

Newfoundland	Answers
1. When did regional planning begin and describe why it began?	1. The Inuit of Nunatsiavut (Labrador), along with the governments of Canada and Newfoundland and Labrador, signed the Labrador Inuit Land Claims Agreement on January 22, 2005 (Labrador Inuit Land Claims Agreement, 2005). Chapter 10 (Land use Planning) of the Agreement outlines the process for land use planning in the Labrador Inuit Settlement Area. The Labrador Inuit Land Claims Agreement requires that a Regional Land Use Plan be developed to manage the use of land, water, and resources in the Labrador Inuit Settlement Area (LISA), including Labrador Inuit Lands (Nunatsiavut Government website, n.d.).
2. Describe the state of regional planning in the jurisdiction.	<p>2. A Regional Planning Authority (RPA) was established and developed a proposed Land Use Plan in accordance to the Labrador Inuit Land Claims Agreement for the Beneficiaries of Nunatsiavut. The Land Use Plan was submitted to provincial government in March 2011. To date, the proposed Land Use Plan has not yet been accepted by the province.</p> <p>According to a planning expert, after the Draft land use plan was submitted to the provincial government, the Nunatsiavut government approved it and the provincial government didn't. Instead, the province hired a consultant to write up a separate plan for LISA (that they had jurisdiction over) which has not been finalized and has created a lot of animosity between the governments and frustration with the process.</p>
a. How big are the planning regions?	<p>2a. The Labrador Inuit Settlement Area t covers an area of 72,520 sq. km. which is approximately a quarter of the area of Labrador or 65 percent of the area of the island of Newfoundland. It is comparable in size to the total area of the province of New Brunswick (Regional Planning Authority 2010).</p> <p>See <a href="#">Appendix 1</a> Map of Nunatsiavut</p>
3. What legislation guides the planning process? and describe the links to other legislation.	<p>3. The Regional Planning Authority shall prepare a single, comprehensive Land Use Plan for the Labrador Inuit Settlement Area following the procedures set out for preparation of a regional plan by a regional authority under the <b>Urban and Rural Planning Act, 2000</b>, as modified by Chapter 10 of the Labrador Inuit Land Claims Agreement, and for that purpose has the powers and shall carry out the functions of a regional authority under the Urban and Rural Planning Act, 2000, subject to Chapter 10 (Labrador Inuit Land Claims Agreement, 2005).</p> <p>See <a href="#">Appendix 2</a> for specific provisions of Chapter 10</p>

	<p><b>Links to other legislation</b></p> <p><i>The Oceans Act.</i></p> <p>Chapter 11(Labrador Inuit Land Claims Agreement) : Environmental Assessment</p> <p>No Project in Labrador Inuit Lands shall commence until an Environmental Assessment has been completed and all necessary permits, licences or other authorizations required for the Project to commence have been issued by the appropriate Authority, and by the Nunatsiavut Government under an Inuit Law (Labrador Inuit Land Claims Agreement, 2005).</p>
<p>4. What is the composition of the planning body?</p>	<p>4. According to the Inuit Land Claims Agreement, there shall be a Regional Planning Authority for the Labrador Inuit Settlement Area composed of four members having knowledge and experience in land use planning who shall be appointed jointly by the Province and the Nunatsiavut Government. Furthermore, the Regional Planning Authority shall direct the preparation of the draft of the Land Use Plan. The Regional Planning Authority shall disband and cease its operations once they have submitted a draft plan to both Governments (Labrador Inuit Land Claims Agreement, 2005).</p>
<p>5. What land do the land use plans apply to?</p>	<p>5. The land use plan applies to the Labrador Inuit Settlement Area which includes settlement land and non settlement land. The land use plan does not include Federal lands and waters (Labrador Inuit Land Claims Agreement, 2005).</p>
<p>6. Describe the jurisdictions</p> <p>a. planning process (i.e what are the stages)</p>	<p>6a. The Regional Planning Authority shall, after Consultation with their Planner:</p> <p>(a) Establish principles to guide land use planning in the Labrador Inuit Settlement Area;</p> <p>(b) Establish the objectives of the land use plan; and</p> <p>(c) Perform any other functions that may be agreed upon by the Regional Planning Authority, the Nunatsiavut Government and the Province (Labrador Inuit Land Claims Agreement, 2005).</p> <p>According to the Inuit Land Claims Agreement, a draft of the Land Use Plan shall be submitted (by the Regional Planning Authority) to the Province and the Nunatsiavut Government within three years from the Effective Date or within any other time period agreed to by the Province and the Nunatsiavut Government. Within 60 days from the date when the draft of the Land Use Plan is forwarded to the Nunatsiavut Government and the Minister, the Nunatsiavut Government and the Minister shall provide their recommendations and comments regarding the draft of the Land Use</p>

	<p>Plan to the Regional Planning Authority. The Regional Planning Authority may direct their land use Planner to revise the draft of the Land Use Plan. Upon completion of the process, the Regional Planning Authority shall forward the draft of the Land Use Plan or revised draft of the Land Use Plan to the Nunatsiavut Government and the Minister. The draft of the Land Use Plan shall be adopted in principle by the Minister and the Nunatsiavut Government.</p>
<p>b. associated planning products.</p>	<p>6b. According to the Urban and Rural Planning Act, a plan shall :</p> <ul style="list-style-type: none"> <li>(a) include a statement of the objectives of the plan;</li> <li>(b) indicate the policies to be implemented under the plan;</li> <li>(c) divide land into land use classes and the use that may be made in each class and shall include prohibited uses of land;</li> <li>(d) include proposals for land use zoning regulations;</li> <li>(e) include proposals for the implementation of the plan;</li> <li>(f) provide provisions with respect to non-conforming uses; and</li> <li>(g) provide for the development of the planning area for a 10 year period.</li> </ul> <p>(Government of Newfoundland and Labrador (2000)).</p>
<p>7. Describe how the information gathering stage of the planning process is coordinated amongst the planning body.</p>	<p>7. In order to understand the Labrador Inuit Settlement Area, the Regional Planning Authority obtained as much map data (including text documents and databases) as was available. Much of the detailed knowledge about the region has not been catalogued, but instead remains with the local Inuit people who know the land intimately (Procter &amp; Chaulk, 2010). During preparation of the Draft Land Use Plan the Regional Planning Authority held consultations in the five Inuit Communities of Hopedale, Makkovik, Nain, Postville and Rigolet as well as North West River and Happy Valley-Goose Bay. To gather information and feedback regarding the the Labrador Inuit Settlement Area (Regional Planning Authority, 2010).</p>
<p>8. Describe how conflicts between: a. the governments are addressed</p>	<p>8a. There are opportunities for governments to provide feedback to the Regional Planning Authority, mostly through reviewing and making comments on planning documents produced by the Regional Planning Authority (see excerpt below). Opportunities to communicate Government to Government appear limited and no specific conflict resolution mechanisms were noted while researching this jurisdiction.</p> <p>Below is a excerpt from <i>Nunatsiavut Land Use Planning: Structural and Political Issues</i> that describes the events from the planning process.</p> <p>As specified in the land claim agreement Chapter 10, community residents and the Nunatsiavut and Provincial Governments will review and comment on the plan at various stages of the drafting process. The first formal consultation about the draft plan occurred in early 2010, and the Regional</p>

	<p>Planning Authority has compiled and incorporated the comments that it received into the plan. It then sent the revised draft to both the Nunatsiavut Government and the Provincial Government for their review. At this stage, the two governments have the authority to suggest changes to sections of the plan that pertain to lands under their own jurisdiction. A newly-revised draft plan will then undergo a second round of community consultations under the guidance of a Commissioner, who will then write a report for the Regional Planning Authority on recommended changes. After further revision, the two governments will have another opportunity to modify the plan as it relates to their jurisdictions before approving it. Once the plan has been finalized and approved, it is legally binding on both the Nunatsiavut and Provincial governments (Procter &amp; Chaulk, 2010).</p>
b. the stakeholders are addressed	8b. The Regional Planning Authority consults with stakeholders throughout the process no conflict resolution mechanisms were noted while researching this jurisdiction.
c. others involved, i.e. overseer and planning body	8c. Information not found.
9. Describe how decisions are made amongst the planning body throughout the planning process.	9. The draft Land Use Plan was developed through public consultations within all of the Inuit Communities, and Happy Valley-Goose Bay, North West River, Mudlake, and St. John's. The Regional Planning Authority then appointed a commissioner to conduct public hearings throughout the province of Newfoundland and Labrador and to make recommendations on the draft plan. The Regional Planning Authority considered the comments made by the commissioner and submitted a draft plan to both the Nunatsiavut Government and the provincial government for consideration.
9a. Describe who is employed to conduct the planning work, i.e. contractors, planning board staff, etc.	9a. Land use planners are utilized by the Regional Planning Authority (Labrador Inuit Land Claims Agreement, 2005). According to a planning expert, the Provincial Government hired a consultant to assist them with creating a revised plan after the Regional Planning Authority submitted their Draft Land use Plan.
10. Describe the role of the body who oversees the planning process	10. Information not found.
11. Describe how the process is funded.	11. Information not found.

<p>12. Describe the role that the</p> <p>a. Provincial/Territorial government play during the planning process.</p>	<p>12a. Some of the Roles and Responsibilities of the Provincial Government during the planning process:</p> <ul style="list-style-type: none"> <li>• Publish mandate of Regional Planning Authority through press release.</li> <li>• Give full and fair consideration to views presented by Regional Planning Authority.</li> <li>• Review draft of Land Use Plan and submit recommendations to Regional Planning Authority within 60 days of receipt of draft Land Use Plan.</li> <li>• Review draft of the Land Use Plan proposed by Regional Planning Authority for Labrador Inuit Settlement Area outside Labrador Inuit Lands (LIL) and Water Use on Labrador Inuit Lands for compliance with Urban and Rural Planning Act, 2000.</li> <li>• Notify Nunatsiavut Government of intent to approve, modify or reject and substitute Land Use Plan for Water Use on Labrador Inuit Lands, while providing: <ul style="list-style-type: none"> <li>a) sufficient details;</li> <li>b) reasonable time frame for response.</li> </ul> </li> <li>• Give full and fair consideration to views presented by the Nunatsiavut Government.</li> <li>• Approve, modify or reject and substitute draft Land Use Plan for the Labrador Inuit Settlement Area outside Labrador Inuit Lands and Water Use on Labrador Inuit Lands.</li> <li>• Implement Land Use Plan in Labrador Inuit Settlement Area outside Labrador Inuit Lands and outside the Inuit Communities, and for Water Use in Labrador Inuit Lands.</li> <li>• Jointly establish procedures for conducting review, including whether to conduct public hearings.</li> <li>• Establish budget and funding responsibilities for review.</li> <li>• Implementation of the land use plan</li> </ul> <p>(Labrador Inuit Land Claims Agreement, 2005)</p> <p>See <a href="http://www.laa.gov.nl.ca/laa/land_claims/implementation/ch10.pdf">http://www.laa.gov.nl.ca/laa/land_claims/implementation/ch10.pdf</a> to see all roles and responsibilities of the Provincial Government .</p>
<p>b. First Nation(s)/ First Nation government(s) play during the planning process.</p>	<p>12b. Some of the Roles and Responsibilities of the Nunatsiavut Government during the planning process:</p> <ul style="list-style-type: none"> <li>• Publish mandate of Regional Planning Authority through press release.</li> <li>• Give full and fair consideration to views presented by Regional Planning Authority.</li> <li>• Review draft of Land Use Plan and submit recommendations to Regional Planning Authority within 60 days of receipt of draft Land Use Plan.</li> </ul>

	<ul style="list-style-type: none"> <li>• Review information as provided; prepare and submit views.</li> <li>• Review draft of Land Use Plan proposed by Regional Planning Authority for Labrador Inuit Lands, excluding Water Use.</li> <li>• Approve, modify or reject and substitute draft Land Use Plan for Labrador Inuit Lands excluding Water Use and notify the Minister of Municipal and Provincial Affairs of the decision.</li> <li>• Publish notice of Land Use Plan for Labrador Inuit Lands excluding Water Use in registry of Inuit Laws and provide copies to Canada, the Province - Department of Municipal and Provincial Affairs and the Inuit Community Governments.</li> <li>• Implement Land Use Plan for Labrador Inuit Lands excluding Water Use.</li> <li>• Implement Land Use Plan in the Inuit Communities.</li> <li>• Appoint representative(s) to conduct review and notify the other Government.</li> <li>• Jointly establish procedures for conducting review, including whether to conduct public hearings.</li> <li>• Establish budget and funding responsibilities for review.</li> <li>• Implementation of the land use plan.</li> </ul> <p>(Labrador Inuit Land Claims Agreement, 2005)</p>
c. Stakeholders	12c. Stakeholders are involved in the consultation events held by the Regional Planning Authority.
And describe how these groups interests are communicated to the planning body?	The Governments review planning documents and provide their comments to the Regional Planning Authority. The stakeholders (community members, industry, tourism, etc ) participate in the consultation events (Labrador Inuit Land Claims Agreement, 2005) .
13. Describe the land designation system used in the jurisdiction and comment on the consistency of the designation from planning region to planning region in the jurisdiction.	<p>13. <b>Note</b> that these land use designations are for the Draft Labrador Inuit Settlement Area plan, which was not ratified by the Provincial Government and do not apply to lands outside of Labrador Inuit Lands, furthermore this Draft document was revised. The land use designations for lands covering non Labrador Inuit Lands is still under development.</p> <p>Within Draft Labrador Inuit Settlement Area plan seven land use designations have been created. Including:</p> <ul style="list-style-type: none"> <li>• Torngat Mountains National Park Designation</li> <li>• Environmentally Sensitive Area Designation</li> </ul>

	<ul style="list-style-type: none"> <li>• Community Designation</li> <li>• Heritage Communities Designation</li> <li>• Traditional Use Designation</li> <li>• General Use Designation</li> <li>• Resource Development Designation</li> </ul> <p>See <a href="#">Appendix 3</a> for permitted land uses for each land use designation.</p> <p>Generally speaking, the land use designations go from the highest level of protection which restricts the types of uses that are permitted (i.e. Torngat Mountains National Park and Environmentally Sensitive Area designations) to designations which are known not to be as sensitive to development and where traditional usage, wildlife habitat and heritage and cultural features are not as prominent (i.e. Resource Development Designation) (Regional Planning Authority, 2010).</p>
<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. Once an approved plan is reached, any land use existing that does not conform with the Land Use Designations or policies of the plan shall be termed non-conforming. Such uses shall ultimately cease to exist so that the land may revert to a use in conformity with this Plan. See also <a href="#">Appendix 3</a> for permitted land uses for each land use designation. See <a href="#">Appendix 4</a> for a visual of the draft land use designation in the Labrador Inuit Settlement Area</p> <p><b>Note</b> It is unclear how the land use designation system provides management direction currently as the designations have not been finalized.</p>
<p>15. What are the stages of the approval process for a regional plan?</p>	<p>15. Nunatsiavut Government is responsible for the approval of this Plan as it applies to all Labrador Inuit Lands (LIL) including Specified Material Lands (SML). The Province is responsible for the approval of this Plan as it applies to all land within the Labrador Inuit Settlement Area (LISA) outside of Labrador Inuit Lands (Regional Planning Authority, 2010)</p> <p><b>Approval of the Land Use Plan from Labrador Inuit Land Claims Agreement, 2005</b></p> <p><b>For Provincial Government</b></p> <p>Within 90 days from the date of receipt of the draft of the Land Use Plan, the Minister shall, with respect to the Labrador Inuit Settlement Area outside Labrador Inuit Lands and with respect to Water Use in Labrador Inuit Lands, review the draft of the Land Use Plan under the Urban and Rural Planning Act, 2000. Upon completion of the review, the Minister shall, after Consulting the Nunatsiavut Government:</p>

	<p>(a) approve the draft of the Land Use Plan with or without conditions;  (b) modify the draft of the Land Use Plan; or  (c) reject the draft of the Land Use Plan and substitute a Land Use Plan for the Labrador Inuit Settlement Area outside Labrador Inuit Lands and for the Use of Water in Labrador Inuit Lands; and  (d) forthwith notify the Nunatsiavut Government of the decision.</p> <p><b>For Nunatsiavut Government</b></p> <p>Within 90 clear days from the date of receipt of the draft of the Land Use Plan, the Nunatsiavut Government shall, with respect to Labrador Inuit Lands shall:</p> <p>(a) approve the draft of the Land Use Plan with or without conditions;  (b) modify the draft of the Land Use Plan; or  (c) reject the draft of the Land Use Plan and substitute a Land Use Plan for a matter within the jurisdiction of the Nunatsiavut Government; and  (d) forthwith notify the Minister of the decision.</p> <p>Once the draft of the Land Use Plan has been approved, with or without conditions, modified or rejected and substituted it shall be brought into effect as the Land Use Plan in accordance with the procedures set out in part 10.7 of the Labrador Inuit Land Claims Agreement (Labrador Inuit Land Claims Agreement, 2005).</p>
<p>16. Who is responsible for plan implementation and review?</p>	<p>16. It is the responsibility of the Province and Nunatsiavut Government to implement the Plan.</p>
<p>a. How often are the plans reviewed?</p>	<p>16a. According to the Inuit Land Claims Agreement, The Nunatsiavut Government and the Minister shall jointly review the Land Use Plan, including the principles and objectives for the Land Use Plan that are established under section 10.3.9, every five years from the date when the Land Use Plan comes into effect everywhere in the Labrador Inuit Settlement Area (Labrador Inuit Land Claims Agreement, 2005).</p>

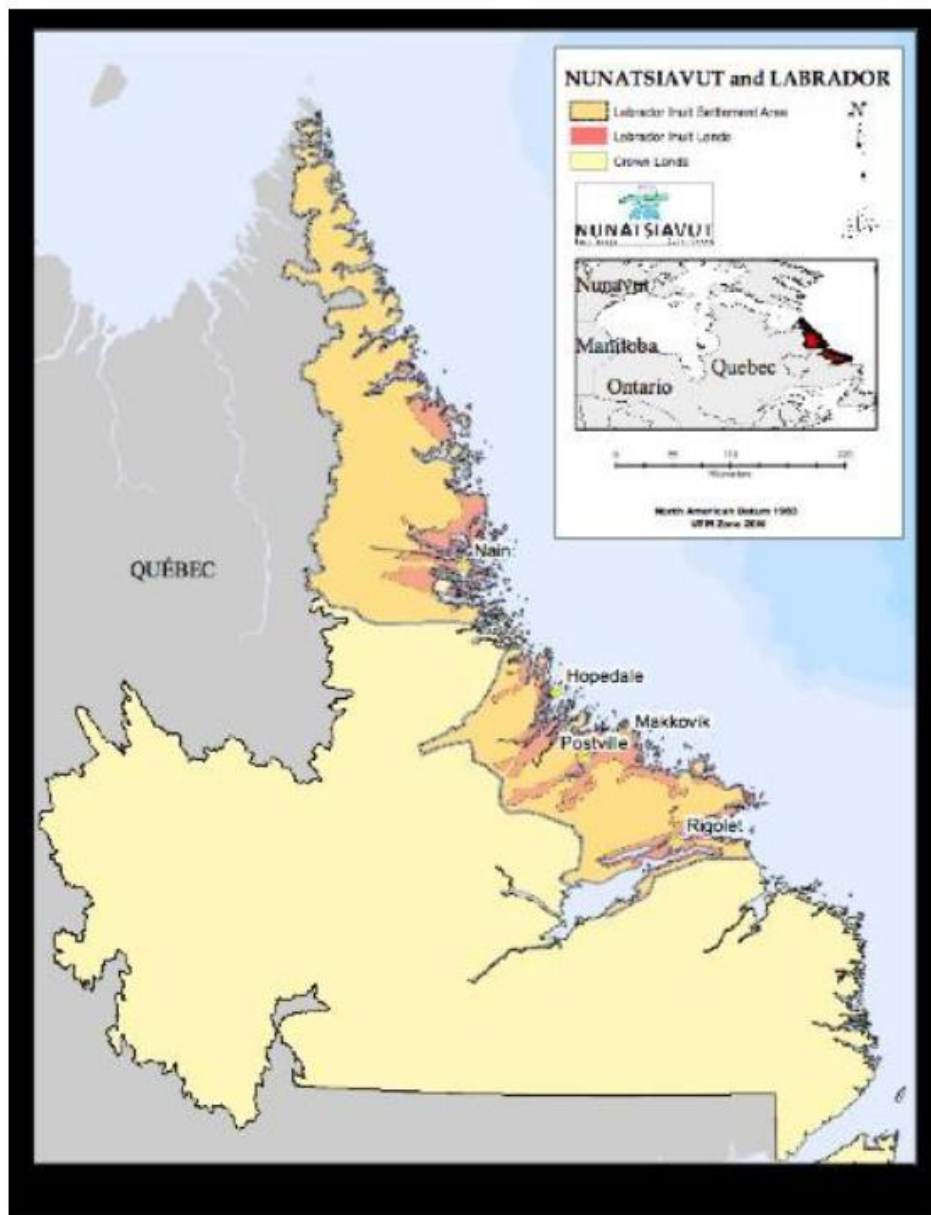


<p>b. How are variance and amendments handled?</p>	<p>16b. Recommendations for amendments to the Land Use Plan may be made by any Person to the Nunatsiavut Government or the Minister at any time after the Land Use Plan comes into effect.</p> <p>Nunatsiavut Government administers amendments within its jurisdictional area being Labrador Inuit Lands (LIL). Minister of Municipal Affairs administers amendments within its jurisdictional area being Labrador Inuit Settlement Area (LISA) outside of Labrador Inuit Lands. For matters within both jurisdictional areas, amendments will be administered jointly. See <a href="#">Appendix 5</a> flow chart for Amendments to the Regional Land Use Plan (Regional Planning Authority, 2010).</p>
<p>17. What is the average cost of regional planning processes in the jurisdiction?</p>	<p>17. Information not found.</p>

## References

- Labrador Inuit Land Claims Agreement, (2005). Retrieved from [https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/al\\_ldc\\_ccl\\_fagr\\_labi\\_labi\\_1307037470583\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/al_ldc_ccl_fagr_labi_labi_1307037470583_eng.pdf)
- Procter, A. & Chaulk, K., (2010). Nunatsiavut Land Use Planning: Structural and Political Issues Retrieved from [http://www.uqat.ca/isc-cei-2010/publications/Procter\\_Chaulk\\_CEI-ISC-2010.pdf](http://www.uqat.ca/isc-cei-2010/publications/Procter_Chaulk_CEI-ISC-2010.pdf)
- Government of Newfoundland and Labrador (2000). Urban and Rural Planning Act. Retrieved from <http://assembly.nl.ca/Legislation/sr/statutes/u08.htm>
- Regional Planning Authority. (2010). Draft Regional Land Use Plan for the Labrador Inuit Settlement Area. St. Johns and Happy Valley-Goose Bay.
- Nunatsiavut Government website (n.d.) Retrieved from <http://www.nunatsiavut.com/department/land-use-planning/>

## Appendix 1 Map of Nunatsiavut



Source Procter & Chaulk, 2010

## Appendix 2 Specific Provisions of Chapter 10

Section 10.4.3 of LILCA states that the Land Use Plan must provide for the management of land, water and resource use in the Labrador Inuit Settlement Area and shall take into consideration and account:

- (a) the natural resources of the Labrador Inuit Settlement Area, including water, and existing patterns of natural resource use
- (b) the health and quality of life of the residents of the Labrador Inuit Settlement Area
- (c) the economic needs of, and the economic opportunities that are and may be available to, the residents of the Labrador Inuit Settlement Area
- (d) Environmental considerations, including fish, fish habitat, aquatic plants, wildlife, plants and habitat
- (e) Protected Areas, National Parks, National Parks Reserves, National Marine Conservation Areas and National Marine Conservation Area Reserves
- (f) cultural factors and priorities, including the protection and preservation of Archaeological Sites, sites of religious or spiritual significance to Inuit, Inuit burial sites and Aullâsimavet (settlements, camps or places occupied by Inuit families or groups of Inuit on a seasonal, semi-permanent or permanent basis)
- (g) particular local and regional considerations
- (h) considerations respecting the management of estuarine, coastal and marine ecosystems
- (i) the rights of Inuit as set out in the Agreement
- (j) the mandatory and discretionary requirements for plans and regulations under the Urban and Rural Planning Act, 2000
- (k) any other factors that, in the opinion of the Regional Planning Authority and the Planner, are necessary or desirable

Source Labrador Inuit Land Claims Agreement, 2005

## **Appendix 3 – Draft Regional Land Use Plan for the Labrador Inuit Settlement Area Land Designations**

### **TORNGAT MOUNTAINS NATIONAL PARK DESIGNATION**

**Permitted Land Uses** The following uses are permitted in the Torngat Mountains National Park Designation:

- A park operated under the jurisdiction of Parks Canada with uses permitted by Parks Canada.
- Existing uses on land under the control of the federal government but not within the National Park boundaries such as radar stations and navigational sites can continue and may be expanded.
- For parcels of land not under federal jurisdiction, such as land grants in the Rowsell Harbour area, existing uses are permitted but no new buildings or structures may be established.

### **ENVIRONMENTALLY SENSITIVE AREA DESIGNATION**

**Permitted Land Uses** The following uses are permitted in the Environmentally Sensitive Area Designation:

- Traditional uses of hunting, fishing and gathering by Inuit as permitted in LILCA. However, no physical alteration to the land and no new buildings or structures will be permitted
- Winter trails and routes if the sensitive feature is seasonal in nature and is protected by snow and ice cover, or the species at risk is not present during snow cover
- Existing cabins and Aullâsimavet can be repaired and enlarged if such enlargement is no closer to the water's edge than the existing building

### **COMMUNITY DESIGNATION**

**Permitted Land Uses** Each Inuit Community Government shall determine the appropriate mix, type and density of the following permitted uses within their respective community.

- Residential
- Recreational
- Parkland
- Institutional
- Industrial
- Commercial
- Quarry to extract quarry material

## **HERITAGE AREA DESIGNATION**

**Permitted Land Uses** The following uses are permitted in Heritage Area Designation:

- Restoration and reconstruction of buildings and structures that historically existed within the communities
- Interpretation centre
- Accommodation for tourists and staff in buildings in keeping with the historic character of the community
- Cabins and tent sites for Inuit families

## **TRADITIONAL USE DESIGNATION**

**Permitted Land Uses** The following uses are permitted in Traditional Use Designation:

- Cabins, aullâsimavet and trap lines
- Conservation use • domestic tree harvesting
- Fish, wildlife, and forest management
- Flood and erosion control projects
- Forestry
- Outfitters and tourism uses
- Traditional use of land for hunting, fishing and gathering
- Transportation, infrastructure, and utilities
- Quarry to extract quarry material

## **GENERAL USE DESIGNATION**

**Land Uses Permitted** The following uses are permitted within the General Use Designation:

- Cabins, aullâsimavet and trap lines
- Conservation use
- Domestic tree harvesting
- Fish, wildlife, and forest management
- Flood and erosion control projects
- Forestry
- Mineral exploration and drilling sites including temporary camps
- Outfitters and tourism uses
- Traditional use of land for hunting, fishing and gathering

- Transportation, infrastructure, and utilities
- Quarry to extract quarry material

## **RESOURCE DEVELOPMENT DESIGNATION**

**Permitted Land Uses** The following uses are permitted within the Resource Development Designation:

- All uses permitted within the General Use Designation
- Mineral exploration and drilling sites including temporary camps
- Open pit or underground mining including milling/processing, tailings, overburden pile, maintenance facilities and ancillary uses such as accommodation for staff
- Reclamation and closure activities related to major development
- Quarry to extract quarry material

Source Regional Planning Authority, 2010

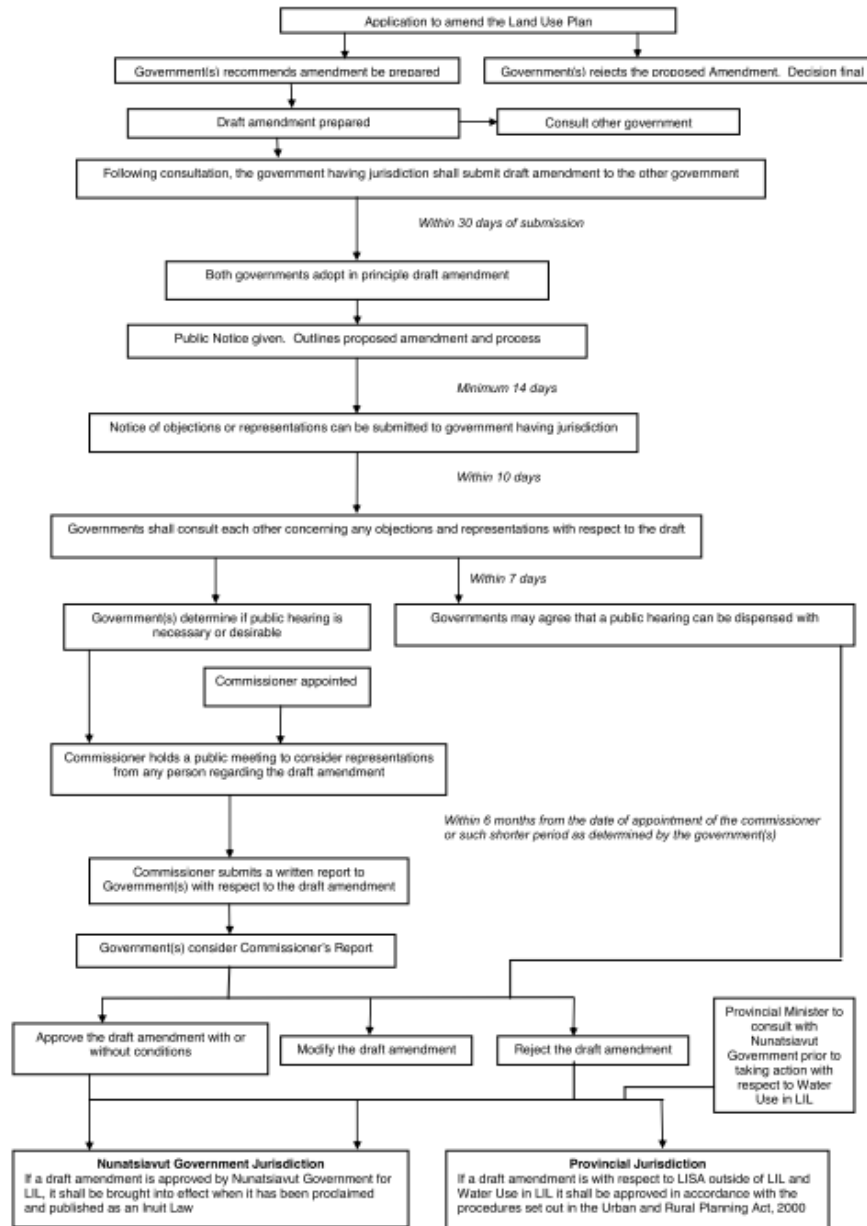
Appendix 4 – Draft Regional Land Use Plan for the Labrador Inuit Settlement Area, 2010 Land use Designation map



Source Procter & Chaulk, 2010



## Appendix 5 Amendments to the Regional Land Use Plan



Source Regional Planning Authority, 2010