus on the individual to prove they have had rights to a piece of land. Second, it creates a barrier in the process for obtaining Crown land since government cannot easily prove who has previously used a piece of land. As one respondent stated:

"When Abitibi left they didn't turn over any of their records and that kind of thing to government so it was very difficult for government to be able to move forward with giving permits on new land, because they had to first determine what was Abitibi's and also whether or not Abitibi had already sold that to someone else... They had to go and get everybody who has the documentation to send that forward and, get it registered and then try to piece together the missing pieces to figure out where

⁶⁵Newfoundland and Labrador Department of Environment and Conservation, [NLDEC]. "Crown Lands Administration Division," Government of Newfoundland and Labrador, http://www.env.gov.nl.ca/env/departement/branches/divisions/crown_lands.html (accessed March 27, 2013)

things belong and what they're allowed to do with it and they still haven't finished that process, which began in 2007 I guess..."

- Government Representative

In addition, some municipalities have cited issues with Crown Lands that are within their municipal jurisdictions, such as the cost of obtaining access to these areas for development. Engagement groups mentioned that access to these areas remains a major problem in South Brook. The applications and paperwork is very time consuming and the legal requirements make the entire process difficult and long. For example, an application for accessing a piece of Crown Land took 4.5 years for one local resident. Overall, concern about access to crown land was higher in Exploits Valley/Bay of Exploits, and lower in respondents from outside the region. 76.3% of survey respondents acknowledged the inaccessibility of Crown Lands for development as a concern, with 84.6% of respondents from the Exploits Valley identifying it as a concern, compared with 76.8% in the Emerald Zone and 77.3% in Coast of Bays.

Town of Sioux Lookout Crown Lands Purchase

Sioux Lookout is located in the Kenora District in northwestern Ontario. The town has a relatively diverse economy, including public services, mining and exploration and tourism industries, although 110 full-time jobs were lost when a local mill closed in 2008. During a recent town planning process, it was estimated that the demand for land for housing and for industrial use will increase in the decades to come. To support these projected increases in demand, the town purchased two lots of crown land from the Ontario Ministry of Natural Resources (OMNR) in 2009. Both lots total approximately 300 acres. One of these was a relatively small 20 acre piece near an already developed area. The second, 279 acre piece of land is located on the shores of a nearby lake. The lots are expected to provide 70 housing lots, including 20 lakeshore properties. The purchase price for the land, as per OMNR policy was established at market value. The 20 acre lot was purchased for a single payment of \$98,000, and the larger parcel for \$643,000, in five annual instalments between 2010 and 2015. These purchases represent a significant investment for Sioux Lookout, but the purchase accounts for less than 1% per year of its operating budget over the five years of the agreement. Additionally, these lots will be resold to recoup the town's original investment while stimulating the local economy.

Source: Leveque et al (2012)

One provincial official cautioned municipalities to think carefully about purchasing Crown lands and noted that municipalities with a municipal plan have access to a deferred service levy, which would allow them to charge a fee for each lot to accommodate for the infrastructure. Further, if a municipality is acquiring Crown land for municipal infrastructure such as road right-of-ways they can obtain this land at no cost. The respondent suggested that this is a much easier

process for municipalities to go through than buying Crown Land at market price and then selling it to recoup costs of land and related infrastructure costs.

"Because if they're acquiring land for a subdivision they have to pay market rate for the actual land. But if it's not necessary, well why would you do it? Because if they're acquiring land only for road right-of-ways, and it's municipal infrastructure, that's, they get that land from the crown for free. So then their only cost is the actual, the deployment of the infrastructure... and the costs associated with that can be applied back to the people who will eventually tie into the service."

- Provincial official

However, many communities do not have the personnel to develop policies and procedures for acquiring and developing land, or to educate council members about the potential for this approach. Provincial governments can provide support to municipalities in acquiring Crown lands through favourable financing arrangements, if not reduced rates, and through training and information resources such as the *Guide to the Acquisition of Crown Land to Support Municipal Economic Development* produced by the Ontario Ministry of Natural Resources (OMNR).⁶⁶ Leveque et al (2012) explain that the *Guide to the Acquisition of Crown Land* was designed to help communities with the land purchase procedure. The guide outlines the roles of municipalities and government agencies, factors that affect the availability and cost of Crown land, procedural steps in the formal acquisition of land; and different approaches for the sale and disposition of land.

The within-government referral process that takes place once an application for Crown lands is received requires coordination and information flows across departments and adds substantially to application review times. The development of an online tool where individuals or municipalities can check the status of their application, including which departments have returned their comments on a development proposal and whether they have offered their approval, could also be beneficial and help to alleviate frustration for those who are waiting long time periods. Municipal representatives suggested they would like to see a more streamlined process that is coordinated better between the provincial government and the individual towns. Municipalities noted that they struggle with information flow between themselves and provincial agencies and often receive no response regarding the decisions that are made about lands within their town boundaries.

⁶⁶ Ontario Ministry of Natural Resources, "Guide to the Acquisition of Crown Land to Support Municipal Economic Development". Government of Ontario. 2009.
http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@crownland/documents/guide/stdprod_096468.pdf (accessed March 14, 2013)

Crown Land-related Recommendations:

- The Province of NL should develop an online tool where individuals or municipalities can check the status of applications for Crown land (and related referrals) to help alleviate pressure on Lands Branch staff and frustration experienced by applicants.
- The Province of NL (Crown Lands Branch, in collaboration with the Department of Municipal Affairs and Municipalities NL) should develop additional, user-friendly resources that provide information about the land acquisition process. This should include a guide for municipalities clearly explaining the Crown lands acquisition process and options for municipalities wishing to acquire Crown lands for development purposes. The Province of Ontario's *Guide to the Acquisition of Crown Land to Support Municipal Economic Development* (2009) is one example.
- Prior to developing such a guide the Crown Lands Branch in collaboration with the Department of Municipal Affairs should investigate favourable, multi-year payment arrangements that can be made with municipalities that acquire lands for development purposes.

viii. Tourism and Recreation

“Right now a lot of wealth in this province is being generated by oil and the dollars that come with it, but when all that’s said and done, our part of the province will still have the old traditional resources of trees and minerals and tourism potential that is mind boggling and basically untapped.”

- Municipal leader

Participation in outdoor recreational activities has been growing in Canada since the 1960s, largely due to demographic and economic trends, with documented social and health benefits. This trend has also been observed in the Newfoundland and Labrador context. The type of recreation that was most common among the Central West survey respondents was hiking or walking, with 70% of respondents reporting that they participate in these activities, followed by fishing/trouting (65%); ATV or snowmobiling (62%), and hunting (50%). Hiking/walking was also the most frequent activity (at least once per month on average), followed by ATV/snowmobiling and fishing/trouting, which respondents participated in at least once a year (occasionally) on average. The type of recreation respondents engage in varied across sub-regions. In the Emerald Zone, for example, 63% of respondents engage in ATV and/or snowmobile use at least once a month (vs. 49% overall).

Just over half of survey respondents (51%) felt there should be more or much more land dedicated to hunting and fishing. Within each region however, nearly

half or over half of respondents also felt the current amount of land available for hunting and fishing is appropriate (Exploit Valley 55%, Emerald Zone 45%, and Coast of Bays 46%).

Recreational land uses were a priority for participating youth. The CYN youth in Harbour Breton, for example, identified recreation and subsistence harvesting, in particular fishing, snowmobiling, hunting and walking, as the most important types of land uses in their region. Participating youth in Springdale also identified hunting, ski-dooing, and fishing as important land uses. Despite concerns noted above that young people are not continuing with traditional activities such as berry picking or hunting and fishing, the emphasis that youth place on outdoor activities suggest a continuation of values expressed by one participant as a cultural heritage that involves a close connection to the land held by many residents of the region and the province.

The Harbour Breton youth recognized several conflicts related to recreation, including differing interests among recreationalists. One example given was that snowmobiling conflicts with cross country skiing. They also pointed out that building new homes on or near trails can conflict with snowmobiling, cross country skiing and walking. The youth suggested that development should not interfere with existing snowmobile trails.

Youth in Springdale also identified conflicts between woodcutting and hunting, and between building cabins and tourism, as well as between berry picking and wildlife. Building cabins, they pointed out, limits land for hunting. They also observed that woodcutting changes the landscape for tourism. The interconnected nature of the forestry and tourism sectors was discussed by several interview respondents and in engagement sessions. Municipal leaders in Green Bay South, for example, suggested that wood cutting be restricted near walking trails. A provincial official explained,

“the skidoo-ers they’ll, you know, gladly drive through a recent harvest block, you know, a clear cut, but if they’re kind of out there for the scenic value... I’m aware of some studies in western Newfoundland that have shown that from a visual preference point of view the typical member of the public or the typical tourist, you know, would take an uncut forest over obviously recently harvested forest.”

One interview respondent indicated that the forestry industry takes measures during forest management planning consultations every five years to ensure that tourism values are taken into account.

Respondents also cited the environmental impact of recreational activities, with half of respondents citing that environmental damage from recreational use is a moderate or extreme concern in the region. Responses varied between the regions with 62% feeling that this is a moderate or extreme concern in Exploits Valley,

59% in Coast of Bays and only 39% feeling it was of moderate to extreme concern in the Emerald Zone, where respondents also appear to engage in these activities more frequently than those from other sub-regions.

While many respondents raised concerns about the impacts of these activities , some interview and survey respondents also raised concerns about the implementation of fees for local residents to access wilderness areas (e.g. rail bed and old wood roads to the interior) which are now controlled by the Trailway group. In a similar comment, another survey respondent pleaded that barriers such as gates to block (interior) roads should be "removed from wilderness areas that have forestry activity". They argue that gates create the potential for ATV accidents and limit access to fishing and hunting areas for local residents.

Tourism and recreation-related recommendations:

- Municipal leaders and community organizations related to tourism and recreation, in collaboration with the Department of Tourism, should clearly delineate areas in the region that are important for tourism and recreation purposes, ensure these areas are recognized within existing land use planning and permitting processes, and identify approaches to protect these areas from development that degrades tourism and recreation experiences.
- Municipal and provincial recreation planners should seek to encourage responsible recreation through trail development and maintenance combined with enforcement of areas prohibited from recreational use, particularly with motorized vehicles. Trail development initiatives should seek to understand the needs of different types of recreational users and ways the conflicts and incompatibilities between these users can be managed.
- The Department of Tourism in collaboration with the Department of Natural Resources should investigate viewscape policies in other provinces (e.g. in British Columbia) and integrate methods of minimizing conflicts between forestry (domestic and commercial) and tourism and recreation into forest management planning and permitting.
- Community organizations in the region that work with youth should consider implementing initiatives for young people to go berry-picking with experienced pickers so that knowledge of the best berry-picking areas and wild plants can be passed on to the younger generation. Similar initiatives should be considered for other traditional activities as well, including fishing and hunting. Programs of this nature should include a focus on responsible use of the natural environment.

ix. Environment and Conservation

“When it comes to government there’s always that temptation [for development] because it will lead to create work so there’s got to be a conscious effort made that will lead to a balanced approach for development but at the same time recognize the value of what we have in terms of the natural environment”

- Municipal leader

The concern with environment and need for preserving areas from development was evident in the survey results, with the majority of respondents (53%) stating that there should be some or much more land dedicated to preservation and protection.

Youth in Springdale identified several environmental issues that they believe will become important in the future, including impacts related to climate change. For instance, less snow may reduce winter tourism and recreation activities, as well as noting a concern that in the summer there could be less water in the rivers which would impact activities such as boating and fishing.

Many respondents noted conservation concerns related to fish and wildlife. CYN youth identified poaching as a concern related to hunting and fishing, for example, although the type of poaching was not identified. Survey respondents also noted as a concern that logging and wood cutting are taking place in the habitat for moose and caribou. Conflicts involving wildlife were raised by interview respondents as well, particularly issues concerning caribou between conservation and industry. Disruptions that occur to caribou habitat, particularly calving grounds and migratory routes due to development, they fear, will affect efforts to protect the populations. It was noted that caribou are less likely to be seen in places that are heavily used by humans. For instance, caribou are much less likely to travel in places where trees have been harvested even if it is part of their migratory route. This conflict is increasingly problematic when the numbers of recreational ATV or skidoo users who prefer clear-cut areas are taken into account.

Concerns are also expressed about impacts of mining on caribou. One provincial representative explains:

“There are a lot of caribou in that part of central Newfoundland that has been an issue for exploration companies in the area, in terms of trying to manage their activities to minimize that conflict. It’s a problem, the exploration companies have a hard time with it where they’re getting restricted in their activities but at the same time wildlife are issuing hunting licenses. So they don’t really see why they’re being restricted.”

Interview respondents acknowledged the need to create protected areas and reserves that are kept off limits to development to reduce risk of damage, pointing out that accidents and the unexpected can always happen with industry and development.

“My vision really is for more environmentally responsible planning, more respect for the ecosystem services that are provided that sometimes are taken for granted, so instead of just seeing a pond or river or wetland or forest as just space, policy-makers and the public should be able to see them as very important resources as they are, kept as they are they provide really important services like clean drinking water, areas that prevent floods, they’re a flood-proofing mechanism, that provide clean air ... so if we’re talking about integrated land use planning and management it would be great for the plan to have that as an overall vision – we can use resources, but they need to be used sustainably and we need to respect the value of not touching or developing certain areas”

- Environmental representative

Despite the presence of several parks and protected areas in the region, including the large Bay du Nord Wilderness Reserve several interview respondents noted that further protection is needed to reach targets of representation with eco-regions as well as protection of rare species and biodiversity. According to one environmental representative, for example, although the Red Indian Lake area is home to a variety of wildlife, such as caribou and the endangered Pine Marten, there has been little conservation effort: *“The Red Indian sub-region in around here essentially has no protected areas.”*

It was also mentioned during the interviews that there is a large wetland just west of Grand Falls-Windsor surrounding Rushy Pond that has a high amount of biodiversity, including a large number of rare plants but faces increasing development threats:

“as Grand Falls expands and looks for suburbs to develop and sections of the wetland being allocated for cranberry farms in those bogs and those peatlands.”

-Environmental Representative

The Sierra Club of Canada has emphasized that instead of simply designating protected areas the province also needs to look at the networks that are used by

migratory animals that are outside of protected (or potentially protected) regions.⁶⁷

Finally, during engagement sessions participants suggested that the provincial government should be responsible for the environmental cleanup in an area that has been contaminated, alleviating municipalities and future owners from the financial burden. Concerns regarding contamination at former mining sites have already been discussed. Former waste disposal sites were also noted as a concern, however.

Environment and conservation-related recommendations:

- Relevant government departments (such as Environment and Conservation, or Municipal Affairs) should continue to offer education programs that explain climate change and its potential impacts on communities and regions, including changes related to land use.
- Similarly, municipalities and government departments (such as Environment and Conservation and Municipal Affairs) should devise strategies for mitigating climate change impacts in the community, such as evaluating flooding potential and creating a plan for flood risks and evacuation. This can be done by integrating climate change considerations into municipal and regional land use planning.
- Stakeholders (such as industry and municipalities) should consider wildlife/fisheries and their respective habitats when they are planning for land use.
- Departments of Natural Resources and Environment and Conservation and industry should ensure that caribou calving areas (which are especially significant for the sustainability of the population) are protected.
- Recreational users (such as ATV and skidoo users) should be made aware of environmentally-sensitive areas, such as where calving occurs, and encouraged to avoid these areas. For instance, this could include educational outreach initiated by the Department of Environment and Conservation. As in the Bay du Nord Wilderness Reserve, restrictions (or seasonal restrictions) on use of motorized vehicles should be examined as a management measure in areas that are highly significant for fish, wildlife and plant populations, particularly those that are considered to be at risk.
- Relevant provincial agencies should permit and designate protective corridors for tourism and outfitting operation, fish and wildlife habitats, fragile ecosystems, and sources of potable water while permitting development activities such as forestry, agriculture and mineral exploitation.

⁶⁷ Sierra Club of Canada. *Response to the Draft Newfoundland and Labrador Sustainable Forest Management Strategy*, (2003), 6.

- The Departments of Municipal Affairs and Environment and Conservation should ensure that former landfill sites are included in land use information systems and initiate discussions with relevant municipalities regarding responsibility for environmental clean-up and liabilities associated with these sites.

Part 4: Conclusion and Recommendations

The Grand Falls-Windsor – Baie Verte – Harbour Breton region is a unique area of the province. The region’s expansive geography creates opportunities for using the land in a variety of ways, including both traditional and contemporary uses. It has become apparent throughout this research study that land use takes on different meanings to different individuals. Individual experiences and interests influence how people value and use the land as well as their views on land use planning. Despite this variation, there was strong agreement among participants in this study that land use planning is important to ensure that natural resources are well managed. The majority of respondents also agreed or strongly agreed with the statement that more needs to be done to involve citizens in land use related decisions.

Below is a recap of the research questions that guided the project along with a brief discussion of the findings to each particular question.

1. What are the current issues surrounding land use planning of concern to residents and stakeholder groups in the Grand Falls-Windsor - BaieVerte - Harbour Breton region?

- Are there differing uses or values associated with the land base that are causing land use-related conflicts in the region? What are the potential opportunities for future land use that have been identified? Is there potential for these future uses to create land use conflicts? What are the specific locations where these potential or existing issues exist? What is the nature of these issues and opportunities from various stakeholder perspectives?

During the course of this project, numerous issues were identified as being of concern to residents in the Grand Falls-Windsor – Baie Verte – Harbour Breton region. Some of these concerns cut across several specific issues and land use types, including lack of communication between land use decision makers and other stakeholders, while others were issue-specific, such as confusion regarding the acquisition of Crown Lands. Issues differed between sub-regions, highlighting the differences in land uses and landscape throughout the Central West region. Issues identified in the Exploits Valley sub-region included erosion around Red Indian Lake posing danger to cabins along the shore and confusion about the process for acquiring Crown Lands. In the Emerald Zone waste from aquaculture

washing ashore and access and wait times for processing Crown lands applications were some prominent issues. In the Coast of Bays sub-region municipal development was cited as being in conflict with recreational activities and viewscales.

One of the most noted conflicts was between values associated with conservation and industrial development. Numerous respondents discussed these as opposing perspectives. For proponents of conservation, viewscales and environmental aspects are of high priority. Conversely, advocates of development cite economic development as a primary concern. Despite these different priorities participants called for a balance between these two perspectives in future land use and land use planning.

As discussed previously, a common conflict noted during data collection was that between development and conservation. Mining was noted as being particularly contentious and since it is anticipated to be an important future land use, there is potential for increased conflict between proponents of development and advocates of conservation in the future. Several potential opportunities for future land use were noted by participants over the course of the research project. Participants at an engagement session in Coast of Bays noted that they anticipate tourism and recreational land uses as being important in the future. Representatives from the mining industry discussed the role of mining as being particularly important for the region and province and assert that it will continue to be an important land use into the future. Aquaculture is also seen as a growing industry and there is hope that agriculture will expand as well due to food security concerns.

Land use planning processes provide opportunity for public and stakeholder participation in planning and decision-making. Different stakeholder groups have different land use-related concerns. For instance, youth groups expressed concern for the conservation of viewscales and the importance of recreational land uses; industry groups' priorities included acquiring land for various forms of industrial development, while municipal leaders were concerned about having their input considered and issues with acquiring Crown lands (such as lengthy processing times). Senior government representatives were acknowledged as having a key role in providing information and enacting and administering legislation.

2. How are these issues prioritized by residents and stakeholder groups (including land users, planners and decision-makers)?

Through the surveys and engagements participants in this study prioritized recreation and tourism as most important to them. When asked which land use they would like to see more land devoted to the most common response was tourism and recreation (82% of survey respondents indicated they wanted more land devoted to tourism and recreation). Tourism and recreation uses were also prioritized by the youth during engagement sessions. Of the eight options provided, survey respondents felt there should be more land dedicated to seven of

these uses, with the greatest support for more land dedicated to tourism/recreation, followed by agriculture, hunting/fishing, cottage development, aquaculture, preservation/protection. Each of these uses had a mean response of 3.5 or greater (3 = The current amount of land is appropriate, 4= There should be some more dedicated). Respondents were only slightly positive towards dedicating more land to mining (3.32) and were neutral and even slightly negative on dedicating more land to forestry purposes (mean 2.93), although several interview respondents stressed the importance of forestry to the region.

Survey respondents were asked whether five specific issues that were identified in the 2011-2012 land use scan were of concern within their region. Based on the mean, with 1 being not a concern and 5 extreme concern (3 unsure or neutral), the issues of concern were: inaccessibility of Crown Lands for development purposes (3.6), maintaining knowledge of traditional practices (3.4), environmental risks posed by either operating or closed mines (3.3), forested land that is unused but still held by forestry companies (3.3), environmental damage from recreational use (3.2). Respondents were unsure or neutral regarding the ability to inherit a cabin or cottage after the last registered owner has died, and about pressures from the growing aquaculture industry on local infrastructure and land. The majority of respondents (61%) felt that inaccessibility of Crown Lands for development purposes is of moderate to extreme concern, including 77% of respondents from the Exploits Valley/Bay of Exploits, and 59% from Emerald Zone and the Coast of Bays. The majority of respondents (60%) also felt that knowledge of traditional practices and local wild plants being lost on the younger generation is a moderate or extreme concern. Within their specific regions 77% from the Exploits Valley felt this was a concern, 62% in Coast of Bays, and 47% in Emerald Zone. Respondents from outside the region also expressed concern about these two issues (67% respectively).

3. What potential solutions for resolution of on-going or potential land use issues have been identified within the region, or in regions elsewhere that face similar issues? What are the steps to date that have been taken to address these issues (or potential issues) and opportunities?

Throughout the various methods, participants felt that developing regional and provincial land use plans would help toward resolving land use issues. Further, by involving the public, municipalities and other stakeholders more in land use decisions, improving communication efforts and distributing resources across the municipalities the regional land use issues can be resolved. To date, land use planning efforts in the region have included planning in some municipalities and planning with a specific industry or use in mind, particularly forestry planning and cottage or cabin development plans. Participants in the study expressed the need to move towards a more integrated approach and also saw value in a sub-regional approach to planning.

Several examples from other locations were identified that may be applicable in the province. One illustration of coping with land use issues in another jurisdiction that is relevant to the Central West region concerns Crown land acquisition for municipalities in Ontario. Accessibility of Crown Land has been regarded as a prominent issue in the Central West region and will be further explored in relation to this research question. The Ontario Ministry of Natural Resources (OMNR) developed a guide to the acquisition of Crown Land which included background information on Crown Land (such as accessibility and prices), identifying opportunities for acquisition, steps for acquiring land, and an outline of different approaches for the sale and disposition of land. This type of guide could be developed to assist municipalities and also for residents of the Central West region who are confused about the Crown Land acquisition process. Visual Quality Objectives employed in British Columbia were also identified as a useful tool for addressing citizen concerns related to forestry.

A step that has been taken to date that could help address the issue of confusion surrounding land acquisition and development is the creation of a land use database and GIS system, as recommended below. If such a database were made available online it could reduce pressure on Crown Lands staff and speed up the application process, a widely expressed concern.

4. What steps are required to move forward with developing a land use strategy for the region?

Any effort to engage in a land use planning strategy or process requires long-term commitment on behalf of all parties involved. It would need to be acknowledged that undertaking such a planning endeavour requires a multitude of resources including personnel, time, and financial. Planning processes should therefore only be initiated in areas where there is a formal expression of commitment to planning and implementation. There needs to be commitment from municipalities as well as provincial government departments with regard to responsibilities for land use planning and allocation within the planning area. A land use strategy for the region should be approached from sub-regional perspectives and if possible expanded to the regional level. Sub-regional planning is more feasible and practical since the entire region is very large and includes a wide variety of land uses and practices.

Communication between all stakeholders would be a crucial aspect of moving forward with developing a land use strategy. Providing opportunities for discussion such as public forums (including local engagement sessions together with Internet-based tools) is important in ensuring that all voices are heard and considered since residents can provide valuable insight and are directly affected by land use planning. Recommendations related to each of these future directions are provided below.

Overall Recommendations

1. Initiate sub-regional integrated land use planning processes that aim for a balanced, strategic approach, take a long-term view and consider the perspectives of all stakeholders. This will require dedication of financial and human resources in support of land use planning efforts.

- Planning processes should only be undertaken where there is a formal expression of commitment to planning and implementation from municipalities and provincial government departments with responsibilities for land use planning and allocation within the planning area.
- The Province of NL should provide support for sub-regional land use planning efforts where municipalities have also indicated their commitment to participate in land use planning. This support should include financial and human resources and a commitment to an inclusive planning process and to plan adoption and implementation.
- A qualified regional land use planner should be appointed to assist with land use planning and management in the region, including further discussion of the recommendations contained in this report. This planner could be employed to work with one or more Joint Councils, with MNL and/or with a designated lead provincial department.
- Memorial University and the Harris Centre, in collaboration with stakeholders such as MNL and relevant provincial agencies, should undertake a cost-benefit analysis of regional land use planning, taking into account the costs of delays and lost opportunities associated with not having a land use plan versus the cost of creating one. This analysis should also include a review of cost-effective options for land use planning such as partnerships with private developers to offset costs for some aspects of municipal planning and development or the use of existing agency staff and/or volunteer professionals in planning and engagement processes.

2. Create tools to coordinate land use information and make this information available to residents, municipalities and other interested parties

- The Province of NL should create a land registry system that is widely accessible to citizens (through online access), that is interactive and as up-to-date and accurate as possible. This system should include clear identification of lands where ownership is uncertain or under dispute. The success of registry will depend on promotion to encourage residents to register their land, providing information on the benefits of land registry and providing assistance to individuals who may be unsure of the process.

- A partnership should be formed that includes the Exploits Joint Council and MNL, working in collaboration with relevant provincial departments, Memorial University and the College of the North Atlantic to develop a pilot collaborative land use geographic information system (GIS) to coordinate and make available information on land use, land capabilities and land use conflicts and concerns in the sub-region. This system should be updated on a regular basis after its initial development and could be scaled up for use elsewhere in the region or even throughout the province. As a partner in this initiative the Province on NL should make available digital data currently within the provincial land use atlas to the project partners and, ultimately, to the public through a web-based GIS tool.
- The Department of Municipal Affairs, in collaboration with MNL and Professional Municipal Administrators, should develop an information booklet for municipalities explaining the benefits and costs and steps that can be taken to undertake a tax sale for properties with unpaid taxes. Specific attention should be paid to circumstances where property ownership is unknown or unclear.

3. Increase communication between stakeholders, residents, municipalities, policy- and decision-makers in a manner that is open, transparent and inclusive

- Agencies with responsibilities for land use planning, land allocation and development approvals should ensure adequate consultation and opportunities for dialogue between affected parties during the land use planning process or when new developments are proposed that are contrary to, or were not anticipated within, existing land use plans (recognizing different levels of engagement are appropriate for different forms of development).
- Agencies with responsibilities for land use are encouraged to provide a forum for competing stakeholders to discuss ideas and concerns with a mediator present should tensions escalate (or have the potential to do so). Mechanisms for conflict management and dispute resolution should be outlined within the land use planning process. Participants in the Springdale regional workshop suggested that a network of individuals be identified and trained who can assist with conflict resolution in the province. Memorial University should offer courses in conflict resolution to assist in building this network, working in conjunction with existing program such as the Community Capacity Building Program.
- Municipalities and provincial agencies should endeavor to provide residents with adequate time and means to contribute their opinions and concerns to planning and/or decision-making processes when development is occurring in or around a municipality or in areas where user groups can be identified.

- Responsible provincial agencies should report back to participants in land use planning processes (such as five year forestry plans) on the final plan submitted, and on any decisions made contrary to agreements made within a consensus-based process. Provincial agencies should also respond to the advice provided by another level of government (e.g. a municipality or First Nation), including two-way communications regarding the final decision made on any land use matter for which input was sought. Provide residents with updates on developments and planning processes.
- The Province of NL, other levels of government and parties involved in land use planning processes should utilize Internet-based tools to make information widely accessible (to those with Internet access) and provide a space where citizens can voice opinions and engage in discussion with others. In consultation or engagement processes, however, these tools should supplement rather than replace opportunities for face-to-face dialogue.
- The Province of NL, other levels of government and parties involved in land use planning processes should provide residents with updates on planning processes (such as five year forestry plans) at multiple stages utilizing local media outlets.
- Should a regional land use planning body be established members of this entity should consider offering an ongoing forum for residents to discuss land use planning and management (such as the online tools used in this project).
- The Regional Council of the Rural Secretariat should consider reviewing this document with regional partners to encourage discussion of possible next steps for land use planning in the region to ensure that the ideas generated in this document are evaluated and where possible and deemed appropriate, implemented.

Recommendations for Specific Land Uses

Forestry

- The Province of NL Department of Natural Resources should conduct a review of how municipalities, industry and non-government organizations in the Central West region participate in forestry planning and implement new methods that enhance communication and ensure meaningful participation. In particular, stakeholders participating in forestry planning processes should be informed about and have the opportunity to discuss their concerns with forestry decision-makers when provincial decisions are made contrary to the five year plan and/or when the land use recommendations from other levels of government (e.g. municipalities and First Nations) are not followed.
- Community leaders should identify areas that should be restricted from

domestic woodcutting (e.g. for water, recreation or visual quality reasons) and work with the Department of Natural Resources to enact and enforce these restrictions.

- Ensure non-timber values in the region's forested landscapes are documented and acknowledged in forestry planning, including values associated with visual quality of landscapes, tourism and recreation, and fish and wildlife.
- The Province of NL Department of Natural Resources should give serious consideration to a range of development proposals, including small-scale forestry and other industries in response to the recent call for Expressions of Interest for use of former Abitibi forest lands. Further, they should engage regional stakeholders in a discussion on the uses proposed in response to the call, the respective costs and benefits of each and implications for land use and community and regional development.

Agriculture

- Organizations involved in land use planning, including both municipal and provincial governments should identify lands with high agricultural capability as part of land use planning and seek to protect these lands for current and future food production.
- The Province of NL should monitor agricultural leases and enforce lease requirements to ensure proper usage of land for agricultural purposes.
- The Province of NL should continue to provide support and incentives to encourage farmers to employ environmentally sound management practices.

Mining

- Parties involved in mining and forestry sectors should take measures to increase communication between the sectors, including discussions regarding upkeep of access roads used by both industries. Provincial agencies can play a role by increasing information flow between Mines and Forestry branch staff about activities underway at the local and regional level (e.g. provincial Forestry Service staff can inform forestry companies of mineral exploration plans and access requirements).
- The Mines Branch should clearly identify abandoned mine sites and, in collaboration with the Departments of Municipal Affairs and Environment and Conservation, discuss potential associated risks with community leaders and develop risk management and/or remediation strategies for contaminated areas.
- Government, through the Crown Lands Branch, should make clear the limitations on property rights regarding mineral exploration to those who purchase Crown lands. Clear identification of areas under mineral exploration permits and where investments in exploration have occurred within a widely accessible land use information system will assist with transparency for land owners and users where mineral development may be occurring or may occur in the future. Interview responses suggest that

further education is also needed (for land owners, community organizations and the public) about the stages of mineral exploration and associated impacts on the landscape.

Cottage/Cabin/Residential development

- The Crown Lands Branch should revisit any policy that prohibits an immediate relative from inheriting a cabin licence after the last registered owner has died and implement changes that would allow for the inheritance of cabins/cottages and associated lands and/or licences.
- Municipalities that are developing land should make efforts to involve residents in the development process, to build consensus and keep lines of communication between residents, municipalities and other development stakeholders open. See the report *Developing Innovative Approaches for Community Engagement in the Grand Falls-Windsor – Baie Verte – Harbour Breton Region* for suggestions on engagement approaches and techniques.⁶⁸ To assist implementing this recommendation Municipalities NL and the Professional Municipal Administrators organization should consider offering training for their members related to citizen engagement and multi-stakeholder collaboration.
- When land is available near a municipality, care should be taken to ensure that it is used in the most effective and meaningful way possible and municipalities should be involved in any process that sees development on their doorstep.
- Due to existing and potential land use conflicts, the Red Indian Lake area is a strong candidate for integrated land use planning (ILUP). The Exploits Valley sub-region is recommended as an appropriate starting point for ILUP in the region. If ILUP does not proceed in the sub-region in the near future the Crown Lands Branch should develop a cottage development plan for Red Indian Lake area. The plan should address restrictions and/or other measures to address fluctuating water levels and erosion impacts, including improved communication between cabin owners and Nalcor so that owners can expect fluctuations in problem areas and act accordingly. As part of the planning process steps should be taken as well to ensure that cottage/cabin owners clearly understand the process of proving rights to existing cabin locations.

⁶⁸ “Developing Innovative Approaches for Community Engagement”, http://ruralresilience.ca/?page_id=407 (accessed March 14, 2013).

Aquaculture

- To foster trust and confidence in the industry and to encourage responsible practices the Department of Fisheries and Aquaculture in collaboration with industry stakeholders should continue to document, highlight and support Corporate Social Responsibility (CSR) activities, plans to preserve the health and wellness of wild and cultured fish populations and contributions of the aquaculture sector to communities.
- Crown Lands Branch in collaboration with the Department of Fisheries and Aquaculture should consider initiating an integrated land use planning process for the Green Bay South area where conflict has been noted between cabin owners and aquaculture producers. At a minimum dialogue related to future waterfront usage should be fostered and encouraged between aquaculture operators, municipalities and cabin owners.
- Department of Fisheries and Aquaculture should also facilitate communication between aquaculture operators and municipalities and implement measures to ensure that waste associated with aquaculture operations is properly disposed of and does not drift onto shorelines and into nearby communities.

Competing Waterfront Usage

- Given the increased likelihood of conflicting land use demands, land use planners (including municipal planners and provincial officials engaged in forestry and cottage area planning) should pay particular attention to multi-use waterfronts in land use planning efforts.

Access to Crown Lands

- The Province of NL should develop an online tool where individuals or municipalities can check the status of applications for Crown land (and related referrals) to help alleviate pressure on Lands Branch staff and frustration experienced by applicants.
- The Province of NL (Crown Lands Branch, in collaboration with the Department of Municipal Affairs and Municipalities NL) should develop additional, user-friendly resources that provide information about the land acquisition process. This should include a guide for municipalities clearly explaining the Crown Lands acquisition process and options for municipalities wishing to acquire Crown lands for development purposes. The Province of Ontario's *Guide to the Acquisition of Crown Land to Support Municipal Economic Development* (2009) is one example.
- Prior to developing such as guide the Crown Lands Branch in collaboration with the Department of Municipal Affairs should investigate favourable, multi-year payment arrangements that can be made with municipalities that acquire lands for development purposes.

Tourism and Recreation

- Municipal leaders and community organizations related to tourism and recreation, in collaboration with the Department of Tourism, should

clearly delineate areas in the region that are important for tourism and recreation purposes, ensure these areas are recognized within existing land use planning and permitting processes, and identify approaches to protect these areas from development that degrades tourism and recreation experiences.

- Municipal and provincial recreation planners should seek to encourage responsible recreation through trail development and maintenance combined with enforcement of areas prohibited from recreational use, particularly with motorized vehicles. Trail development initiatives should seek to understand the needs of different types of recreational users and ways the conflicts and incompatibilities between these users can be managed.
- The Department of Tourism in collaboration with the Department of Natural Resources should investigate viewscape policies in other provinces (e.g. in British Columbia) and integrate methods of minimizing conflicts between forestry (domestic and commercial) and tourism and recreation into forest management planning and permitting.
- Community organizations in the region that work with youth should consider implementing initiatives for young people to go berry-picking with experienced pickers so that knowledge of the best berry-picking areas and wild plants can be passed on to the younger generation. Similar initiatives should be considered for other traditional activities as well, including fishing and hunting. Programs of this nature should include a focus on responsible use of the natural environment.

Environment and Conservation

- Relevant government departments (such as Environment and Conservation, or Municipal Affairs) should continue to offer education programs that explain climate change and its potential impacts on communities and regions, including changes related to land use.
- Similarly, municipalities and government departments (such as Environment and Conservation and Municipal Affairs) should devise a strategy for mitigating climate change impacts in the community, such as evaluating flooding potential and creating a plan for flood risks and evacuation. This can be done by integrating climate change considerations into municipal and regional land use planning.
- Stakeholders (such as industry and municipalities) should consider wildlife/fisheries and their respective habitats when they are planning for land use (suggested by Community Youth Network in Harbour Breton).
- Efforts should be made by relevant government departments (such as Natural Resources and Environment and Conservation) and industry to ensure that caribou calving areas (which are especially significant for the sustainability of the population) are protected.
- Recreational users (such as ATV and skidoo users) should be made aware of environmentally-sensitive areas, such as where calving occurs, and encouraged to avoid these areas. For instance, this could include

educational outreach initiated by the Department of Environment and Conservation. As in the Bay du Nord Wilderness Reserve, restrictions (or seasonal restrictions) on use of motorized vehicles should be examined as a management measure in areas that are highly significant for fish, wildlife and plant populations, particularly those that are considered to be at risk.

- Relevant provincial agencies should permit and designate protective corridors for tourism and outfitting operation, fish and wildlife habitats, fragile ecosystems, and sources of potable water while permitting development activities such as forestry, agriculture & mineral exploitation.
- The Departments of Municipal Affairs and Environment and Conservation should ensure that former landfill sites are included in land use information systems and initiate discussions with relevant municipalities regarding responsibility for environmental clean-up and liabilities associated with these sites.

The recommendations outlined in this document are the product of in-depth research within the Grand Falls-Windsor – Baie Verte – Harbour Breton region. They stem from engaging dialogue with the residents, municipal leaders, stakeholders, and policy makers who have ties to the region. This study represents just one step towards enhanced understanding, dialogue and exploration of alternatives to current approaches to land management in the province. It presents a potential starting point, however, for initiating dialogue and discussion. Where to go from here is a question that can best be answered by the policy-makers and stakeholders who read this report and see potential benefits in further engaging with the ideas and recommendations presented.

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