

BRITISH COLUMBIA	Answers
1. When did regional planning begin and describe why it began?	<p>1. Prior to 1992 land use planning in British Columbia was conducted mostly in response to land use conflicts amongst various land and resource users. Plans were typical for watershed areas (10, 000ha) and were conducted by provincial government staff, who considered input from the public and on occasion tried to reach consensus amongst different land users. Coordinated planning on a regional scale began in 1992. Planning was initiated largely in response to increasingly intense land use conflicts in British Columbia such as the “war in the woods” on Vancouver Island that was characterized by mass protests, blockades and international trade barriers against timber companies. In response the Provincial Government established the Commission on Resources and Environment (CORE) to develop a provincial land use strategy that would resolve conflicts over protected areas and develop an integrated planning approach that would consider all resource values. CORE was disbanded in 1994 and smaller sub regional Land And Resource Management Plans (LRMPs) were started. Throughout these processes First Nations were invited to participate, but until recently First Nations rarely participated as more than observers. The completion of recent planning processes reflects better consultation with First Nations and some First Nations have signed strategic land use agreements with the Provincial Government (Forest Practice Board, 2008). Over the years various names have been given to regional plans in British Columbia, for the purposes of this review strategic land use plan (SLUP) will be used to collectively describe plans created under CORE, LRMP and strategic land use agreements.</p>
2. Describe the state of regional planning in the jurisdiction.	<p>2. To date 88% of the Provinces land base is covered by strategic land use plans (SLUP) (Government of British Columbia Strategic Land and Resource Planning n.d.). 95% of British Columbia’s total land base is Crown land, administered by the provincial government on behalf of British Columbians.</p>
3. What legislation guides the planning process? and describe the links to other legislation.	<p>3. Sustainable management of provincial Crown Land and resources is guided by legislation such as: <i>the Land Act,</i> <i>the Forest Act,</i> <i>Forest and Range Practices Act,</i> <i>the Wildlife Act and</i> <i>the Oil and Gas Activities Act</i></p> <p>As well as a comprehensive policy framework which is reflected in resource management objectives established through land use plans and legal orders (Government of British Columbia Strategic Land and Resource Planning n.d.).</p> <p><b>Other Planning documents affecting land use planning in BC</b> In 2008 the provincial government announced “A New Direction for Strategic Land Use Planning in BC”</p> <p>The “New Direction for Strategic Land Use Planning in BC” changes the nature of strategic land use planning in two important ways:</p>

	<ul style="list-style-type: none"> <li>• The role of the public stakeholder has changed from being one who has a seat at the planning table and is part of the consensus building exercise required to develop a plan, to being one who is consulted for input by plan preparers.</li> <li>• The goal of having comprehensive strategic land use plans in place for the entire province has been abandoned. Instead, planning will be done only when and where a need can be demonstrated through the development of a “business case.”</li> </ul>
4. What is the composition of the planning body?	4. The planning body is made up of representatives from stakeholder groups with interests in the planning region. The size of stakeholder groups (stakeholder tables) may vary from about six to 75 depending on the process and typically includes government, resource, environmental and community interests (Grzybowski, 2014, Frame, Gunton & Day 2004; Selin & Chavez, 1995; Susskind, Wansem, & Ciccarelli, 2003).
5. What land do the land use plans apply to?	5. Completed land use plans apply to British Columbia’s Crown owned land. Some First Nations have completed land use planning on their settlement land such as the Nisga’a Nation.
6. Describe the jurisdictions a. planning process (i.e what are the stages)	<p>6a. Depends on the era of planning during bulk of planning in BC (The Consensus seeking model from 1992-2006 CORE and LRMP) the following steps were followed:</p> <p><b>Pre-negotiation</b> Pre-negotiation begins with background preparation, which consists of forming the professional team, identifying potential stakeholders, and completing a conflict assessment that evaluates the nature of the conflict and options for resolution. The second step is to identify the stakeholder groups that will participate in the collaborative planning process and appoint representatives for each group (for the structure of a collaborative planning table see <a href="#">Appendix 1</a>). Training on the collaborative planning process is often provided to all participants. The third step is to prepare draft ground rules, or terms of reference that outline objectives, rules of procedure, roles and responsibilities, timelines, and logistics of the planning process. The terms of reference need to be reviewed and approved by stakeholders before they are implemented. The final step is to identify relevant facts and information required by the stakeholders for the planning process.</p> <p><b>Negotiation</b> The first step is to identify the interests of the stakeholders. The second step is to identify a broad range of options that meet the interests of the stakeholders. Third, negotiation techniques are utilised to choose among the various options to reach a final decision by consensus. Consensus is accomplished after every effort has been made to meet the interests of all stakeholders and when all members of the group agree that they can accept the decision. Plans may also be negotiated for monitoring and implementation strategies at this stage.</p>

**Post-negotiation**

The first step in this phase is to achieve required approvals (such as approval from Ministers, Chiefs and company leaders) of the agreement necessary to commence implementation.

The next step is to create a monitoring process to evaluate implementation, and to renegotiate components (if necessary) of the agreement affected by changing circumstances. (Grzybowski, 2014, Frame, Gunton & Day 2004; Selin & Chavez, 1995; Susskind, Wansem, & Ciccarelli, 2003).

In 2008 the Liberals initiated new policy direction towards land use planning. This new era of planning was similar to the LRMP process described above in that it still used a stakeholder table but the process added a second level of negotiations (two tier model) between the provincial government and First Nations Government. These negotiations began once the multi stakeholder table submitted their report for approval. With this new arrangement in place First Nations in BC were more willing to participate than they had been in previous land use planning processes (Morton, Gunton, and Day 2012).

In 2006, the ILMB published A New Direction for Strategic Land Use Planning in Be. The current phase of planning in BC is focused toward implementation of this 'new direction' (Government of British Columbia, 2006). The new policy reflects a general shift in focus away from LRMP-style planning to an emphasis on smaller-scale, more business oriented planning, with a greater role played by the Forest and Range Practices Act (FRPA) and what the BC Liberals refer to as 'results-based' management (Government of British Columbia, 2006). Some goals of the new direction that are relevant to future planning initiatives include the following:

1. Establish multi-stakeholder plan implementation monitoring committees (PIMC) for all LRMPs and SRMPs. Include First Nations.
2. Restrict comprehensive LRMP updates unless a business case is made. Updates to specific components are permitted, particularly in response to Mountain Pine Beetle.
3. Complete development of legal objectives for Ecosystem-based Management on the North/Central Coast and Haida Gwaii LRMPs.
4. Continue various planning commitments under Forest and Range Practices Act .
5. Drop the LRMP/SRMP terminology and rebrand as Strategic Land and Resource Plans (SLRP).
6. Restrict new strategic planning to the following priorities: to meet legal requirements, address conflicts, identify economic opportunities/constraints, and address First Nations' opportunities/constraints.
7. Continue building a framework for planning, funding support, and negotiation with First Nations on a government-to-government basis.
8. Ensure planning processes and government-to-government processes do not become surrogates for negotiating rights and title, treaty or individual land transactions with First Nations.
9. Establish a 3-year maximum time limit for ILMB funding for completion of various aspects of planning (i.e. conservancy planning, protected areas planning) after which implementing agencies are expected to contribute to

	costs. (Adapted from Government of British Columbia, 2006).
b. associated planning products.	6b. See <a href="#">Appendix 2</a> . For process visual and associated products.
7. Describe how the information gathering stage of the planning process is coordinated amongst the planning body.	7. In the final step of the pre negotiation stage, the stakeholder table identifies relevant facts and information required by the stakeholders for the planning process (Grzybowski 2014, Frame, Gunton & Day 2004; Selin & Chavez, 1995; Susskind, Wansem, & Ciccarelli, 2003).
8. Describe how conflicts between: a. the governments are addressed b. the stakeholders are addressed	8a.b. Planning process typically uses a neutral facilitator. Conflicts are ideally resolved at the stakeholder table where government and stakeholder interests are present (Frame et al., 2004). See <a href="#">Appendix 3</a> for example of conflict resolution mechanism for governments during the Atlin Taku River Tlingit land use planning process.  Example from the Haida Gwaii LRMP process  <b>Dispute Resolution Process</b> A graduated dispute resolution process has been designed to address potential disagreements that may arise within the land use planning process. The dispute resolution process will follow the steps outlined below, beginning with Step One. 1. Independent facilitation of meetings will ensure discussions uphold the principles of interest-based negotiation, and respect the interests of each party. 2. Where consensus cannot be reached at a Community Planning Forum meeting, working groups may be struck to negotiate possible solutions. 3. Where a consensus agreement still cannot be reached, an independent mediator may be brought in to mediate the disagreement. It is expected that most disputes will be addressed at or before this stage in the dispute resolution process. 4. At the end of the process, if consensus is not reached and options are prepared by the planning forum, then government to government discussions between representatives of the Provincial Government and the Council of the Haida Nation will be undertaken for substantive policy issues or options around the final package of agreements (Haida Gwaii Queen Charlotte Islands Land Use Plan Recommendations Report, 2006).
c. others involved, i.e. overseer and planning body	8c. Information not found.

<p>9. Describe how decisions are made amongst the planning body throughout the planning process.</p>	<p>9. Many of BC’s planning processes relied on Alternative Dispute Resolutions principles such as Principled Negotiation in order to try and reach a land use plan by Consensus. This style of decision making in a land use planning exercise is known as consensus based decision making or collaborative planning.</p> <p>Principled negotiation has five key principles that can be used in negotiations in a variety of contexts. By using these principles, participants engaged in a land use planning exercise can focus on fair, durable, and creative solutions that meet the legitimate interests of all Parties. The principles are:</p> <ul style="list-style-type: none"> <li>• Separate the people from the problem</li> <li>• Negotiations must focus on the underlying interests of participants instead of rigid positions</li> <li>• Participants must invent options for mutual gain</li> <li>• Participants must use objective criteria for evaluation Negotiators should know their best alternative to a negotiated agreement. In interest based negotiation theory, the best alternative to a negotiated agreement is the course of action that will be taken by a participant (or group of participants) if the current negotiations fail and an agreement cannot be reached. (Fisher &amp; Ury, 1981).</li> </ul> <p>Typically, collaborative planning processes use a process facilitator who employs various methods to ensure that all stakeholders are heard and respected and that discussions are based on stakeholders’ interests and not on arguments about predetermined positions (Frame et al., 2004). Many planning processes in BC used these or similar principles in order to make decisions through the planning process (Grzybowski, 2014).</p>
<p>9a. Describe who is employed to conduct the planning work, i.e. contractors, planning board staff, etc.</p>	<p>9a. Information not found.</p>
<p>10. Describe the role of the body who oversees the planning process</p>	<p><b>10. Integrated Land Management Bureau (WEBSITE NO LONGER ACTIVE)</b></p>
<p>11. Describe how the process is funded.</p>	<p><b>11. Participants are be funded by their sectors</b></p>
<p>12. Describe the role that the a. a .Provincial/Territorial government play during the planning process.</p>	<p>12a. Under the LRMP model, some provincial government staff facilitated the process, while others were involved in representing their agency’s interests. Government interests are stated throughout the process at the stakeholder table. Provincial Government representatives participate in both the stakeholder table and the second tier of negotiations.</p>

<p>b. First Nation(s)/ First Nation government(s) play during the planning process.</p>	<p>12b. First Nations were invited and encouraged to participate but, until recently, they rarely did, except as observers (Forest Practice Board, 2008). With the “New Direction for Strategic Land Use Planning in BC” in place First Nations in BC were more willing to participate than they had been in previous land use planning processes (Morton, et al., 2012). First Nations Government(s) representatives participate in both the stakeholder table and the second tier of negotiations. First Nations Government interests are stated both at the stakeholder table and in the second tier of negotiations.</p>															
<p>c. Stakeholders</p>	<p>12c. Stakeholders are involved during the multi stakeholder discussions and communicate their interests during this time (Grzybowski, 2014, Frame, Gunton &amp; Day 2004; Selin &amp; Chavez, 1995; Susskind, Wansem, &amp; Ciccarelli, 2003).</p>															
<p>And describe how these groups interests are communicated to the planning body?</p>	<p>See answers 12 a, b and c</p>															
<p>13. Describe the land designation system used in the jurisdiction</p>	<p>13. As a result of 2009 BC's LRMP process, approximately 85% of the provincial land-base is covered by SLUPs (Frame et al., 2004). Changes in land use resulting from are shown below</p> <table border="1" data-bbox="548 797 1915 1133"> <thead> <tr> <th>Land Use</th> <th>1991</th> <th>2009</th> </tr> </thead> <tbody> <tr> <td>Protected Areas</td> <td>5.6%</td> <td>14.3%</td> </tr> <tr> <td>Special Management</td> <td>0</td> <td>22.6%</td> </tr> <tr> <td>Intensive Resource Extraction</td> <td>0</td> <td>15.9%</td> </tr> <tr> <td>General Resource Use</td> <td>91.6%</td> <td>44.4%</td> </tr> </tbody> </table> <p>(Note table does not reflect regional plans completed after 2009 such as Wóoshtin wudidaa Atlin Taku Land Use Plan)</p> <p><b>Protected Areas</b> – Protects land and water from most types of development  <b>Special Management Area</b> – Place varying degrees of restriction on forestry in favour of other resource values such as tourism, recreation and environmental services.  <b>Intensive Resource Extraction and General Resource Use</b> – Industrial activities like mining, forestry are permitted (Frame, et al., 2004, Morton, et al., 2012).</p>	Land Use	1991	2009	Protected Areas	5.6%	14.3%	Special Management	0	22.6%	Intensive Resource Extraction	0	15.9%	General Resource Use	91.6%	44.4%
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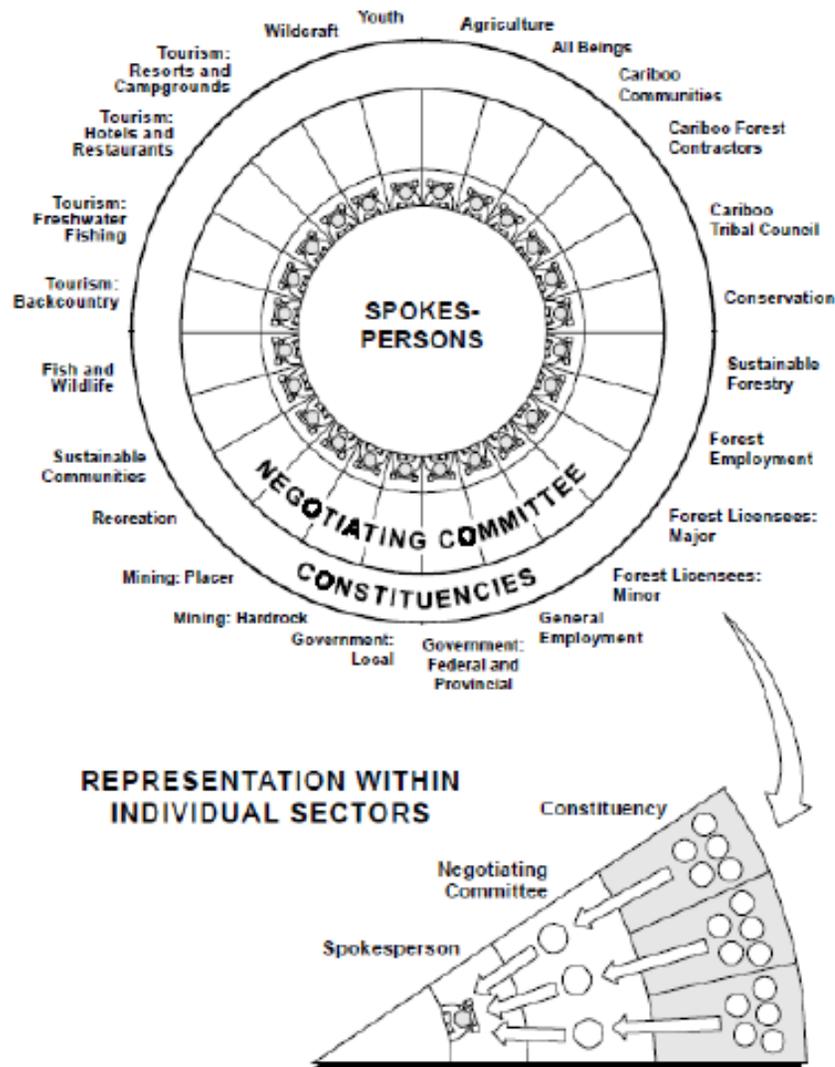
<p>14. How does the land designation system provide management direction? i.e. how do land users interact with the approved plan?</p>	<p>14. One example from forestry: Forest and range agreement holders must prepare plans (forest stewardship plans (FSPs) and range use or range stewardship plans, respectively) that specify results or strategies consistent with the objectives set by government in the regional land use plan (Forest Practice Board, 2008).</p> <p>According to <i>Land Use Planning for Nature, Climate and Communities, Taking Stock and Moving Forward</i>, most industries get a “free ride” from the parameters set out in the land use plan because of the way that strategic land use plans have been legalized and enforced. The authors state that most land use designations (outside of parks and conservancies) are legalized under either the Government Actions Regulation to the Forest and Range Practices Act (FRPA) or the Land Act section 93.4 (both of these legal tools apply only to forestry and range activities) and not other industries like mining and oil and gas (Clog and Carlson, 2012).</p>
<p>15. What are the stages of the approval process for a regional plan?</p>	<p>15. Under LRMP model Plan approval is a cabinet decision (Government of British Columbia, 2006). Where consensus amongst the planning table could not be achieved, staff from government agencies that were involved in the planning process finalized a set of recommendations that made up the basis for the approved plan (Forest Practice Board, 2008). Once approved land use objectives can become legalized through: the Forest and Range Practices Act, the Land Act and a series of “professional accountability acts” known collectively as the Forest and Range Practices Act regime (Forest Practice Board, 2008).</p> <p>Strategic land use plans are typically too general to be implemented as written and they need to be translated into operational direction. According to the Forest Practice Board The most secure route to implementing the objectives in a land use plan is through the creation of legal land use objectives under the Forest and Range Practices Act regime. However, this has only been accomplished for plans covering less than half the area of the province. The remainder of the province either has no approved plan or has a policy plan (Forest Practice Board, 2008).</p>
<p>16. Who is responsible for plan implementation and review?  a. How often are the plans reviewed?  b. How are variance and amendments handled?</p>	<p>16 ab. Land use plans in BC were not meant to be completed. Planning was to be an iterative process involving constant review by a <u>plan implementation monitoring committee</u>, with a full review every eight years involving the entire planning table. These reviews were meant to keep the plan relevant in a changing world. The role of plan implementation monitoring committee has been limited at best, and no plans have received a full review (Forest Practice Board, 2008).</p> <p>The LRMP Statement of Principles and Process states that “The land and resource management plan undergoes a major review beginning in the eighth year after approval and is completed on the tenth anniversary (Forest Practice Board, 2008).</p> <p>The LRMP Statement of Principles and Process stated that “all resource agencies, with the co- operation of the public, are responsible for monitoring resource management and development activities to assess compliance with</p>

	<p>land and resource management plans” (Forest Practice Board, 2008).</p> <p>SLUPs for which comprehensive lower level plans have been completed are more easily implemented at the operational scale. Some SLUPs have been effectively replaced by more detailed planning, which provides clearer, more up-to-date, direction. Agreement holders and government staff may choose to refer to these plans for direction, rather than to the SLUP (Forest Practice Board, 2008).</p>
<p>17. What is the average cost of regional planning processes in the jurisdiction?</p>	<p>17. The costs associated with strategic land use planning have varied substantially. The Belsey Report (2003) estimated that BC has invested about \$50 million in the past decade on SLUPs, as of 2008, estimates are closer to \$100 million. This amounts to about \$6 million/year since 1990 or about \$3.5 million per regional plan. (Government of British Columbia, 2006).</p> <p>The cost of implementing and monitoring SLUPs is estimated to range from between \$100,000 - \$800,000 per year, using the term “implementation” to mean activities that follow full completion of land use plans after a Cabinet decision has been made.</p>

## References

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## Appendix 1 Example of Collaborative Planning Stakeholder Table



(Source: Day, Gunton and Frame, 2003)

## Appendix 2 Land use planning process and associated product

Process Steps	Planning Products
1. Preliminary organization <ul style="list-style-type: none"> <li>• Set regional priorities</li> <li>• Identify agency commitments</li> <li>• Appoint and train interagency planning team</li> <li>• Contact public stakeholders</li> <li>• Identify preliminary issues and planning area</li> </ul>	<b>Agreement to make plan</b>
2. Information assembly and analysis <ul style="list-style-type: none"> <li>• Describe issues and links to other processes</li> <li>• Assemble resource inventories</li> <li>• Conduct resource analysis</li> </ul>	<b>Resource information reports</b> <b>Analytical reports</b> <b>Recommendations</b>
3. Plan development <ul style="list-style-type: none"> <li>• Define resources unit boundaries</li> <li>• Develop management objectives and strategies</li> <li>• Identify management scenarios</li> <li>• Analyze and assess impacts of scenarios</li> </ul>	<b>Land use zones</b> <b>Management strategies</b> <b>Alternatives for testing</b>
4. Building an agreement <ul style="list-style-type: none"> <li>• Strive for consensus on management direction or agree on a range of options</li> </ul>	<b>Consensus report or option report</b>
5. Approval <ul style="list-style-type: none"> <li>• Submit consensus report or options report for approval</li> <li>• Prepare final plans based on approval</li> </ul>	<b>Final plan</b>
6. Implementation	
7. Monitoring and review	<b>Monitoring report, research reports</b>
8. Amendment	<b>Amended plan</b>

Source: Thomas, 2007

## **Appendix 3 Taku River Tlingit Land use Planning Process Dispute Resolution Mechanism**

### **10 Disputes**

10.1 The Parties recognize that the successful implementation of this Framework Agreement, and the building of cooperative working relations, will depend upon their ability and willingness to recognize, explore and resolve differences, which arise between them.

10.2 The Parties will endeavour to resolve issues or disputes about the Framework Agreement or its implementation that may arise in a manner that allows for and fosters an improved, ongoing, and respectful Government to Government relationship between British Columbia and the Tlingit. The Parties will endeavour to use interest-based discussions.

10.3 If the Parties are unable to reach an agreement or resolve a disagreement respecting the interpretation or implementation of this Framework Agreement or any recommendation from the Forum, the co-chairs may:

10.3.a Exchange in writing a full description of the impasse, together with their concerns and interests and the proposed specific actions that could be taken to address the concerns and interests;

10.3.b Use non-binding facilitation and/or mediation;

10.3.c Forward the issue to the Responsible Officials or other senior representatives of the Parties for direction and/or assistance; and/or,

10.3.d Seek other appropriate dispute resolution measures as may be agreed upon by each Party.

10.4 Where mediation or any other facilitated process is agreed upon, the terms of reference and choice of mediator or facilitator will be mutually agreed upon by the Parties.

10.5 When an issue has been forwarded to the Responsible Officials pursuant to section 10.3 (c) then within 30 working days the Parties will jointly hold an education forum to inform the Responsible Officials of their respective concerns, interests, positions and recommendations. Following such forum, the Responsible Officials will determine whether they will assume responsibility for the resolution of the dispute or redirect or recommend the next steps towards resolution.

Source Taku River Tlingit, 2008