



Ms. Elaine Hardy
Senior Policy Advisory
Ministry of Natural Resources and Forestry, Regional Operations Division
Far North Branch
77 Grenville Street, Floor 5
Toronto, Ontario M5S 1B3

November 28, 2014

RE: Far North Land Use Strategy: A Discussion Paper Stage 2 (EBR Registry Number: 012-0598)

Dear Ms. Hardy,

Thank you for the opportunity to provide comments on Stage 2 of the Far North Land Use Strategy mandated by Ontario's Ministry of Natural Resources and Forestry (MNRF) under Ontario's *Far North Act, 2010* (hereafter "*Act*"). We also appreciated being invited to the recent stakeholder meeting in Thunder Bay to hear from MNRF staff and First Nations about the Far North Land Use Strategy. We are scientists with Wildlife Conservation Society (WCS) Canada specializing in applied and field research on fish, wildlife, environmental assessment, and cumulative effects (Appendix 1).

Based on our review of the current discussion paper, we would like to express our concern and doubt about the utility of this exercise. Our sense is that MNRF is developing the Far North Land Use Strategy based mainly on feedback and experience gathered through its conventional resource-based land use planning approaches, even if it is with First Nations. Yet, MNRF has not taken up any substantive recommendations to date from the Far North Science Advisory Panel, the Far North Advisory Council, or the Environmental Commissioner of Ontario on broad-scale planning in the Far North.

In addition, the Far North Land Use Strategy, as envisioned by MNRF, seems wholly dependent on the creation of a Joint Body to be able to develop relevant principles and guidance for broad-scale planning in the Far North. Yet, this is not required under the *Act*. Our sense from reviewing the current discussion paper and attending the stakeholder meeting is that the emerging Strategy, led by MNRF, is very different from what was envisioned when the *Act* was designed and we question whether the Strategy can deliver on the objectives under the *Act*.

WCS Canada
P.O. Box 10316
Thunder Bay, ON, P7B 6T8

T. 807-472-1440; F. 807-788-0904
E. cchetkiewicz@wcs.org
www.wcsCanada.org

That said, we have the following specific recommendations broadly grouped for two of the three sections in the discussion paper: C-1 Developing a Vision for the Far North and C-2 Guidance on Land Use Planning Topics. Please refer to the remainder of our comments for support of our recommendations and our comments on C-3 Policies on Designations and Amendments.

C-1 Developing a Vision for the Far North

We recommend:

- The vision for the Far North Land Use Strategy link explicitly to delivering measurable outcomes for each of the four objectives in the *Act*.
- A revision of the Far North Land Use Strategy to explicitly include Ontario's relevant broad-scale policy regardless of the status of the Joint Body.
- The Far North Land Use Strategy address scale more explicitly and define what is meant by broad-scale planning.

C-2 Guidance on Land Use Planning Topics

We recommend the following missing Planning Topics:

- The Far North Land Use Strategy must address Ecosystem Services more explicitly. This should be as its own Topic as well as principles and guidance under all the relevant Planning Topics provided (e.g., supporting, provisioning, regulating, and cultural services).
- Peatlands and wetlands should be included as ecosystems either under the Biodiversity Topic or under a new Topic, Ecosystem Services, as suggested above.
- Aboriginal and treaty rights should be included as a Topic since the planning associated with many of the Topics in this discussion paper (e.g., biological diversity, water, climate change, cumulative effects) will affect these rights over the broad scale.

We recommend the following on proposed Planning Topics:

Cultural and Heritage values:

- MNRF use the next draft of the Strategy to highlight insights from the Pikangikum and Poplar River plans that explicitly incorporated zoning for cultural and heritage protection in their plans.
- In order to provide more meaningful guidance as opposed to the current narrow and inappropriate standards, guidelines, and checklists for these values, the Far North Land Use Strategy should highlight the need to revisit and develop more appropriate standards for northern cultural landscapes including:

- a multi-scaled spatial and temporal understanding of cultural landscapes that considers various perspectives, including the pre-colonial period, fur trade experience, and other major events that affected First Nations social systems.
- a series of regional management strategies for protecting these values and non-renewable cultural resources.¹
- a more integrated approach to thinking about planning for cultural landscapes across the broad scale (e.g., a social-ecological system).²
- MNRF consider more explicitly the value of the International Union for the Conservation of Nature (IUCN) work on Indigenous Peoples and Community Conserved Territories and Areas (ICCAs) as well as IUCN UNESCO guidelines for Sacred Natural Sites.

Biological diversity:

- MNRF include Ontario's relevant policy and provincial responsibilities for caribou, wolverine, polar bears, and lake sturgeon conservation in the Far North.
- MNRF include globally significant and intact ecosystems that have important implications for maintaining biological diversity and social-ecological systems in the Far North, specifically wetlands and peatlands.
- MNRF consider how a conservation matrix model, which requires a broad-scale approach, could be addressed in the Far North Land Use Strategy more explicitly.
- Include First Nations' perspectives on biological diversity and consider how this Topic is relevant to Aboriginal and treaty rights.

Water:

- MNRF address the current disconnect between drinking water source protection within watersheds and in First Nations communities through planning opportunities offered by Ontario's *Clean Water Act, 2006*³ which enables drinking water source protection planning to happen throughout the Far North (section 5, *Clean Water Act, 2006*).

Cumulative Effects:

- The Far North Land Use Strategy explicitly include guidance on a regional-scale assessment process given the current project-by-project approach to environmental assessment that will occur concurrently with community based land use planning.⁴

¹ Hamilton, S. 2000. Archaeological predictive modelling in the boreal forest: No easy answers. *Canadian Journal of Archaeology* **24**:41-76.

² Parlee, B. L., K. Geertsema, and A. Willier. 2012. Social-Ecological Thresholds in a Changing Boreal Landscape: Insights from Cree Knowledge of the Lesser Slave Lake Region of Alberta, Canada. *Ecology And Society* **17**.

³ *Clean Water Act, 2006*, SO 2006, c 22, is available online at: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06c22_e.htm

⁴ Chetkiewicz, C. and A. M. Lintner. 2014. Getting it Right in Ontario's Far North: The Need for a Regional Strategic Environmental Assessment in the Ring of Fire [*Wawangajing*]. WCS Canada and Ecojustice, Toronto, ON.

- The Far North Land Use Strategy should offer explicit guidance on both scientific and community-led monitoring (e.g., what, how, where) to address cumulative effects and address the need for baseline research and monitoring at a broad scale.
- MNRF provide examples of decision-support tools available to provide guidance on cumulative effects assessment in planning.

Climate Change:

- The Far North Land Use Strategy should explicitly include Ontario commitments and responsibilities for adaptation and mitigation. In particular, Ontario's *Climate Ready: Ontario's Adaptation Strategy and Action Plan* identifies the Far North Land Use Strategy as Ontario's Action for addressing climate change. The Strategy should also include federal commitments (e.g., mitigation) where relevant to Ontario.

Resource Values

- The Far North Land Use Strategy should offer explicit guidance on sustainability assessment given the known legacy effects of mining on communities and the environment.⁵
- Remove peat as a resource for extraction and economic development opportunities at the broad scale.
- Include commercial fisheries and the live bait industry as resource values at the broad scale.
- Include policy direction from Ontario's *Provincial Fish Strategy: Fish for the Future* given emphasis on fishing resources. We are aware of the Aboriginal and treaty rights to fishing, hunting, and trapping across the region regardless of provincial policy.

Infrastructure:

- We do not think the guidance provided is very useful. MNRF should convene a regional planning process with other ministries and First Nations in order to develop and analyze various infrastructure scenarios within the context of the Far North development and the Act's objectives. This approach doesn't pre-empt MNRF and First Nations coming together to create a Joint Body, but we suggest a regional planning process with all the relevant ministries that have a role and stake in infrastructure planning in the Far North, as well as approval and permitting processes, could provide more relevant and useful broad-scale advice (e.g., scientific, Elders, other stakeholders) and support to community based land use planning and the Joint Body.

⁵ Gibson, R. B. 2006. Sustainability assessment: basic components of a practical approach. *Impact Assessment and Project Appraisal* **24**:170-182.

To support our recommendations above, we have prepared our comments in three sections. In the first section, **Part C-1 A Vision for the Outcome of Land Use Planning in the Far North**, we consider how MNRF is meeting the four objectives in the *Far North Act, 2010* given our experience to date. In the second section, we address the majority of the Topics listed under **C-2 Guidance on Land Use Planning Topics** in the discussion paper. In the final section, we consider material under **C-3 Policies on Designations and Amendments** in the discussion paper.

Part C-1 A Vision for the Outcome of Land Use Planning in the Far North

Developing a vision for the Far North Land Use Strategy requires more attention to the definition and use of the word "regional" or "broad scale". There is an ongoing emphasis in the current discussion paper about communities "working with each other" or "engaging in dialogue with neighbouring communities" in order to address issues beyond their planning boundaries. The emphasis on community discussions is not an appropriate social or ecological proxy for addressing broad-scale issues. The Far North Land Use Strategy must be more explicit in separating "overlap approaches managed by communities" from broad-scale issues relevant in the Far North Land Use Strategy. More specific attention to the latter is required in the next iteration.

We think the vision for the Far North Land Use Strategy should support measurable outcomes for each objective of the *Act*. In this section, we examine each objective and its relationship to planning processes led by MNRF. From our perspective, the Far North Land Use Strategy represents an important opportunity for MNRF to address the ecological and social risks associated with introducing new industrial development in the Far North.

Objective 1. A significant role for First Nations in planning.

We would like to express our support for MNRF's efforts to work with First Nations communities in planning processes. The ability of both Ontario and some First Nations communities to come together to develop community based land use plans despite the outcome of the *Oski-Machiitawin* bilateral discussion tables and the resolution by Nishnawbe Aski Nation⁶ regarding the *Act* suggests there is hope that Ontario and First Nations can work together to meet Objective 1.

We do have significant concerns, however, about the conventional planning approach being taken with communities as described in this discussion paper. While the community based land use approach could be considered a basic start, it remains to be seen how relevant it is to First Nations or how effective it will be for meeting the ecological, social, and economic objectives of the *Act*. At the community scale, we understand that First Nations have their own history of planning and management systems for conserving their culture and environment. The current approach (i.e., zoning) led by MNRF poses limitations on how the complex and integrated relationships and perceptions of First Nations and the land can be accommodated. The Canadian Institute of Planners, for example, have begun to consider the need to understand planning with First Nations more

⁶ <http://www.nan.on.ca/article/ontarios-far-north-act-463.asp>

thoroughly.⁷ While MNRF's planning process is new in the Far North and it may be refined with more precise, adaptive policies (e.g., access management), First Nations should be able to further specify values relevant to them. We encourage MNRF to consider planning approaches that include "new, culturally derived and culturally appropriate planning models that better meet the needs of First Nations."⁸

Throughout the discussion paper, it is made clear that MNRF is relying on the direction coming from completed community based land use plans. We think this is problematic in terms of offering broad-scale principles and guidance for a number of reasons including:

- Each community has a different set of interests in the planning process.
- Each community is engaging in planning processes at different times.
- Each community is developing different boundaries (*sensu* scales).
- The completed planning areas available to the public show they have no obvious relationship to ecological boundaries such as watersheds or ecosystems.
- Not all relevant broad-scale ecological, social or economic topics are of interest to communities.
- Capacity remains a significant issue for First Nations participation and engagement in both land use planning and environmental planning processes.
- Current negotiations between Ontario and Matawa First Nations explicitly include broad-scale issues such as infrastructure, monitoring, and assessment of new developments for revenue sharing. The outcomes of these negotiations have significant, but as yet unknown, implications for community based land use planning and the Far North Land Use Strategy.

Ultimately, the Far North Land Use Strategy must find a way to offer more explicit and prescriptive guidance and principles on broad-scale issues without relying on what is emerging from community based land use plans which may take decades to complete.

Objective 2. The protection of areas of cultural value and ecological systems by including at least 225,000 square kilometres in an interconnected network of protected areas designated in community based land use plans.

Objective 3. The maintenance of biological diversity, ecological processes and ecological functions, including the storage and sequestration of carbon in the Far North.

⁷ Ray, R. and D. Harper. 2008. The Path Forward: First Nations Land Use Planning as a Unifying Community Process. Plan Canada **48**:43-45.

⁸ Booth, A. L. and B. R. Muir. 2011. Environmental and Land-Use Planning Approaches of Indigenous Groups in Canada: An Overview. Journal of Environmental Policy & Planning **13**:421-442.

The Far North Land Use Strategy is an important opportunity to create an alternative planning approach to address Objectives 2 and 3 in order to address the ecological and social risks associated with introducing new industrial development into this region.

We have expressed our concerns about the ability of MNRF to deliver on these objectives in their current planning approach through comments on the previous discussion paper (January 27, 2014) and on community based land use plans. In addition, MNRF has solicited and received plenty of advice and recommendations on this issue. For example, MNRF obtained advice from both resource industries and environmental groups (Far North Advisory Council) and scientists (Far North Science Advisory Panel) from within and outside government to provide input to the Minister on what issues need to be considered concerning broad-scale land use planning, resource management and the threats to the natural values of the Far North. The Far North Science Advisory Panel Report emphasized that "careful planning and management of development intensity and extent across the region as a whole was necessary to protect ecological integrity and resilience while delivering social and economic benefits" (2010: 99). In addition, the Environmental Commissioner of Ontario (ECO) has also provided recommendations and direction for regional planning in the Far North.⁹ However, it is our experience that MNRF has not taken up any of the substantive recommendations or addressed them in this current discussion paper.

Objective 4. Enabling sustainable economic development that benefits First Nations.

Community based land use planning focused on the current zoning approach can offer certainty to Ontario and industry regarding where First Nations may be interested in developing industrial economies within their traditional territories and what developments they may be interested in pursuing. We are not convinced, however, that the planning process currently unfolding will ensure that the development is sustainable for three reasons.

1. MNRF's zoning approach is concurrent with, but not integrated with, environmental assessment and therefore cannot address the rate and intensity of development that will eventually unfold. Nor can it address limits and thresholds given levels of direct and cumulative impacts from natural and anthropogenic disturbance that occur at broad scales and often outside community planning boundaries (e.g., climate change, wildfire). Without more specific knowledge about development rates and intensities at the broad scale, it is impossible to understand whether protected area designations and locations will be adequate.
2. Economies based on mineral development in the Far North, particularly in the Ring of Fire, will require significant capital to create permanent infrastructure in order for mining operations to be viable. Mines can create negative legacy effects including depletion of capital, boom/bust effects, residual effects on land, water, and wildlife, remaining infrastructure, and residual effects on communities.¹⁰ Mines can only bring positive legacies if the infrastructure they need

⁹ Environmental Commissioner of Ontario (ECO). 2013. Serving the Public, ECO Annual Report 2012-13. Environmental Commissioner of Ontario, Toronto, ON.

¹⁰ Gibson, R. B. 2014. Turning Mines into Bridges: Gaining Positive Legacies from Non-Renewable Resource Projects. *Journal of Aboriginal Mining* **15**:3-8.

and the revenues created are used proactively to build foundations that consider what happens to communities and the environment when the orebody is depleted and the mine closes. Seeking these positive legacies requires planning to apply a "positive contribution to sustainability" test. This test is lacking in current environmental assessments in the Far North and is absent in community based land use planning. Without more specific attention to sustainability assessment at the broad scale in the Far North, it is impossible to determine if piecemeal approaches to development will be sustainable.

3. Neither the community-based planning approaches, led by MNRF, nor project-by-project environmental assessment approvals and processes led by the Ministry of Environment and Climate Change (MOECC) can define or support larger goals or overall strategies for positive legacies in regions like the Ring of Fire. Many communities have to deal with multiple activities, including planning, developments, infrastructure and energy proposals as well as anticipated future developments. These processes have cumulative implications on both social and ecological systems, yet decisions on each happen one at a time in a piecemeal and disconnected fashion often with different sets of decision makers.

Ultimately, the Far North Land Use Strategy must find a way to support and encourage regional-scale planning and environmental assessments that will be needed in order to offer relevant guidance to community base land use planning on sustainable development.¹¹

C-2 Guidance on Land-Use Planning Topics

At the recent stakeholder workshop in Thunder Bay, we were advised that a Joint Body is not together at this time and therefore the Strategy cannot include specific Far North policy advice. However, there is nothing in the *Act* that says all policy in the Land Use Strategy must emanate from the Joint Body. Subsection 8(3) expressly allows other policies and any other matters that the Minister considers are advisable and relevant to the Strategy. We suggest there is significant broad-scale provincial responsibility that requires more deliberate consideration of these Topics than is currently evident in the discussion paper. As such, the current discussion paper is underwhelming and surprisingly lacking in this regard. The Far North Land Use Strategy must consider these responsibilities more explicitly in the next iteration.

Topic 1: Cultural and Heritage Values:

We are pleased that cultural values and landscapes have their own theme in the Far North Land Use Strategy. This acknowledges the social and ecological context in the Far North. We fully support the guidance that First Nations' Aboriginal traditional knowledge, together with data and information brought forward by Ontario, will be applied to identify cultural and heritage values. We suspect that the Far North is, from MNRF's cultural inventory, an information void given the limited assessment of cultural resources, poor resolution cartography, and limited thematic mapping of cultural sites

¹¹ Chetkiewicz, C. and A. M. Lintner. 2014. Getting it Right in Ontario's Far North: The Need for a Regional Strategic Environmental Assessment in the Ring of Fire [*Wawangajing*]. WCS Canada and Ecojustice, Toronto, ON.

throughout the Far North (Dr. Scott Hamilton, Lakehead University, personal communication).¹² In addition, First Nations' cultural values may be confidential, spiritual, and intangible and therefore cannot be fit into zones required in MNRF's planning process. In general, the development of guidance to address Indigenous values in a largely non-Indigenous planning approach is questionable and seems inappropriate in the Far North.

To date, completed Far North plans have relied on archaeological assessments to preserve cultural values. Yet, conventional cultural resource management and assessment methods seem inadequate in the Far North. The northern social context is significantly different from areas in southern Ontario where many of the criteria, standards, and guidelines for archaeology and cultural and heritage value assessment were created. For example, planning guidance such as Aboriginal Culturally Significant Sites considers only a narrow and Eurocentric scope for considering what and how to protect cultural and heritage values. This narrow scope in planning has been show to lead to a loss of legitimacy of cultural and heritage values with significant consequences to First Nations individuals, communities, and cultures.¹³

While we support the idea of considering the Far North cultural and heritage values within the context of "cultural landscapes" (pg. 26), the UNESCO definition is very ethnocentric. Indigenous cultural landscapes in the Far North are likely subtle and may be embedded in management practices such as fire management, place names, networks of stories and/or sacred places.¹⁴ In the Far North "cultural landscapes", may also benefit from work being conducted internationally, including the IUCN UNESCO Guidelines for Protected Area Managers on Sacred Natural Sites.¹⁵

Ultimately, the challenge for the current guidance on this Topic to a piecemeal planning approach is how to determine what part of a traditional territory or the region, given traditional knowledge and traditional land-use and occupancy research, isn't worthy of protection based on cultural values. A more thoughtful and culturally appropriate approach to developing guidance and principles is required for the Far North Land Use Strategy to be more relevant on this Topic.

Topic 2: Biological Diversity:

Unlike other Topics in the discussion paper, this Topic does not include First Nations' perspectives on biological diversity which it should. We suspect this section is highly relevant to Aboriginal and treaty rights which should be included more explicitly since Ontario's commitments to ensuring rights to fish, wildlife, and traditional resources are a broad-scale issue that go beyond community based land use plans. This section does a good job of describing why conserving biological diversity and values require

¹² <https://www.lakeheadu.ca/users/H/shamilton>

¹³ Turner, N. J., R. Gregory, C. Brooks, L. Failing, and T. Satterfield. 2008. From invisibility to transparency: Identifying the implications. *Ecology And Society* **13**.

¹⁴ O'Flaherty, R. M., I. J. Davidson-Hunt, and M. Manseau. 2008. Indigenous knowledge and values in planning for sustainable forestry: Pikangikum First Nation and the Whitefeather Forest Initiative. *Ecology And Society* **13**.

¹⁵ <http://sacrednaturalsites.org/projects/guidelines/>

planning beyond community planning boundaries and why conservation of biological diversity cannot be addressed solely through protected area designs or zoning.

Although there is some acknowledgement of the Far North Science Advisory Panel Report throughout this section, we note such references are highly selective (i.e., with non-controversial topics or statements) and that the key advice from this report is avoided throughout most of the document. As such, we continue to stress that the current approach to conserving biodiversity in an intact landscape using a series of "interconnected protected areas" emerging in a piecemeal planning process is not based on conservation principles in any systematic or scientific way. The Far North Science Advisory Panel, drawing on research in other intact boreal systems where fire plays a major role, advanced a conservation matrix model. The current approach proposed by MNRF is unlikely to meet the test of adaptive management and continues to depend on a model that gives priority to development interests and is more suited to southern, fragmented systems where restoration and active management is necessary for conserving biodiversity and where candidate protected areas represent the last vestiges of undeveloped areas that are left alone because they have little resource or property value.

Caribou and Wolverine.

We were surprised to see so little information in this draft on species knowing the current policy commitments by MNRF to caribou conservation and the Ontario's commitment under the Accord for the Protection of Species At Risk in Canada to implement the National Recovery Strategy for Boreal Caribou in Canada.¹⁶ Ontario is committed to a range management approach to conserving caribou because they require planning scales (a typical caribou population can use areas of 30,000 km² or more) that exceed the spatial scope of community land use planning processes and project-by-project assessment of development activities. As we have stated many times in multiple fora, including in the context of a submission from members of the Provincial Caribou Technical Committee to the Far North Branch in January 2014, caribou conservation by ecological design requires a broad-scale or regional approach that is the basis for Ontario's approach outlined in the Caribou Conservation Plan.

Given Ontario's *Endangered Species Act, 2007* and the provincial Government Response Statement regarding boreal caribou, the Far North Land Use Strategy must provide more explicit direction both in providing an overarching process for considering caribou range management and more explicit guidance on how communities should consider range management in their planning. Such an approach could also explicitly include Wolverine, another wide-ranging species at risk.

We also take this opportunity to voice our frustration that MNRF has still not released the following reports identified in Ontario's Woodland Caribou Conservation Plan Progress Report (2012):

- Initial Cumulative Disturbance Assessment Report

¹⁶ Environment Canada. 2012. Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada. *Species at Risk Act* Recovery Strategy Series. Environment Canada, Ottawa. xi + 138 pp.

- Caribou Range Delineation and Rationale Report
- Integrated Range Assessment Reports
- Range Management Policy

We submit that it is critical for MNRF to release these reports in order to understand the current condition of caribou ranges in the Far North and Ontario and better understand how current approaches are working to enable caribou populations to either survive (e.g., in the Far North) or recover (e.g., portions of the Area of Undertaking). Regardless, range management planning needs more explicit priority as a provincial responsibility informing the principles and guidance in the Far North Land Use Strategy as opposed to current emphasis on "special consideration".

Lake Sturgeon.

In our previous comments, we urged MNRF to explicitly address its commitments to lake sturgeon conservation. There is no attention to Ontario's commitment to conserving lake sturgeon in the current guidance. The Committee on the Status of Species at Risk in Ontario assessed the Far North population as a species of *special concern*, a status that is recognized in Ontario's *Recovery Strategy for Lake Sturgeon*, released in 2012. Currently, only the two threatened lake sturgeon designatable units in southern Ontario receive explicit obligations for MNRF to manage protection under the *Endangered Species Act, 2007*, but management of special concern units still carries with it provincial obligations to prevent them from becoming endangered or threatened. The Far North Land Use strategy should address conservation planning for aquatic species at risk like Lake Sturgeon more explicitly as opposed to its current emphasis on "special consideration".

Globally significant ecosystems and the value of their "services" to people.

The Far North Science Advisory Panel report highlighted a number of ecosystems that are globally significant, particularly peatlands and the wetlands. The current guidance offers little or no direction on how these systems are valued in the Far North for their biological diversity nor how they will be conserved. Currently, peatlands are highlighted as a development opportunity with some reference to their role in climate regulation and carbon storage. Yet, the only way they can provide services to people is if they are proactively conserved. There is no explicit advice in the Protected Area Design and Planning Topic that can speak to the unique values of these systems or the scale and intact nature of these systems to support ideas of resilience and maintenance of biodiversity.

Topic 3: Water:

This section offers both First Nations and Ontario perspectives on why this topic is important and why planning for water conservation and values goes beyond community planning boundaries. Abraham et al. (2011)¹⁷, and Browne (2007)¹⁸ are also important sources of information on both the historical and current context relevant for aquatic planning in the Far North.

¹⁷ Abraham, K. F., L. M. McKinnon, Z. Jumeau, S. M. Tully, L. R. Walton, and H. M. Stewart. 2011. Hudson Plains Ecozone Status and Trends Assessment. Canadian Councils of Resource Ministers, Ottawa, ON.

We agree in general with the generic principles provided for decision making, but have two issues with the principles based on what is emerging from MNRF planning with communities.

1. While planning at a watershed scale is the appropriate ecological (and social) scale for addressing aquatic conservation, all the current community based plans that are publicly available are biased towards terrestrially derived boundaries (e.g., traplines) which cannot address aquatic connectivity, cumulative effects, or migratory species. While the current advice on planning offered for this topic is sound, it is largely meaningless in practice.
2. Protecting drinking water sources is important and we acknowledge that the *Act* does not apply to federal lands (e.g., First Nations communities), yet the disconnect between this guidance and the reality of drinking water quality in First Nations communities is highly problematic without a watershed scale approach to planning. MNRF should consider the opportunities for addressing this issue in planning offered by Ontario's *Clean Water Act, 2006*¹⁹ which enables drinking water source protection planning to happen throughout the Far North (section 5, *Clean Water Act, 2006*).

Topic 4: Cumulative Effects:

This topic is very important in the Far North given the lack of industrial development to date and the impacts of climate change. Cumulative effects assessment is also a topic that WCS Canada has conducted applied research on in the Far North by creating future development scenarios and modeling the relationships between caribou, wolverine, and moose given changing footprints and landcover over time.²⁰ We have actively engaged with MNRF scientists (e.g., Dr. Rob Rempel) and shared this work with MNRF, MOECC, Ministry of Northern Development and Mines (MNDM) and other interested scientists and ministry staff to support discussion and highlight one approach to conducting regional cumulative effects assessment.

Yet, there is no public evidence showing how MNRF is addressing cumulative effects in planning at any scale in the Far North. Community based land use plans reviewed to date say nothing about cumulative effects and it is not clear from the section devoted to this topic in the discussion paper how MNRF hopes to provide broad-scale advice on this Topic or whether there is any intention of doing so in a meaningful fashion. If the intention is indeed there, it seems critical that the Far North Land Use Strategy should, at a minimum, promote guidance on typical triggers for cumulative effects assessment such as:

- linear feature density and/or road density metrics.

¹⁸ Browne, D. R. 2007. Freshwater fish in Ontario's boreal: Status, conservation and potential impacts of development. No. 2, Wildlife Conservation Society Canada, Toronto.

¹⁹ *Clean Water Act, 2006*, SO 2006, c 22, is available online at: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06c22_e.htm

²⁰ Carlson, M. and C. Chetkiewicz. 2013. A Fork in the Road: Future Development in Ontario's Far North. Wildlife Conservation Society Canada and Canadian Boreal Initiative, Toronto.

- habitat availability for various species (that should be monitored for disturbance metrics).
- size and spatial configuration of intact biodiversity areas or similar indices of intactness.
- stream or river crossing density.
- disturbance thresholds.

Similarly, the Far North Land Use Strategy should offer more explicit and useful guidance on possible broad-scale triggers for cumulative effects assessment and monitoring. For example, through the lens of caribou range management goals, a certain level of natural and anthropogenic disturbance and spatial configuration of linear infrastructure on a range should trigger decision making to address the cumulative impacts of additional disturbance.²¹

We do not understand the value of the principle in this discussion paper that directs development to "appropriate locations" in order to reduce or avoid cumulative effects. This principle begs the question as to what is an "appropriate location" and why and who determines that in a cumulative way. It is unclear what this principle is based on and where this advice comes from. A regional cumulative effects assessment would be much more informative and relevant for providing advice to community based land use planning.

Monitoring is a critical component of understanding the consequences of decision making and the cumulative impacts (both spatially and temporally) of development and protection zones defined in planning. Ontario's Far North Science Advisory Panel urged Ontario to establish long-term, securely-funded monitoring programs coordinated between ministries, governments and researchers. More recently, the ECO recommended that "*MOE, MNR and MNDM make a statutory commitment to long-term environmental monitoring for the Far North, including the Ring of Fire*" (ECO 2012: 72).²² It seems that the role of Far North Land Use Strategy in the Act is intended to offer explicit guidance on both scientific and community-led monitoring (e.g., what, how, where) to address cumulative effects in an adaptive framework at both the community and broad scale or regional (watershed) scale.²³ However, there is little prescriptive guidance in the discussion paper.

We have seen a number of Ontario presentations by different ministry staff highlighting the importance of monitoring in the Ring of Fire, yet no details about a coordinated and regional approach have emerged for public review and comment. The Far North Land Use Strategy must address the need for scientific baseline research and monitoring explicitly, while finding better processes for considering traditional knowledge and supporting First Nations understanding of change on the land. We suggest that monitoring should be designed explicitly to address cumulative effects

²¹ Environment Canada, 2011. Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada: 2011 update. Ottawa, Ontario, Canada. 102 pp. plus appendices.

²² Environmental Commissioner of Ontario (ECO). 2013. Serving the Public, ECO Annual Report 2012-13. Environmental Commissioner of Ontario, Toronto, ON.

²³ Burton, A. C., D. Huggard, E. Bayne, J. Schieck, P. Solymos, T. Muhly, D. Farr, and S. Boutin. 2014. A framework for adaptive monitoring of the cumulative effects of human footprint on biodiversity. *Environ Monit Assess* **186**:3605-3617.

The discussion paper suggests that decision-support tools should be used to assess potential effects of different land use scenarios. While prudent advice, do these tools exist? Are they being used by Ministry staff to assess cumulative impacts of development and climate change to support decision making regarding zones of use? Public evidence from the community based land use plans released to date say little or nothing about cumulative effects.

Ultimately, the disconnect between environmental assessment where development approvals, mitigation, and cumulative effects assessment occur through the MOECC and MNRF's land use planning approaches and the lack of concrete advice in this discussion paper offer little confidence to the public that cumulative effects, at any scale, will be adequately addressed in Ontario's Far North.

Topic 5: Climate Change:

The discussion paper offers a good overview of the issue and Ontario's relevant research and reports on the subject. It could be more explicit about the fact that climate change is affecting the Far North disproportionately more than elsewhere in Ontario and perhaps on the planet. In addition, mitigation and adaption need to be treated, at least in the discussion document, as two different, but important aspects of the climate change issue from the perspective of planning. These are not seamless issues in terms of policy or strategic planning. For example, mitigation policy and planning is largely driven by provincial and federal commitments to greenhouse gas emissions, carbon trading, etc. None of Ontario's guidance is present here or adequately integrated into the broad-scale advice in this discussion paper.

Adaptation policy and planning is typically more local and perhaps relevant to community planning areas since communities are already dealing with responses to climate change in emergency management situations (e.g., flooding, fire, limited winter road seasons). While the emphasis on further research on the role of peatlands in climate change is relevant, we see very little attention in this document to the implications for species and ecosystems range shifts in response to climate change. Range shifts require attention in protected area planning and design as well as management of invasive species.

The role of the MOECC is missing in this section. Other topics highlight other ministries' roles and responsibilities (e.g., lead on mineral resources in Topic 6 by Ministry of Northern Development and Mines). We recommend MOECC roles and responsibilities be more prevalent in this topic in the next iteration with some understanding of how MNRF and MOECC will coordinate on providing broad-scale planning advice to communities given the reality of a rapidly changing climate.

The principles provided in this discussion document are relatively generic and offer little in terms of regional perspective on the value of peatlands and wetlands within either mitigation or adaption processes. As mentioned above, identifying these world-class ecosystems within the topic on Biodiversity or a new topic focused on Ecosystem Services would ensure these systems receive more attention in broad-scale planning guidance than solely in relation to climate change.

Topic 6: Areas of Natural Resource Value for Economic Development:

The overview provided makes explicit the link between identifying areas of potential economic development on First Nations territories to meet Objective 4 regarding sustainable economic development. As we mention above in our discussion on each Objective in the *Act*, we do not see how the current piecemeal planning processes either for environmental assessment or traditional territories can meet the sustainability test if this test isn't explicitly included in planning. We encourage MNRF to consider more carefully how a broad-scale sustainability test could be included in the Far North Land Use Strategy, particularly for the Ring of Fire. We suspect this would offer more useful guidance to community based planning and environmental assessment processes.

We are concerned about the inclusion of peat extraction. Extraction or use of peat as an alternative energy source contradicts directly with Ontario's provincial agenda to address climate change, conserve biodiversity or promote sustainable development in the Far North. The economic value of peat highlighted in this section biases the value of this resource given current lack of priorities around ecosystem services. Inclusion of peat as a resource for considering economic opportunity negates the emphasis in the *Act* about the "storage and sequestration of carbon in the Far North" (section 5). It is not clear to us how this objective the *Act* would be considered within an environmental assessment proposal for peat extraction should one ever come forward in community plans. While the Far North Science Advisory Panel Report highlighted the global significance of the peatlands in the Hudson Bay Lowlands for climate regulation, more recent research continues to highlight that the most significant threat to carbon stocks in peatlands is climate change.^{24 25}

It is not clear why commercial fisheries and live bait resources are not included in this section. While commercial fisheries have historically declined in the Far North for a variety of reasons, including contaminants and transportation costs given limited infrastructure²⁶, it is possible that these industries could become more viable given access facilitated through infrastructure plans associated with community base land use planning and the Ring of Fire. We have already seen an interest in commercial fisheries in approved community plans. For example, *Cheemuhnuhcheecheekuhtaykeehn* (Dedicated Protected Areas) for the Whitefeather Forest Land Use Strategy highlights an interest in commercial fisheries. It seems prudent to consider the role of commercial fisheries in this document since they will require broad-scale management. Ontario is currently examining live bait use and regulations and this should be relevant to the Far North as both a possible resource sector as well as implications for invasive species and tourism associated with fly-in recreational fisheries.

²⁴ Kurz, W. A., C. H. Shaw, C. Boisvenue, G. Stinson, J. Metsaranta, D. Leckie, A. Dyk, C. Smyth, and E. T. Neilson. 2013. Carbon in Canada's boreal forest — A synthesis. *Environmental Reviews* **21**:260-292.

²⁵ Carlson, M., J. Chen, S. Elgie, C. Henschel, A. Montenegro, N. Roulet, N. Scott, C. Tarnocai, and J. Wells. 2010. Maintaining the role of Canada's forests and peatlands in climate regulation. *Forestry Chronicle* **86**:434-443.

²⁶ Marshall, T. R. and N. E. Jones. 2011. Aquatic Ecosystems in the Far North of Ontario State of Knowledge. Ontario Ministry of Natural Resources.

Topic 7: Infrastructure:

In general, the principles seem appropriate, however strategic planning (currently the last bullet in guidance) should be moved to the list of principles. The need for strategic planning for infrastructure is a high priority, particularly for the Ring of Fire, given the inability of individual projects and their proponents to address regional social and ecological implications of infrastructure proposals as part of their projects. The lack of a dedicated regional approach to considering infrastructure means that community plans will need to be adjusted as new projects - through environmental assessment or other processes - create demand for infrastructure, increasing inefficiencies and inviting cumulative effects. We are concerned that relying on local planning teams to be aware of and reach out to other planning bodies continues to promote a piecemeal and inefficient approach to planning even if they do "incorporate flexibility into plans for reviewing and amending plans to consider new infrastructure". This issue alone would demand a more rigorous and critical assessment of cumulative effects (e.g., triggers, thresholds, indicators) both in community land use plans and at a broader scale (e.g., watersheds, caribou ranges). We recommend bringing the planning bodies together to determine the most efficient and least environmentally and socially damaging approaches to planning infrastructure and considering cumulative effects in a regional assessment process.

While most of the guidance in this section is generally acceptable, it offers little direct or useful advice to community based planning from a broad-scale perspective. For example, it is not clear what the broad-scale advice is to support identifying areas that are "appropriate" for infrastructure. The inherent trade-offs that need to be made in determining what is and isn't appropriate at a broad scale remains poorly described in this document. In addition, directing communities to "Provide access to areas of mineral potential" is problematic. A number of community-based land use planning areas already include varying numbers of mineral claims, especially in the Ring of Fire region. In addition, aerial access is not considered in either community plans or this document. Aerial access is relevant to both resource values associated with mineral development as well as the tourism sector.

Topic 9: Protected Area Design:

There is little context in the discussion paper for understanding how current mineral claims can be addressed if planning teams decide these areas are more valuable as protected areas. We see potential conflicts with advice on infrastructure around providing access to mineral claims and potential mineral areas.

While we respect the need for communities to determine where in their traditional territories protected areas should be designated, it remains a challenge for us to understand how this approach to planning protected areas can meet Objectives 2 and 3 of the *Act*. In particular, protected area design in the Far North must consider how to:

- maintain and support biodiversity and ecosystem service values related to intact watersheds.
- conserve migratory species (e.g., whitefish, brook trout, sturgeon, waterfowl, neotropical migrant bird species).
- conserve species that have large home ranges (e.g., wolverine).

- conserve species that require specialized habitats (e.g., caribou).
- conserve measures of intactness in ecosystems such as peatlands, wetlands, and forests to promote resilience against climate change given implications for First Nations communities, Aboriginal and treaty rights, and range shifts anticipated with changes to the Far North ecosystems.

These species, ecosystems, and processes transcend individual community planning boundaries and require a more thoughtful and careful approach to planning in general, and protected area planning design in particular. We suggest community based planning approaches consider a hierarchy of scales with various "filters" such as ecosystems (coarse) or species (fine) for planning. Even this limited approach is not emerging in practice and current practice is neither systematic, representative, nor able to address multiple scales. For example, despite the point on pg. 60 in the discussion paper that protected areas designations can "help to maintain intact healthy watersheds", they cannot do so if they don't consider the watershed scale to begin with. To date, other than Kitchenuhmaykoosib Inninuwug First Nation who are not engaged in planning with MNRF, watersheds at any scale have not emerged as a natural planning area boundary for communities. While current community plans may protect some values, the principles and guidance in this discussion paper are currently generic, aspatial, and non-scalar. As such, this document offers little relevant advice for protecting key species and ecosystems that are highly relevant to maintaining ecological and social integrity.

It is also evident in emergent community plans that communities are concerned about ecological and cultural integrity as it enables First Nations to continue to live on the land and harvest fish, wildlife and pursue other traditional resources in accordance with their Aboriginal and treaty rights. In addition, communities want to address long-standing concerns about the impacts of industrial development on these traditional resources. In scientific terms, ecosystem health is fundamental to the survival of First Nations and their cultures in the Far North. To address these visions, MNRF will need to develop a more explicit, broad-scale approach to planning that goes significantly beyond the current advice offered in the discussion paper. We encourage a watershed approach to planning with a variety of filters associated with the topics to address both conservation and development trajectories. We suggest that a planning process like this would offer far more relevant advice to communities on protected area design and planning.

We acknowledge the *Act* provides options for protected area regulations. We also encourage inclusion of other approaches to protection that may be more relevant to First Nations. Including the World Heritage Site (WHS) information in this document is important because this effort is coming from the First Nations themselves despite ample concerns internationally about the value of WHS to conserve social and ecological systems^{27, 28}. While the designation process is Eurocentric and not an Indigenous

²⁷ Turner, S. D. 2012. World Heritage Sites and the extractive industries. Available online at: [Available online at: https://www.icmm.com/document/3787](https://www.icmm.com/document/3787)

²⁸ <http://whc.unesco.org/en/soc/action=list&mode=chart>

one (but see Kitchenuhmaykoosib Inninuwug First Nation's water declaration²⁹), we have also encouraged, through our public comments on emerging community based land use plans in the Far North, consideration of the IUCN designations for protected areas governed and managed by Indigenous Peoples. Local communities and/or Indigenous Peoples worldwide are being increasingly recognized for their role in protecting and conserving biodiversity as well as cultural values through Indigenous Peoples and Community Conserved Territories and Areas (ICCAs). ICCAs are being officially recognized throughout the world, including North America³⁰, through the work of the ICCA Consortium.³¹ In the Far North "cultural landscapes", may also benefit for work being conducted internationally from the IUCN UNESCO Guidelines for Protected Area Managers on Sacred Natural Sites.³²

C-3 Policies on Designations and Amendments

What policy direction should the Strategy provide on categories of land use designations?

The designations developed by MNRF for existing community based land use plans are similar to designations used by indigenous peoples in other planning approaches in Canada³³. Given the options in the discussion paper, we suggest that the Strategy identify the three primary land use designations given the precedent set to date, but also enable additional land use designations. For example, Whitefeather Forest Land Use Strategy developed the Cultural Landscape Waterway zones mentioned on pg. 64 of the discussion paper.

Zoning approaches can only work well if there are precise and adaptive policies developed for each zone. We have very little information or evidence for how well these zones will work in meeting the broad-scale outcomes under Objectives 2 and 3 in the *Act*. The document provides little indication of how MNRF intends to ensure that the policies for each zone for each community can and will be "scaled-up" to create a cohesive vision and deliver the outcomes under Objectives 2 and 3 in a way that will maintain cultural and ecological functions and processes (*sensu* integrity). The Far North Land Use Strategy should provide direction and guidance on how this integration will happen. Without this guidance, we are left to wonder what the overall value of this Strategy is given these two objectives in the *Act*.

What policy direction should the Strategy provide on protected area designations?

Although the practice so far has been for communities to seek regulation for their designated protected areas under provincial legislation (Whitefeather Forest Land Use Strategy) and reaffirm existing Ontario parks (e.g., waterway parks in Cat Lake-Slate Falls Land Use Plan), we are not clear on the value of Approach 1. Is the intention to enable First Nations to protect land using their own approaches? We are unclear how a Approach 1 would this work in practice given development

²⁹ <http://www.greenpeace.org/canada/en/Blog/kitchenuhmaykoosib-inninuwug-first-nations-wa/blog/35723/>

³⁰ http://www.iccaconsortium.org/?page_id=192

³¹ http://www.iccaconsortium.org/?page_id=55

³² <http://sacrednaturalsites.org/projects/guidelines/>

³³ Booth, A. L. and B. R. Muir. 2011. Environmental and Land-Use Planning Approaches of Indigenous Groups in Canada: An Overview. *Journal of Environmental Policy & Planning* **13**:421-442.

interests or infrastructure needs for certainty? More importantly for the Far North Land Use Strategy, what are the implications of an undesignated protected area boundary in a broad-scale protected area design and plan? More clarification and context is required.

Sub-categories may provide more options for considering specific aspects of traditional territories that deserve to be protected. Again, we remain more concerned about how these categories of protected areas will meet vision and conservation and development outcomes identified in the *Act*.

We agree with the sub-category information listed and encourage more relevant approaches such as the use of IUCN categories of protection³⁴ that recognizes the role and responsibilities of Indigenous Peoples in Protected Area governance³⁵ and the guidelines on Sacred Natural Sites in protected areas.

Amendments to plans

We agree that the Far North Land Use Strategy should set out and describe the types of amendments. We also agree with the need to identify the process for amendments. In addition, we expect these proposals be posted to the Environmental Registry for public and third party review. We also anticipate that MNRF would maintain a database to advise interested parties when amendments are being considered. That said, we have had limited feedback on our comments on various aspects of community based plans in the Far North. We are uncertain how MNRF and the First Nation considers these comments in both planning and anticipated amendment processes. Finally, the Far North Land Use Strategy should identify how it will inform and affect completed community based land use plans given the very different time scales along which these two processes are unfolding.

In conclusion, we think the Far North Land Use Strategy is a key component for addressing Objectives 2 and 3 in the *Act*. Unfortunately, our experience in this process so far suggests that the Far North Land Use Strategy as envisioned by MNRF cannot serve a useful purpose in fulfillment of these objectives and the current version of the Strategy offers little understanding of how MNRF's approach to "knitting together" 31 resource-based land use plans can meet those objectives overall. Consequently, we are left to wonder about the merit and value of this current exercise.

Please contact Cheryl Chetkiewicz (cchetkiewicz@wcs.org or 807-472-1440) if you require further clarification or information regarding our comments.

Sincerely yours,



Cheryl Chetkiewicz, PhD



Justina Ray, PhD

³⁴ http://www.iucn.org/about/work/programmes/gpap_home/gpap_quality/gpap_pacategories/

³⁵ http://www.iucn.org/about/work/programmes/gpap_home/gpap_people/diversity_and_quality_of_protected_area_governance_2/

cc: Gord Miller, ECO

Appendix 1. Information about WCS Canada

WCS Canada (www.wcscanada.org) was established in May 2004 as a Canadian non-government organization with a mission to conserve wildlife and wildlands by improving our understanding of and seeking solutions to critical problems that threaten key species and large wild ecosystems throughout Canada. WCS Canada generates knowledge through research and tools for conservation of the northern boreal's fish and wildlife species and ecosystems and the services they support. WCS Canada provides this information to Government and First Nations' decision makers to create policies and governance systems that support conservation, sustainable use of biological resources, and best practices for industrial development.

Dr. Cheryl Chetkiewicz is an Associate Conservation Scientist and the Lead for Ontario's research and conservation efforts in Ontario's Far North. She is focused on regional scale research and planning in the Far North, specifically wildlife research and monitoring, cumulative impacts on wildlife, and strategic environmental assessment for the Ring of Fire.

Dr. Justina Ray is the President and Senior Scientist and has been engaged in field research in northern Ontario. She is one of the few biologists to spend significant time in this remote region over the last decade, with a specific focus on wolverine and caribou. Dr. Ray serves on MNRF's Provincial Caribou Technical Committee and co-authored the Wolverine Recovery Strategy. She was a member of MNR's Far North Science Advisory Panel.