

**For Sustainable, Harmonious
Development of Public Land**

**A NEW APPROACH
TO PUBLIC LAND USE PLANNING**

Consultation document

August 2003

TABLE OF CONTENTS

A Necessary Revision.....	1
New Policy Directions to Meet New Challenges	2
A Regionally Focussed Multi-stakeholder Process.....	3
The Land Use Planning Process: Guiding Steps.....	4
1. <i>Collection of basic information</i>	4
2. <i>Division of the territory into zones and description</i>	5
3. <i>Identification of issues and challenges</i>	5
4. <i>Definition of the government’s intentions</i>	6
5. <i>The assignment of use designation</i>	6
6. <i>Definition of specific objectives</i>	8
7. <i>Evaluation of impacts</i>	8
8. <i>Consultation</i>	8
9. <i>Approval</i>	9
10. <i>Implementation</i>	9
11. <i>Follow-up</i>	9
12. <i>Updating</i>	10
Conclusion.....	11
<i>A fictitious example of the planning process</i>	12
<i>Table 1: Typology of Use Designations</i>	7

A Necessary Revision

Québec has a landmass of nearly 1.7 million square kilometres with a remarkable diversity of landscapes and extensive natural resources. Public lands, which consist of both land and water areas, together with their natural resources, account for 92% of this vast expanse of territory. The contribution that these lands make to the economy is substantial. According to studies conducted in 1999 and 2001, natural resources and outdoor activities contributed \$24 billion in added value to Québec's gross domestic product! The public lands in the province also represent an inestimable source of biodiversity that must be preserved, just as it is important to preserve the diverse sociocultural characteristics of the populations that use this land.

In response to the many requests it receives for the use of public land, the government may assign a special status to certain areas (e.g. ecological reserves) or grant rights to occupy or use the land concerned (e.g. summer resort leases, stumpage fees). In 2003, there were more than 217,000 existing cases of rights and status designations affecting public lands. A number of Québec government departments and agencies are involved in the process of granting these different rights and status designations. This does not include the powers delegated to the municipal level for this purpose. The sharing of responsibilities among these different authorities, which stems from the diversity of uses and the large number of stakeholders involved, poses a considerable harmonization challenge in relation to integrated management of the territory. The Québec government, which must ensure the wise use of public lands on behalf of the entire population, has therefore mandated the Ministère des Ressources naturelles, de la Faune et des Parcs (MRNFP) to co-ordinate public land use planning.

In exercising this responsibility, the department uses a tool that is provided for in the *Act respecting the lands in the domain of the State*, the public land use plan. This plan determines the designation of land units with regard to the development and conservation of lands and resources, in keeping with the government's policies and objectives. The first land use plans, which date back to the early 1980s, consisted of a map that primarily showed the existing uses of public lands. This concept no longer meets the requirements of modern and efficient management by government. What today's managers really need is an instrument that provides **an integrated vision of the present and future use of public lands**. The MRNFP has therefore embarked on a revision of the land use planning process to ensure a more effective tool that supports socio-economic development and biodiversity protection.

To ensure the success of this revision process, the MRNFP first consulted its partners in the other Québec government departments and agencies. The consultation process is now being extended to the MRNFP's partners outside the government.

This document presents the key elements of the new land use planning approach. You are invited to provide suggestions and comments on this approach which, once approved with appropriate amendments, will lead to a new generation of public land use plans.

New Policy Directions to Meet New Challenges

The context of public land use management has changed since the advent of the first land use plans. The trends and needs that have emerged are now posing new challenges for land and resource managers. To help the Québec government departments and agencies concerned make informed decisions with regard to the use or protection of lands and resources, the new land use planning process is designed to delineate the government's broad goals in relation to public land, now and in the future. The land use plans developed through this new approach will therefore provide an integrated and progressive vision of the use of public land.

The policy directions that underpin the new land use planning approach are as follows:

- **Incorporation of economic, social and environmental dimensions**

Government stakeholders, local and regional organizations, as well as the general public hold high expectations in relation to new approaches for sustainable development and integrated resource management. That is why the economic, social and environmental characteristics of each portion of territory are taken into account in the new land use planning process. By incorporating all of these elements in a global perspective and a long-term vision, the new approach will foster an increase in the economic benefits accruing to the public from the land, while respecting the needs of the communities and protecting natural and cultural components.

- **Support for the socio-economic development of the regions**

In recent years, requests have been made to make public lands available for new products and services associated with such initiatives as leisure activities (adventure tourism), power generation (wind farms) and the harvesting of non-timber resources in the forest (essential oils, berries and mushrooms). Public land managers need to address these emerging needs while taking into account existing uses of lands and their potential. By encouraging the harmonious co-existence of diverse uses on public land, the land use plan will facilitate local and regional socio-economic development. Land use plans will also promote consistency in the long-term use of public land, which represents an essential guarantee for government stakeholders as well as for communities and investors.

- **Incorporation of regional concerns**

As with all policies concerning regional and rural development, those governing management of public land must address the particular characteristics of each region. In order to meet this challenge, mechanisms must be put in place that will allow all the interested parties in a given area to express their needs and expectations. Land use plans are drawn up in the regions so as to take account of regional realities more effectively. The new planning approach provides for the participation of all government stakeholders that deal with matters related to public land and the consultation of local and regional organizations, as well as Aboriginal communities.

- **Harmonization of government actions**

The division of responsibilities among the different sectors of the government

may sometimes lead to situations of conflict or incompatibility among the actions of the different government stakeholders. It is therefore necessary to ensure that land and resource managers abide by a common set of guidelines in the course of their interventions. By providing guidance for actions related to public land, the new land use planning approach will strengthen the coherence of government decisions related to public lands. From now on, the government's intentions (broad goals), the resulting use designations and the objectives contained in the land use plans will serve as a basis for guiding and harmonizing actions leading to the use of public lands.

A Regionally Focussed Multi-stakeholder Process

As manager of publicly owned lands and resources, the government must make decisions that address the concerns and priorities of the many parties affected by public land management. That is why the new planning process calls for the participation of all these stakeholders in the development of the land use plan, its implementation within a context of public land management, as well as in the follow-up and updating stages.

Land use plans are drawn up in the regions. The government intends to have plans prepared in all the administrative regions that contain public lands (except in the Laval and Montréal regions), namely in 15 of the 17 administrative regions of Québec.

Government stakeholders

Under the department's co-ordination, representatives from all activity sectors associated with public land development and conservation will participate in the planning process. The following Québec government departments and agencies are directly involved in the preparation of land use plans:

- Ministère des Affaires municipales, du Sport et du Loisir;
- Ministère de l'Agriculture, des Pêcheries et de l'Alimentation;
- Ministère de la Culture et des Communications;
- Ministère de l'Environnement;
- Ministère du Développement économique et régional;
- Ministère des Ressources naturelles, de la Faune et des Parcs;
- Ministère de la Sécurité publique;
- Ministère des Transports;
- Hydro-Québec.

During the plan development and implementation phases, relations among the government stakeholders shall be governed by the principles of collaborative action (constructive contribution, joint responsibility for contents, unified support for outcomes). Should a conflict arise within the working groups during the planning process, a dispute resolution mechanism will be used to reconcile the differences. This mechanism is based on the government's decision-making structure. Accordingly, full documentation of the case in dispute and the advantages and disadvantages of the available options will first be submitted to the managers in the region. Should they fail to reach agreement, the matter will be referred to higher levels of authority.

A dispute situation does not mean that the land use planning process cannot go ahead. If the disagreement cannot be resolved quickly, a *deferred use*

designation can be assigned. This can happen, for example, when additional studies or analyses are requested.

Stakeholders in local and regional communities and Aboriginal communities

Local and regional stakeholders and Aboriginal communities are also formally consulted as part of the public land use planning process. These consist of the following local and regional organizations and communities: regional county municipalities (RCMs) and municipalities outside RCMs that contain public land, the Kativik Regional Government, the Cree Regional Authority, the James Bay Advisory Committee on the Environment, Regional Development Councils (RDCs) and Aboriginal communities or the organizations representing them.

Government stakeholders and the organizations consulted must consider the needs, expectations, concerns and projects of their respective clientele. Accordingly, it is through them that the other users of public land (general public, various associations, etc.) can influence land use planning outcomes.

The Land Use Planning Process: Guiding Steps

The land use planning process is aimed at setting forth the government's intentions or broad goals for the use or protection of each zone or portion of public land.

The main steps in the process can be summarized as follows: basic information is first collected and analyzed in order to divide the territory or region into zones. For each zone, issues and challenges are identified so that the government's broad goals (intention) can be defined. A designation corresponding to the government's goals is then assigned. Specific objectives may be set forth, if

necessary, to clarify this intention or designation, along with the desired effects on the management or use of public land. The impacts of the proposed land use on existing rights and status designations are assessed, after which the plan is submitted to the consultative process. Following approval by Cabinet, the plan is implemented in the public land management context. It later undergoes follow-up and updating.

The sections below provide a more detailed picture of the planning process. A fictitious example of the approach in action is included at the end of the document.

1. Collection of basic information

Sound basic information is essential for making the public land use plan an effective and progressive tool. This information covers three areas:

- The context likely to influence the outcome of the planning process;
- Existing uses of the land;
- Potential uses of the land.

Information on **the context** is designed to reveal the elements that are likely to aid in decision-making related to the use of public land. It includes first and foremost the economic, sociocultural and environmental characteristics of the region in question. For example, economic data such as the main labour force indicators or the investment situation may be considered. From a sociocultural standpoint, some of the traditional customs of Aboriginal communities may turn out to be important elements. Environmental characteristics provide a focus for the compilation of general information on the natural components of the land.

Also included in the context are the strategic directions pursued by Québec government departments and agencies, along with policies arising from the local and regional community and Aboriginal

communities which impinge on land use planning.

All of this information is analyzed in order to identify the trends and factors that are likely to affect the choices to be made in relation to the use of public land.

The Ministère des Ressources naturelles, de la Faune et des Parcs is currently drawing up portraits of the land in all the regions of Québec. These will assist in delineating the context.

Existing uses include rights granted, such as rights to use land or resources and status designations, as in the case of protected areas and structured wildlife territories. Existing uses also include traditional use of land by the public for cultural or recreational purposes. These activities qualified as traditional must be taken into consideration even if no rights or protected status is associated with them.

Potential uses consist of data likely to modify existing uses. Projects, resource potential and specific elements fall into this category. Examples include projects to establish regional parks, protected areas and recreation and tourism development; potential for mining, power generation and archaeological investigations; and specific elements such as lands that have historical, cultural, aesthetic or ecological significance or natural phenomena that pose a risk for public safety (areas of erosion, flood zones, etc.).

To be included in the basic information, potential uses must satisfy a certain number of criteria. For instance, government projects must have the support of officials in the government department or agency that initiated them. Similarly, projects arising from the local and regional community and Aboriginal communities must be well documented and supported by the community. Potential for mining and other such activities must represent resources for which there is sufficient proof

to permit future use. Finally, specific elements must have special attributes or specific recognition at the national or regional level in order to be retained.

In the land use plan, existing and potential uses are portrayed by maps (given that all of them must be delimited) and also described in text.

2. Division of the territory into zones and description

The administrative region is the area proposed as a basis for planning public land use. This change in scale from the reference territory used in the past, namely the RCM, provides a broader perspective and a means of better reflecting the general goals (intentions) of the government. It also substantially reduces the number of land use plans that need to be approved: 15 plans now cover the totality of public land, compared with 84 in the past.

The public land in the administrative region is divided into **zones** that will be assigned a use designation. This division into zones is done with reference to existing uses and potential uses. Portions of land that are relatively homogenous in terms of associated uses and issues can be delimited by taking into account the existing rights, status designations, traditional activities, projects, development potential and specific elements. The areal extent of the zones delimited in this fashion will be variable.

Each zone is described by indicating the elements that distinguish it from adjacent zones and its economic, sociocultural and environmental characteristics.

3. Identification of issues and challenges

The description of each zone will make it possible to identify the issues and challenges with which managers must

grapple. This can have a decisive influence when a number of options are available for a given zone.

Some challenges may be economic in nature, such as employment maintenance or access to natural resources. Others are social and may concern use of the land by various populations or the very survival of certain communities. Yet others relate to the environment, for example, preserving the quality of a site or conserving sensitive environments. Finally, some challenges deal specifically with management, such as diversifying uses on public land or ensuring integrated resource management.

4. Definition of the government's intentions

By drawing on the basic information collected and the challenges identified for each zone, the government will outline its intention, or broad goals, with regard to use of the public land. For each zone, only one broad goal will be set forth, stated in general terms, because of the need, in many cases, to address a spectrum of interests. This intention corresponds to the government's general goal for each zone in terms of the use of public land.

For certain zones, when the government intends to confirm an existing use (e.g. a conservation park), this intention can be defined in a quasi-automatic manner. However, for other zones characterized by multiple challenges, a more in-depth analysis must be undertaken in order to consider various parameters such as the possibility of multiple uses, the priority accorded by the government, responsiveness to the needs and interests of local populations, the exceptional character of natural phenomena or the regional context.

5. The assignment of use designation

Once the government's intention has been defined for a given zone, a corresponding use designation will be assigned to it according to a new typology. This typology of use designations is designed to properly reflect the government's various intentions with regard to the use of public land.

The new designations indicate the nature of the intention, namely whether **a use is being allowed** or **priority is being given to protection**, and the applicable conditions (i.e. **exclusive use**, **priority use** or **multiple use**). These designations range from *use of land for a specific activity* through *strict protection* of the land. The typology also includes a *deferred use designation*, which applies to situations where the land use decision should be put off until later, for example, in order to have additional studies or analyses conducted or to enable the parties involved to reach agreement.

Designations are stated in general terms so as to reflect the government's intention. The names and definition given them therefore convey a general goal rather than identifying specific activities or uses.

The designation assigned to a portion of public land may confirm and extend an existing use or may signal a change in the existing use in the medium or long term. The latter is termed a projected designation. In the present typology, the notion of projected designation encompasses all the designations except for multiple use. A projected designation indicates that provisional rules apply in the management of resource use and the occupation and frequentation of land areas, the aim being to preserve the attributes of the land or minimize anticipated land use conflicts.

Table 1 presents the new typology. It provides definitions of the use designations and a few examples of potential application.

Table 1: Typology of Use Designations

Designation	Definition	Examples
<i>Specific use</i>	Exclusive use of lands or resources	Agricultural zone under production Mining
<i>Priority use</i>	Use of lands or resources on a priority basis, with all other activities being subordinated thereto	Hydro-electric project Research site Intensive silviculture Large-scale recreational development
<i>Multiple use with conditions</i>	Multipurpose use of lands and resources, subject to terms or rules that are adapted to specific environmental, landscape, cultural, social or economic conditions	Site used for traditional purposes by populations Regional park Archaeological sector Specific landscape Intramunicipal parts of public land Inhabited forest land Some structured wildlife territories Natural hazard area
<i>Multiple use</i>	Multipurpose use of lands and resources	Public land in general
<i>Protection</i>	Safeguarding of components of natural or cultural heritage	Wildlife habitat Heritage river Exceptional forest ecosystem Cultural landscape Historic site Sensitive environment
<i>Strict protection</i>	Preservation of areas that are rare, exceptional or representative of natural heritage, the associated biodiversity or cultural heritage	Ecological reserve Aquatic reserve Biodiversity reserve Park Floristic habitat Habitat of threatened wildlife species
<i>Deferred land use</i>	Deferral of the land use decision combined with provisional management measures	

6. Definition of specific objectives

It is sometimes necessary to add specific objectives to a designation in order to address particular characteristics identified for a zone in the course of gathering basic information or identifying the issues and challenges. By further clarifying the government's intention, these objectives permit better understanding of the general goals pursued and the expected outcomes

of public land use management in the zone concerned.

These objectives may apply to the entire zone or to parts of it. They may centre on particular activities or all the activities likely to be carried on there. When specific objectives are defined for a given zone, they are presented in conjunction with the government's intention and the designation.

Texts and Maps: The New Contents of Land Use Plans

Every land use plan will contain the following elements:

- *Summary of the land use planning process and list of the parties that participated in developing the plan and those consulted as part of the process;*
- *Basic information (context, existing uses and possible uses) consisting of both texts and maps;*
- *Division of the public land in the administrative region into zones (texts and map);*
- *Description of the zones (specific elements, economic, sociocultural and environmental characteristics), issues and challenges;*
- *The government's broad goals (intention) and the assigned use designations (texts and map). The land use map for each zone includes a table that sets out the pivotal arguments, government intention, assigned designation and, as needed, specific objectives and comments for the plan users.*

7. Evaluation of impacts

Although the definition of government intention and the assignment of use designations are done on a zone-by-zone basis, it is important to undertake a comprehensive analysis of the region to evaluate the effect of the proposed designation on existing rights and status designations. This evaluation of impacts is carried out once the planning process for the entire administrative region has been completed.

Every government participant is responsible for assessing the effects of the designations on existing uses. If one or more government stakeholders feel that there is an unacceptable impact, the analysis must start over at the stage of

defining the government's intention so as to attain effects that are acceptable to all those involved.

Incorporation of the impacts in land use plans facilitates decision-making by the responsible government officials at all levels.

8. Consultation

Once the Québec government departments and agencies involved have prepared a land use plan, formal consultations are held with local and regional organizations and with Aboriginal communities. The following local and regional communities and organizations are consulted: RCMs and municipalities located outside RCMs that contain public land, the Kativik Regional

Government, the Cree Regional Authority, the James Bay Advisory Committee on the Environment, RDCs and Aboriginal communities or the organizations representing them. These communities and organizations will examine the proposal and submit their comments to the Ministère des Ressources naturelles, de la Faune et des Parcs, which is responsible for coordinating the preparation of land use plans. Their comments may lead to adjustments to the proposed plan before it is submitted to the government for approval.

9. Approval

After the proposed land use plan has been accepted by the central administrative units of the government, it is submitted to Cabinet for approval. Land use plans take

effect at the time of their approval, thus superseding the existing land use plans.

10. Implementation

Once they become effective, land use plans are made available to government stakeholders so they can incorporate the broad goals, use designations and objectives in managing public land use. It is incumbent upon every government stakeholder to implement the land use plan in the exercise of sectoral management.

The land use plan is forwarded to the parties consulted during the planning process so that they can apply it in their own planning contexts. The plan is also made public.

Land Use Planning Using Advanced Technology

To facilitate their preparation and implementation, the new land use plans will be created using advanced technology that harnesses geomatics and communications capabilities. The SIGT (public land information and management system), designed and implemented by the Ministère des Ressources naturelles, de la Faune et des Parcs, will facilitate the development of land use plans and discussions among the stakeholders. All interested parties (government departments and agencies, local and regional organizations and Aboriginal communities) will have direct and cost-free access to the data required for the preparation, implementation, follow-up and updating of land use plans. The plans will also be available in conventional format.

11. Follow-up

Biennial follow-up is planned in order to inform Québec government departments and agencies about the actions undertaken in accordance with the public land use plan. This follow-up concerns zones with one or more of the following characteristics: the designation is aimed at modifying existing uses, necessitates adjustments to existing practices or sets out specific objectives.

Land and resource managers are called upon to provide the Ministère des Ressources naturelles, de la Faune et des

Parcs with the information necessary for follow-up.

12. Updating

Despite the large quantity of data collected at the start of the land use planning process, new situations may arise at some point that make it necessary to modify one or more land use plans. This could occur, for example, when a government stakeholder develops a new policy direction, when a new resource that has potential is discovered or when an important project is first initiated.

The effect of this new situation on the land use planning will be evaluated to determine whether the plan needs to be updated. If so, updating will be done by following the same process as for developing a plan. The portion of the administrative region that is affected depends on the scope of the changes involved. Any government stakeholder involved in the public land use planning process or any organization consulted from the local or regional area or Aboriginal communities may request an update.

In addition to these ad hoc updates, a systematic update exercise will be carried out every five years to determine whether the policy directions set out in the land use plans are still applicable and to bring them up to date, if necessary.

Conclusion

The new land use planning approach proposed here is designed to give the Québec government departments and agencies concerned greater knowledge of public lands and an integrated and progressive vision of their use. In this way, it will promote greater coherence of the actions taken with respect to public lands and harmonize the associated uses.

Every land use plan (prepared in the region in question) takes into consideration the region's particular characteristics, projects, potential and issues. All the government stakeholders concerned participate in this collective undertaking. During an initial consultation phase held within the government, the various departments and agencies indicated their support for the new approach, and the vast majority of them expressed their intention to implement it.

With the launch of the public consultation process, the communities, associations and non-governmental organizations involved in public land use management now have the chance to provide comments on the new planning approach. It is to be hoped that this consultation will generate ideas that will help to ensure that land use plans become a highly effective management tool supporting regional socio-economic development and biodiversity protection.