# GUIDE FOR CROWN LAND USE PLANNING

Ontario Ministry of Natural Resources
Policy Division
Natural Heritage, Lands and Protected Spaces Branch
Natural Heritage and Land Use Planning Section

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# GUIDE FOR CROWN LAND USE PLANNING

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## ABBREVIATIONS USED IN THE GUIDE FOR CROWN LAND USE PLANNING

| | |
|---|---|
| MNR | Ministry of Natural Resources |
| MNDMF | Ministry of Northern Development, Mines and Forestry |
| MOE | Ministry of Environment |
| MAH | Ministry of Municipal Affairs and Housing |
| MAA | Ministry of Aboriginal Affairs |
| | |
| The Guide | Guide for Crown Land Use Planning |
| CLUPA | Crown Land Use Policy Atlas |
| NHLUPS | Natural Heritage and Land Use Planning Section |
| LUS | Ontario's Living Legacy Land Use Strategy |
| EMA | Enhanced Management Area |
| GUA | General Use Area |
| SLUPs | Strategic Land Use Plans |
| DLUGs | District Land Use Guidelines |
| OLL | Ontario's Living Legacy |
| | |
| PPCRA | Provincial Parks and Conservation Reserves Act |
| PLA | Public Lands Act |
| EAA | Environmental Assessment Act |
| SEV | Statement of Environmental Values |
| AOU | Area of the Undertaking |
| ANSI | Area of Natural and Scientific Interest |
| PSMP | Provincially Significant Mineral Potential |
| OFAAB | Ontario Forest Accord Advisory Board |
| EBR | Environmental Bill of Rights |
| OLL Planning Area | Ontario Living Legacy Planning Area |

*NOTE: Referenced documents are hyperlinked in the Bibliography/Other References Section at the end of the Guide.*

# EXECUTIVE SUMMARY

The Introduction to the Guide for Crown Land Use Planning (hereafter referenced as "the Guide") outlines the nature of the direction provided by the Guide and the area where the direction must be applied. Key policies include:

- The Guide must be applied to all Crown land use planning carried out under the authority of the Public Lands Act, south of the Far North planning area. The Guide does not apply to land use planning for Crown lands in Ontario's Far North.
- The Guide provides many of the "policies and guidelines for land use planning" referred to in Section 12.1 (1) of the Public Lands Act.
- Within the portion of Ontario where the Guide applies, the direction outlined in any portion of the Guide that is defined as a "standard" is mandatory.

Part I of the Guide primarily consolidates existing provincial direction for Crown land use planning processes. This direction is derived from a range of sources such as the Ontario's Living Legacy Land Use Strategy (LUS), A Land Use Planning System for Ontario's Natural Resources, existing land use amendment procedures, the Ontario Forest Accord, technical guidance related to the Crown Land Use Policy Atlas (CLUPA), and other policies developed by the Ministry of Natural Resources (MNR) that have implications for Crown land use planning.

In terms of more significant changes or clarifications, Part I:

- updates principles for Crown land use planning processes (2.3);
- confirms MNR's intention to focus on maintaining CLUPA, rather than preparing the sub-regional land use plans which were proposed in 1997 (3.1);
- establishes categories of Crown land use planning (basic, complex and comprehensive) (3.2) with associated recommended planning approaches (Section 3.0);
- defines standard planning steps (3.3). This type of material was included in earlier Crown land use planning guidelines, but has been updated;
- provides guidance on the application of project management practices in Crown land use planning processes (3.3.2). This material focuses on the relationship between standard planning processes and project management processes and documentation;
- provides advice on the development of goals and objectives (3.3.4);
- outlines broad expectations for evaluation in Crown land use planning (3.3.6);
- provides direction on Aboriginal involvement in Crown land use planning (4.2), although detailed direction on Aboriginal consultation will primarily be provided at a Ministry or government level;
- increases emphasis on involving other ministries and municipalities (4.6, 4.7 and other locations);
- identifies the standard approval levels for a number of Crown land use planning decisions (5.0);
- clarifies the scope of Crown land use planning, and explains the roles of different parts of MNR in Crown land use planning (6.0);
- explains how broad policy is applied in Crown land use planning (7.0 and Appendix C);
- explains the relationship between provincial policy and local land use policies (7.2);
- distinguishes between Crown land use designations and values (8.5);
- formalizes interim protection policies for new protected areas. Interim protection policies have been applied in the past but they are updated and formalized in the Guide. (10.0);
- provides guidance on how to consider mineral resources, exploration and mining in Crown land use planning (11.0);
- explains Crown land use planning requirements for acquired lands (12.1); and
- explains the relationship of "Room to Grow" processes to Crown land use planning (12.2).

Part II of the Guide primarily consolidates existing provincial direction for Crown land use designations. This direction is derived from program policy (e.g., policies for Provincial Parks and Conservation Reserves) and the LUS. The Guide identifies one additional Crown land use designation, and includes clarifications or changes to the provincial policies for several categories of Enhanced Management Area (EMA). The most significant changes are:

- "Provincial Wildlife Area" is identified as a Crown land use designation (15.1, 16.3). This designation was not identified in the LUS because there were no formally

identified Provincial Wildlife Areas in the area that was covered by the LUS. There are about 40 in southern Ontario.

- The policies for "Forest Reserves" clarify that this designation has been applied to a few areas where there was pre-existing tenure under the Aggregate Resources Act. This application occurred as part of the development of the LUS. It is clarified that Forest Reserves are withdrawn from staking so that if a mining claim or lease is retired the area cannot be re-staked under the Mining Act. The policy states that few – if any – new Forest Reserves will be established. (16.4).
- The Guide confirms that "EMA" is a Crown land use designation, and that the EMA designation and associated policies can be applied in the portion of the province where the Guide applies, not just in the OLL Planning Area (see Figure 1). The question of broader application was not addressed in the LUS because the LUS only applied to the OLL Planning Area (16.0 and 16.5).
- The Guide provides some additional context for the application of the EMA designation. It recognizes that most of the provincial EMA policies are not highly detailed, and primarily provide a framework for the development of area-specific policies through local planning. It confirms that MNR does not intend to develop detailed provincial-level policies for EMAs. (16.5).
- Policies are outlined for a broader range of potential activities in EMAs, and a few other EMA policies are clarified. The revisions to policies for existing categories of EMAs include:
  - Policies related to mineral exploration and mining have been revised so that they are consistent with the Mining Act. The changes have been made because several of the policies that were outlined in the LUS went beyond the scope of MNR's planning authority. The rationale for the changes is discussed in Section 11.0.
  - References to "hydroelectric development" have been generalized to "generation of electricity." This change has been made because of the emerging development of other sources of renewable energy, including wind power and solar power. All of these energy generation activities have land use implications.
  - Policies on commercial non-industrial uses (e.g., bait harvesting and commercial fur harvesting) are now included for all EMA categories where these activities were not previously addressed. The policies outlined for these activities document the policies currently being applied.
  - In the discussion of the policies for most categories of EMAs a clarification is added that there is no guarantee of continued access for permitted commercial non-industrial activities because roads or trails may need to be closed for environmental, safety or financial reasons.
  - The role of the Natural Heritage EMA in providing partial protection has been clarified. The desirability of developing policies for the EMA as part of the Crown land use planning that establishes a Natural Heritage EMA, rather than deferring this to subsequent planning, is emphasized. (16.5.1).
  - Policies for Natural Heritage and Fish and Wildlife EMAs have been revised to confirm that commercial tourism is a permitted use. (16.5.1 and 16.5.4).
  - Several policies related to road planning or management in Remote Access EMAs are expanded or clarified. As an example, because of questions that arose regarding pedestrian and bicycle use, the LUS policy that "New roads will be restricted from public use" has been revised to read "New roads will not be open for motorized travel by the public." (16.5.3).
  - The discussion of the Great Lakes Coastal Areas EMA clarifies that few – if any – new EMAs in this category will be established. The policy on the development of new roads has been clarified. A clarification has also been added regarding the continued application of restrictions in land use plans that existed prior to the establishment of EMA policies and areas. (16.5.5).
- The proposals in the LUS to establish a Resource-Based Tourism EMA category and an Intensive Forestry EMA category are withdrawn. The rationale for removing these potential categories of EMA is outlined in 16.5.
- The policies for GUAs elaborate on those that were outlined in the LUS, based on the knowledge that was gained when GUA policies were consolidated into CLUPA. It is noted that the designation allows for the development of specific local policies through a planning process. (16.6).

- The discussion of Wilderness Areas established under the Wilderness Areas Act explains why MNR does not intend to establish any new areas under this Act. It also confirms the intent to rescind the Act at a later date through the proclamation of Section 66 of the Provincial Parks and Conservation Reserves Act. This would occur after a determination of the appropriate Crown land use designation for the small number of existing Wilderness Areas (16.7).
- Factors to consider in applying specific designations are outlined throughout Part II.

The Guide does not propose any revisions to existing policies for Provincial Parks or Conservation Reserves.

Where the Guide changes provincial policies for specific Crown land use designations, these revised policies will apply immediately upon the Guide's approval. Over time, the revised policies will be incorporated into policy reports in CLUPA, and other land use plans. This direction is subject to the qualifications outlined in 1.0 which indicate that the standards and policies established in the Guide do not apply in Far North land use planning.

# SOMMAIRE

L'introduction du Guide d'aménagement des terres de la Couronne (ci-après, « le Guide ») décrit la nature de l'orientation fournie par le Guide, ainsi que la zone visée par cette orientation. Voici quelques-unes des principales politiques établies :

- Le Guide doit s'appliquer à toutes les activités d'aménagement des terres de la Couronne qui sont menées en vertu de la *Loi sur les terres publiques* au sud de la zone d'aménagement du Grand Nord. Il ne vise pas l'aménagement des terres de la Couronne situées dans le Grand Nord de l'Ontario;
- Le Guide fournit un grand nombre des « politiques et des lignes directrices relatives à l'aménagement du territoire » qui sont mentionnées au paragraphe 12.1 (1) de la *Loi sur les terres publiques*;
- Pour la région de l'Ontario qui est visée par le Guide, l'orientation décrite dans toute partie du Guide et désignée comme une « norme » est obligatoire.

La partie I du Guide porte principalement sur l'orientation provinciale existante aux fins des processus de planification de l'aménagement des terres de la Couronne. Cette orientation provient d'un ensemble de sources telles que la Stratégie d'aménagement du territoire (SAT) du Patrimoine vital de l'Ontario, le système ontarien d'aménagement du territoire pour les richesses naturelles de l'Ontario, les procédures actuelles de modification de l'aménagement du territoire, l'Accord sur les forêts de l'Ontario, les conseils techniques relatifs à l'Atlas et politiques d'aménagement des terres de la Couronne (APATC), ainsi que d'autres politiques élaborées par le ministère des Richesses naturelles (MRN) et ayant des répercussions sur la planification de l'aménagement du territoire.

Pour ce qui est des modifications ou des clarifications les plus importantes, la partie I :

- met à jour les principes relatifs aux processus de planification de l'aménagement du territoire (2.3);
- confirme l'intention du MRN de se concentrer sur le maintien de l'APATC au lieu d'exécuter les plans sous-régionaux d'aménagement du territoire qui ont été proposés en 1997 (3.1);
- établit des catégories de planification de l'aménagement du territoire (élémentaire, complexe et globale) (3.2) avec les méthodes de planification connexes recommandées (Section 3.0);
- définit les étapes de planification standard (3.3). Cette documentation était incluse dans les lignes directrices antérieures sur la planification de l'aménagement du territoire, mais elle a été mise à jour;
- fournit des conseils sur l'application des pratiques de gestion de projet dans les processus de planification de l'aménagement du territoire (3.3.2). Cette documentation est axée sur la relation qui existe entre les méthodes de planification standard et les méthodes de gestion de projet et la documentation;
- fournit des conseils sur l'établissement de buts et d'objectifs (3.3.4);
- décrit brièvement les attentes générales concernant l'évaluation dans la planification de l'aménagement du territoire (3.3.6);
- fournit des conseils sur la participation des Autochtones à la planification de l'aménagement du territoire (4.2), même si l'orientation détaillée concernant la consultation des Autochtones proviendra principalement du ministère ou du gouvernement;
- met l'accent sur la participation d'autres ministères et municipalités (4.6, 4.7 et autres sections);
- établit les niveaux d'approbation normaux pour un certain nombre de décisions liées à la planification de l'aménagement du territoire (5.0);
- clarifie la portée de la planification de l'aménagement des terres de la Couronne et explique les rôles des différents secteurs du MRN dans cette planification (6.0);
- explique comment la politique générale s'applique à la planification de l'aménagement des terres de la Couronne (7.0 et annexe B);
- explique la relation qui existe entre la politique provinciale et les politiques locales d'aménagement du territoire (7.2);
- fait la distinction entre les désignations en matière d'aménagement du territoire et les valeurs (8.5);
- officialise les politiques de protection provisoire, surtout pour les nouvelles zones protégées mais aussi dans certaines circonstances, par exemple lorsqu'une cession immobilière proposée appuie le règlement d'une revendication territoriale. Des politiques de protection provisoire ont été appliquées dans le passé, mais elles sont mises à jour et rendues officielles dans le Guide (10.0);

- fournit des conseils sur la manière de tenir compte des ressources, de l'exploration et de l'exploitation minières dans la planification de l'aménagement du territoire (11.0);
- explique les exigences en matière de planification de l'aménagement du territoire pour les terres achetées (12.1);
- explique la relation des procédés « Espace de croissance » avec la planification de l'aménagement des terres de la Couronne (12.2).

La partie II du Guide porte principalement sur l'orientation provinciale existante aux fins des désignations en matière d'aménagement du territoire. Cette orientation provient des politiques relatives aux programmes (p. ex., politiques relatives aux parcs provinciaux et aux réserves de conservation) et de la SAT. Le Guide établit une désignation additionnelle en matière d'aménagement du territoire et comprend des clarifications ou des modifications aux politiques provinciales pour plusieurs catégories de zones de gestion valorisée (ZGV). Voici les plus importantes de ces modifications :

- La « zone faunique provinciale » est reconnue à titre de désignation en matière d'aménagement du territoire (15.1, 16.3). Cette désignation ne figurait pas dans la SAT parce qu'il n'y avait pas de zone faunique provinciale officiellement reconnue dans la région visée par la stratégie. On compte actuellement une quarantaine de ces zones dans le Sud de l'Ontario.
- Les politiques relatives aux « réserves forestières » précisent que cette désignation a été appliquée à quelques zones où était en vigueur une tenure en vertu de la Loi sur les ressources en agrégats. Cette application est survenue dans le cadre de l'élaboration de la SAT. On précise que les réserves forestières sont exclues du jalonnement, de sorte que si un claim ou un bail minier est abandonné, la zone ne peut pas être jalonnée de nouveau en vertu de la Loi sur les mines. Selon les politiques, peu de nouvelles réserves forestières (peut-être même aucune) seront établies (16.4).
- Le Guide confirme la « ZGV » à titre de désignation en matière d'aménagement du territoire, et maintient que la désignation de ZGV et les politiques connexes peuvent viser la région de la province où le Guide est applicable, et non seulement la zone de planification du Patrimoine vital de l'Ontario (voir la figure 1). La question de l'application élargie n'a pas été abordée dans la SAT parce que celle-ci vise uniquement la zone de planification du Patrimoine vital de l'Ontario (16.0 et 16.5).
- Le Guide offre un contexte supplémentaire pour l'application de la désignation de ZGV. Il reconnaît que la plupart des politiques provinciales sur les ZGV ne sont pas très détaillées et fournit principalement un cadre permettant d'élaborer des politiques propres à une région au moyen d'une planification locale. Il confirme également que le MRN n'a pas l'intention de créer de politiques provinciales détaillées pour les ZGV (16.5).
- Des politiques sont définies pour une plus vaste gamme d'activités possibles dans les ZGV et des éclaircissements sont fournis pour quelques autres politiques sur les ZGV. Voici quelques-unes des modifications apportées aux politiques relatives à des catégories existantes de ZGV :
  - Les politiques relatives à l'exploration et à l'exploitation minières ont été révisées de manière à les rendre conformes à la Loi sur les mines. Ces modifications ont été apportées parce que plusieurs des politiques qui étaient décrites dans la SAT dépassaient la compétence du MRN en matière de planification. Les raisons des modifications sont expliquées dans la Section 11.0.
  - Les références à « l'aménagement hydroélectrique » ont été remplacées par la mention plus générale de « production d'électricité ». Cette modification a été apportée en raison du développement d'autres sources d'énergie renouvelable, telles que l'énergie éolienne et l'énergie solaire. Toutes ces activités de production énergétique ont des répercussions sur l'aménagement du territoire.
  - Des politiques sur les utilisations commerciales non industrielles (p. ex., la pêche à l'appât et la récolte des fourrures) sont maintenant incluses pour toutes les catégories de ZGV dans lesquelles ces activités n'étaient pas abordées auparavant. Les politiques décrites pour ces activités étayent les politiques qui sont actuellement appliquées.
  - Dans la discussion sur les politiques de la plupart des catégories de ZGV, on a ajouté une précision selon laquelle rien ne garantit qu'un accès continu sera maintenu pour les activités commerciales non industrielles qui sont permises, car il est toujours possible que des routes ou des sentiers doivent être fermés pour des raisons d'ordre environnemental, sécuritaire ou financier.
  - Le rôle de la ZGV de catégorie « patrimoine naturel » dans l'apport d'une protection partielle a été éclairci. Le Guide met l'accent sur le fait qu'il est préférable d'élaborer les politiques liées aux ZGV dans le cadre de la planification de l'aménagement du territoire

qui permet d'établir des ZGV du patrimoine naturel plutôt que de remettre cette tâche à une planification subséquente (16.5.1).
  - Les politiques sur les ZGV des catégories « patrimoine naturel » et « poisson et faune » ont été révisées afin de confirmer que le tourisme commercial est une activité permise (16.5.1 et 16.5.4).
  - Plusieurs politiques relatives à la planification ou à la gestion des routes dans les ZGV de catégorie « région éloignée » ont été développées ou éclaircies. Par exemple, en raison des questions soulevées au sujet de l'activité piétonnière et de l'utilisation de vélos, la politique selon laquelle « les nouveaux chemins seront interdits au public » a été modifiée ainsi : « Les déplacements motorisés seront interdits au public sur les nouveaux chemins » (16.5.3).
  - La discussion ayant trait aux ZGV de catégorie « zones côtières des Grands Lacs » précise que peu de nouvelles ZGV (ou peut-être même aucune) seront créées dans cette catégorie. La politique sur l'établissement de nouveaux chemins a été éclaircie. Une clarification est également apportée en ce qui concerne le maintien de certaines restrictions qui sont contenues dans les plans d'aménagement du territoire et qui existaient avant l'établissement des ZGV et des politiques sur ces zones (16.5.5).
- Les propositions contenues dans la SAT pour établir la catégorie de ZGV « tourisme axé sur les ressources » et la catégorie « aménagement forestier intensif » sont supprimées. Les motifs expliquant la suppression de ces catégories possibles sont fournis à la Section 16.5.
- Les politiques relatives aux zones d'utilisation générale (ZUG) donnent des détails sur celles qui étaient décrites dans la SAT, d'après les connaissances qui ont été acquises lors du fusionnement des politiques sur les ZUG dans l'APATC. Il est mentionné que la désignation permet l'élaboration de politiques locales au cours d'un processus de planification (16.6).
- La discussion sur les régions sauvages établies en vertu de la Loi sur la protection des régions sauvages explique pourquoi le MRN n'a pas l'intention de créer de nouvelles régions conformément à cette loi. Elle confirme aussi l'intention d'abroger la loi à une date ultérieure par proclamation de l'article 66 de la *Loi de 2006 sur les parcs provinciaux et les réserves de conservation*. Cette mesure sera prise après que l'on aura déterminé la désignation appropriée en matière d'aménagement du territoire pour le petit nombre de régions sauvages qui existent (16.7).
- Les facteurs à prendre en considération dans l'application des désignations particulières sont décrits brièvement dans la partie II.

Le Guide ne propose aucune modification des politiques existantes pour les parcs provinciaux ou les réserves de conservation.

En ce qui concerne les politiques provinciales modifiées par le Guide et se rapportant à des désignations particulières en matière d'aménagement du territoire, ces politiques modifiées entreront en vigueur dès l'approbation du Guide. Avec le temps, les politiques modifiées seront incorporées dans les rapports d'orientation de l'APATC et dans d'autres plans d'aménagement du territoire. Cette orientation est donnée sous réserve des précisions énoncées à la Section 1.0, où il est indiqué que les normes et les politiques établies dans le Guide ne visent pas la planification de l'aménagement du Grand Nord.

# 1.0 INTRODUCTION TO THE GUIDE FOR CROWN LAND USE PLANNING

## WHO IS THE GUIDE FOR?

The Guide for Crown Land Use Planning (hereafter referenced as "the Guide") is primarily intended to provide guidance to MNR staff and other parties who are directly involved in Crown land use planning. The Guide also provides information about planning processes to other parties who are interested in Crown land use planning. Although the Guide is available to the public it is not intended to be a broadly-used public document.

## WHAT TOPICS DOES THE GUIDE COVER?

The Guide has two main parts, plus appendices. Part I focuses on planning processes, and outlines requirements and suggested approaches for Crown land use planning activities carried out by MNR or its partners for much of Ontario's Crown lands. Part I also describes the context for Crown land use planning. Part II of the Guide presents or summarizes the provincial-level policies for Crown land use designations. Appendix A compiles the mandatory requirements ("standards") that are presented throughout the Guide. Appendix B summarizes Crown land use planning processes by category, and Appendix C identifies the main policies that may influence Crown land use planning.

## WHY HAS THE GUIDE BEEN PREPARED?

The Guide has been developed because there is a need for consolidated and updated direction for Crown land use planning which:

- incorporates the use of web-based tools including the Crown Land Use Policy Atlas (CLUPA) and the Environmental Registry;
- deletes some dated Crown land use planning proposals (e.g., a 1997 proposal to prepare sub-regional land use plans) which has been replaced by an emphasis on updating existing land use plans by way of land use amendments;
- reflects the increased understanding of obligations related to Aboriginal engagement or consultation, and the increased emphasis on engaging other ministries and agencies in Crown land use planning;
- formalizes some of the planning approaches that have been applied in recent years;
- clarifies the policies for some Crown land use designations that were established in Ontario's Living Legacy Land Use Strategy (LUS);
- supports transparency and accountability in planning; and
- establishes the primary policies and guidelines for Crown land use planning, as referenced in Section 12 of the Public Lands Act.

## WHERE DOES THE GUIDE APPLY?

**STANDARD:** The Guide must be applied in all Crown land use planning carried out under the authority of the Public Lands Act, south of the Far North planning area (see Figure 1 – MNR's Crown Land Use Planning Areas).

The Guide applies to land use planning for Crown lands that cover about 45% of Ontario. The area of application includes the beds of the Ontario portion of the Great Lakes.

The Guide does not apply to land use planning for Crown lands in Ontario's Far North (i.e., north of Ontario's Living Legacy Planning Area (OLL Planning Area)). Most of this area is not currently covered by comprehensive land use plans. The Ontario Government is working with Aboriginal communities in the Far North to develop land use planning approaches that consider the area's unique cultural and environmental context. In this planning the standards and land use policies outlined in the Guide can be considered, but are not mandatory.

In the Guide the term "Crown land" is used to refer to all lands, including lands under water, managed by MNR. This term is used rather than "public lands" to avoid confusion with lands that are managed by the federal government and other public agencies such as conservation authorities.

The Guide does not deal with the involvement of MNR in land use planning carried out by other agencies.

FIGURE 1: **MNR'S CROWN LAND USE PLANNING AREAS**

## WHAT IS THE STATUS OF THE GUIDE?

The Guide provides some of the policies and guidelines for Crown land use planning referred to under Section 12.2(1) of the Public Lands Act, which states, "A land use plan shall be prepared in accordance with the land use planning policies and guidelines…".

The Guide primarily outlines a broad planning framework with some mandatory requirements referred to as "standards". There are other requirements that apply to some Crown land use planning projects, such as the "duty to consult" with Aboriginal peoples on specific types of proposals.

**STANDARD:** Within the portion of Ontario where the Guide applies, the direction outlined in any portion of the Guide that is identified as a "standard" is mandatory.

Crown land use planning processes can range from a land use amendment that makes minor changes to the policies for a small parcel of Crown land, to comprehensive planning for tens of thousands of square kilometres. Specific planning processes need to be tailored to fit the scope and nature of the issues that are being dealt with, the geographic scale of the planning, and the nature of public interest. Because of this range in planning situations, most of the Guide provides advice or suggested best practices.

**STANDARD:** The implementation of the Guide will involve a transitional period. After the Guide is approved all Crown land use planning that is started within the area where the Guide applies must follow the direction outlined in the Guide. Planning processes that were started prior to the approval of the Guide will need to consider the relevant requirements, but discretion can be used in the application of specific direction.

## WHAT DOES THE GUIDE REPLACE OR UPDATE?

The Guide replaces the 1997 paper, A Land Use Planning System for Ontario's Natural Resources, and earlier guidelines for Crown land use planning.

Several sections of the LUS have been moved to the Guide, with updates, because the material outlines policy for planning processes or Crown land use designations that is applicable to more than the OLL Planning Area. Some local direction for Crown land use planning processes continues to apply.

## CONSIDERATION OF THE STATEMENT OF ENVIRONMENTAL VALUES

MNR has prepared a Statement of Environmental Values (SEV) under the Environmental Bill of Rights (EBR). The SEV describes how the purposes of the EBR are to be considered whenever decisions that might significantly affect the environment are made in MNR. MNR has considered its SEV during the development of the Guide. The Guide is intended to reflect the direction set out in the SEV and to further the objectives of managing Ontario's natural resources on a sustainable basis.

## WHAT IS THE RELATIONSHIP TO OTHER MNR DOCUMENTS PROVIDING DIRECTION FOR CROWN LAND USE PLANNING?

The Guide is supplemented by MNR procedures, which identify more specific procedural requirements, and by other technical guidance documents which provide advice to MNR staff involved in planning projects. Some of these supporting documents exist while others may be developed in the future. Supporting documents will be consistent with the Guide and, where necessary, existing supporting documents will be amended.

## WHERE IS THE GUIDE AVAILABLE?

The Guide will be available as a printable PDF document accessible from MNR's internet and intranet websites.

## HOW WILL THE GUIDE BE MAINTAINED?

Amendments to the Guide will vary in significance. The significance of a proposed amendment will determine the nature of the public review and required approvals. (See Section 13.0 for further direction on updating the Guide.)

# PART I: POLICIES FOR CROWN LAND USE PLANNING PROCESSES

# 2.0 CROWN LAND USE PLANNING IN ONTARIO – OVERVIEW AND CONTEXT

## 2.1 ROLE OF MNR IN LAND AND RESOURCE MANAGEMENT

MNR manages Provincial Parks and Conservation Reserves, forests, fish, wildlife, Crown lands and waters, aggregates, petroleum and salt resources to provide sustainable environmental, social and economic benefits. As part of this management, MNR provides leadership in the development and application of geographic information. MNR protects life, property and natural resources from the effects of forest fires, floods and drought.

Within the Ontario Government, MNR has the lead role for the care and management of Ontario's Crown land and water, which covers about 87 per cent of the province. Many of MNR's objectives are achieved through the use of this land. Other ministries also have a significant role in the management of Crown land and water, for example the Mining Act gives the Ministry of Northern Development, Mines and Forestry (MNDMF) the primary role in the management of most mineral resources. A number of ministries, including the Ministry of Tourism, the Ministry of Transportation and the Ministry of the Environment have focused mandates related to specific aspects of the management of Ontario's Crown land and waters.

## 2.2 CROWN LAND USE PLANNING OVERVIEW

To facilitate an orderly and predictable means of arriving at sound decisions for allocating and managing Ontario's natural resources, MNR employs a variety of planning processes that:

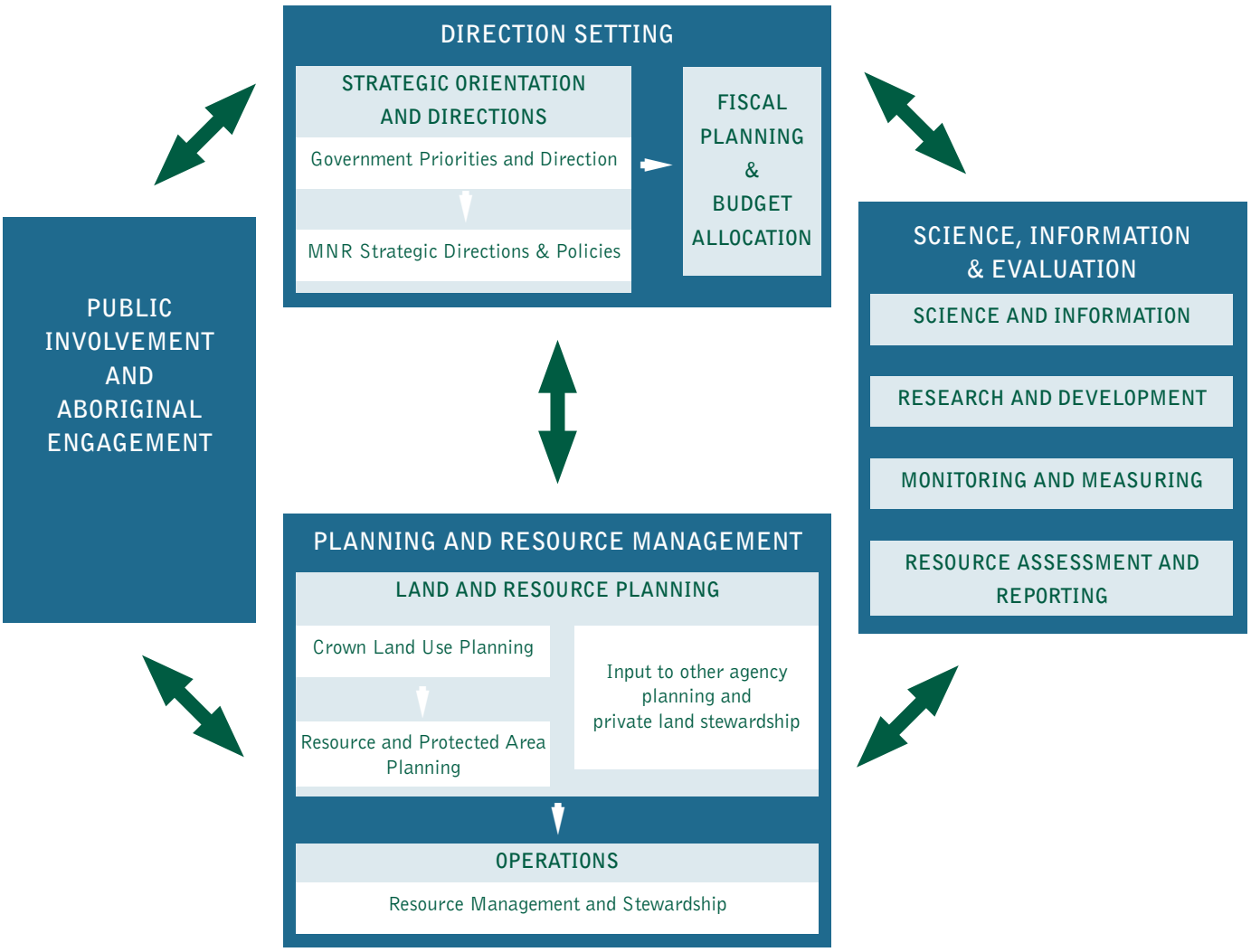
- differentiate among policy decisions (e.g., strategic planning and land use planning) and management decisions (e.g., resource management plans);
- provide partners and the general public with opportunities to participate in and influence the development of strategic, land use and resource management decisions;
- provide Aboriginal peoples with opportunities to participate in and influence the development of strategic, land use and resource management decisions in ways that consider the traditions and approaches of Aboriginal communities, and address any applicable legal obligations for Aboriginal consultation;
- provide a record of the natural resource issues, objectives, information, analyses and outcomes considered in and resulting from natural resource planning and decision making; and
- ensure consistent and predictable approaches are applied when decisions are made at various spatial scales.

The relationship of MNR's Crown land use planning processes to MNR's broad policy, planning and management system is graphically portrayed in Figure 2. This figure illustrates how Crown land use planning is directed by a variety of sources of policy or other direction, including government priorities and direction, MNR strategic directions and MNR program policies. (The role of legislation, policy and government direction in Crown land use planning is discussed in more detail in Section 7.1.) Crown land use planning in turn provides direction for a variety of resource planning and management processes carried out by MNR and partners. Planning relies heavily on science and information in order to make informed decisions.

Land use policy plays an important role in:

- ensuring the orderly allocation and management of Ontario's Crown lands and resources;
- applying government and ministry policy that requires the allocation and sustainable management of land;
- providing context for more detailed resource management planning and the planning of projects and activities; and
- communicating how land use policies apply to local areas.

FIGURE 2: **MNR POLICY, LAND USE PLANNING AND RESOURCE MANAGEMENT FRAMEWORK**




In allocating lands and establishing guidelines for resource activities, MNR supports the achievement of provincial policy and program objectives, while striving to find a suitable balance among public preferences, competing uses and anticipated implications. These multiple objectives and considerations must consider MNR's commitment to sustainable development and ecological sustainability. In all Crown land use planning, even planning that will result in relatively minor changes to local land use policies, it is essential to consider the broad context. All land use areas are part of a broader landscape, and planning decisions must consider the context and linkages. In carrying out planning MNR also considers a range of legal obligations.

## EVOLUTION OF CROWN LAND USE PLANNING

MNR has carried out systematic planning for Crown lands and resources for decades. In the late 1970s and early 1980s, MNR conducted a landmark program of Crown land use planning which resulted in the approval of regional Strategic Land Use Plans (SLUPs) and District Land Use Guidelines (DLUGs), which covered much of the province. From the 1960's to the present a variety of land use plans have been prepared for local areas.

From 1997 to 1999, MNR carried out the Lands for Life planning project, which led to the approval in 1999 of the Ontario's Living Legacy Land Use Strategy (LUS), a land use strategy for Crown lands in central to mid-northern Ontario (see Figure 1). The Ontario's Living Legacy Planning Area (OLL Planning Area) was generally similar

to the "Area of the Undertaking" (AOU), which is the area where MNR has coverage under the Environmental Assessment Act that permits commercial forest management on Crown lands.

Because the LUS overlaid existing land use plans, there was some uncertainty about the relationship to existing planning policies. In 2004 MNR launched the on-line Crown Land Use Policy Atlas (CLUPA) which consolidated land use policy direction for Crown lands in the OLL Planning Area plus some adjacent areas (e.g., Manitoulin Island). The consolidated direction was derived from a variety of planning documents, including DLUGs, other local land use plans that had been prepared by MNR, and the LUS. CLUPA is updated as a result of planning processes or policy changes. CLUPA is also the central site for presenting proposed and approved land use amendments.

Land use direction for the limited area of Crown land in southern Ontario (south of the OLL Planning Area) is provided by the DLUGs and other local planning documents prepared by MNR. Direction for the management of specific areas is also provided by provincial plans such as the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Plan and the Niagara Escarpment Plan. Most of Ontario's Far North is not covered by approved land use plans. A community based land use planning approach was established in 2002, providing a planning framework for First Nations associated with the Northern Boreal Initiative (NBI). NBI applied to a band of land north of the AOU. In 2006, the land use strategy for the Whitefeather Forest became the first approved plan under this framework. Under the NBI, several other locations with an interest in commercial forestry also began the process of developing community based land use plans.

The Far North Land Use Planning Initiative was announced in July 2008 with a commitment to protect at least 225,000 square kilometres of the Far North through community based land use planning with First Nations. The Far North Act sets out the joint land use planning process between First Nations and Ontario. The process includes First Nations and Ontario working together to decide which lands in the Far North will be protected and which lands will be open for sustainable economic development.

The Far North Planning Initiative provides the framework to incorporate all of Ontario's Far North planning interests and needs, including all existing and ongoing plans within the NBI area.

### Land Use Plans and Area-specific Land Use Policies

Land use direction that applies to a defined area in the province is called "area-specific land use policy". These policies may apply to a very small area or could apply to a large portion of the province. Area-specific land use policies are usually developed through Crown land use planning processes, and can be documented in variety of different types of documents or electronic data bases.

Section 12.3 (1) of the Public Lands Act states that "All activities carried out within a planning unit…shall be consistent with the land use plan approved for the planning unit." For the purpose of applying Section 12, "land use plan" includes:

- policy reports in CLUPA;
- documents that are primarily intended to provide area-specific land use policy, regardless of whether they are titled a "land use plan" (e.g., DLUGs);
- land use amendments.

**STANDARD:** All Crown lands in the area where the Guide applies are deemed to fall within a planning unit as referenced in the Public Lands Act, and the approved area-specific land use policies, as amended, provide the "land use plan" referenced in Section 12 of the Public Lands Act.

**STANDARD:** Activities carried out on Crown lands shall be consistent with any general and area-specific land use policies that have been approved by MNR.

Area-specific land use policies will periodically require review and revision in order to respond to changing circumstances and better information. Ongoing review and revision supports an adaptive approach to the management of natural resources. The policies related to the updating of area-specific land use policies are outlined in Section 5.0.

## 2.3 PRINCIPLES FOR CROWN LAND USE PLANNING PROCESSES

The following principles have guided the development of the planning direction outlined in the Guide, and they should also guide the design of individual Crown land use planning processes. These principles should be considered in any evaluation of planning processes. The principles are focused on planning processes; other policies provide direction for the desired outcomes. These principles also have relevance to resource management planning processes.

Policies and principles regarding desired outcomes come from a broad range of sources, but a particularly important source of direction for MNR planning is MNR's strategic direction outlined in Our Sustainable Future (2005). This document outlines MNR's vision of sustainable development and the mission of ecological sustainability, and establishes a commitment to the conservation of biodiversity. The resource stewardship principles, which are mirrored in MNR's SEV, must be considered in MNR's Crown land use planning.

Several of the following planning principles specifically relate to Aboriginal peoples. In addition, consideration needs to be given to the six principles outlined in Ontario's New Approach to Aboriginal Affairs (2005). The six principles in the New Approach document are grounded in a desire for a constructive, co-operative relationship with the Aboriginal peoples of Ontario.

The Crown land use planning principles (in alphabetical order) are:

**Aboriginal and Treaty Rights:** Ontario is committed to meeting its constitutional obligations in respect of the Aboriginal and treaty rights of Aboriginal peoples. Ontario has a duty to consult with Aboriginal peoples where its actions may adversely affect an established or asserted Aboriginal or treaty right

**Aboriginal Peoples:** Respectful Relationships: Provide opportunities for building constructive, co-operative relationships with Aboriginal peoples

**Broad Perspectives:** Land use decisions should consider implications for both the broader landscape and the longer term. As part of the broader perspective, the potential cumulative effects of land use decisions should be considered

**Efficient:** Planning processes should be designed to achieve useful outcomes while considering the time and effort required by both participants and the government

**Informed:** Planning decisions should be informed by scientific and traditional knowledge, social values and interests, and thorough analysis. (Traditional knowledge includes traditional Aboriginal knowledge and other local knowledge.) Planning decisions need to consider the ecological, social, and economic context and implications

**Integrated:** Decision making should be integrated where possible, either through making interdependent decisions together, or coordinating related processes. Integration also involves considering a broad range of policies and objectives, using an interdisciplinary approach and working with other organizations on land use issues

**Involvement:** Meaningful, flexible and effective opportunities for involvement should be provided in planning processes. Planning processes should engage a range of perspectives in order to identify solutions that, wherever possible, have broadly-based support. Appropriate outreach provides opportunities for Aboriginal peoples to be involved in matters that affect their communities

**Responsive:** Planning is an ongoing process that needs to respond to changing conditions, improved knowledge, ongoing assessment of the results of previous decisions, and updated policies

**Transparent:** Crown land use planning processes should provide access to relevant information, identify the potential consequences of options, and document reasons for decisions

**Strategic Focus:** MNR should focus its planning resources on initiatives that are likely to make the greatest contribution to the achievement of broad government objectives and MNR's strategic directions

# 3.0 MNR's CROWN LAND USE PLANNING PROCESSES

## 3.1 OVERVIEW

MNR undertakes Crown land use planning for small to very large planning areas, and for issues of differing levels of complexity, and as a result there is a broad range in the scope and complexity of MNR's planning. The Guide provides direction for the full spectrum of Crown land use planning processes, from the simplest to the most complex. Because of the range of situations, the Guide outlines a broad planning framework with some minimum standards.

Each planning process needs to be tailored to fit the scope and nature of the issues that are being dealt with, the geographic scale of the planning, the interests that may be affected, and the expected level of public interest. To aid in designing planning processes, MNR's Crown land use planning can be grouped into three broad categories: basic, complex, and comprehensive.

Prior to the development of the Crown Land Use Policy Atlas (CLUPA), the majority of land use decisions for Crown lands were made through comprehensive planning processes, because the results of planning established land use direction for areas with little or no prior Crown land use planning. In the time since CLUPA was developed, MNR has placed increased emphasis on updating area-specific land use policies that were developed through earlier comprehensive planning processes. The 1997 proposal to prepare numerous sub-regional land use plans has been replaced by the emphasis on keeping area-specific land use policies up to date. The results of planning processes which are updating area-specific land use policies will be primarily documented in land use amendments, rather than new land use plans. Within the area where the Guide applies, there will be some comprehensive planning processes, when the issues that require consideration are significant and affect a relatively large area.

## 3.2 CATEGORIES OF CROWN LAND USE PLANNING

The grouping of planning into three broad categories is intended to help MNR staff in designing planning processes. It is not intended to be a rigid system that establishes extensive requirements. There is considerable flexibility and overlap in the definition of the categories. In general, the complexity of planning is a more significant factor in determining the planning category than the size of the planning area.

The categories of Crown land use planning (basic, complex, comprehensive) do not neatly align with the categories of land use amendments (administrative, minor and major). All Crown land use planning processes that propose new area-specific land use policies require a land use amendment, but the nature of the amendment must be determined by the specific changes that are being proposed, not the category of planning. For example, a complex or comprehensive Crown land use planning project that results in limited changes to area-specific land use policy may only require a minor land use amendment.

**Basic Crown land use planning** processes are not usually highly contentious and typically deal with a scoped set of land use issues and a limited geographic area. Basic planning processes usually involve proposals for a minor or administrative land use amendment.

Examples of policy proposals that could be considered through basic planning processes include:

- modifying the boundaries of an existing land use area, consistent with the overall policy for the area;
- making minor revisions to, or clarifying the intent of, area-specific land use policies;
- splitting an existing land use area in order to graphically portray existing differences in resources or policies within the area; and
- incorporating new or revised provincial policy into area-specific land use policies, where some local interpretation and consultation is required. (If no interpretation is required, a change resulting from revised provincial policy would be processed as an administrative amendment, which is not considered to be a Crown land use planning process).

**Complex Crown land use planning** processes normally involve a planning area consisting of one land use area or a small number of land use areas, and address a limited range of resource issues that maybe of interest to local or regional stakeholders. In spite of their limited scale and scope, these planning processes are classified as complex because they deal with one or more contentious issues.

Complex processes will usually – but not always - have more than one stage of consultation. The area-specific policies will result from the consideration of a range of options. Processes that result in land use decisions will require formal documentation through an amendment to CLUPA, and may also involve a new or amended local land use document.

Examples of proposals for changes to area-specific land use policy that could be considered through complex planning processes include:

- developing more detailed area-specific land use policies for one or more Enhanced Management Areas (EMAs);
- substantially modifying the boundaries of a protected area;
- significantly altering the land use intent and area-specific land use policy of an established land use area (e.g., changing a General Use Area (GUA) to an EMA); and
- considering the establishment of a number of protected areas to address gaps in representation.

**Comprehensive Crown land use planning** processes typically deal with a complex array of land use issues, some of which are likely to be contentious. These processes usually cover large planning areas consisting of a number of existing or potential land use areas. Comprehensive planning processes usually address most or all of the resources that MNR deals with, and they should also seek to integrate the interests of other ministries or agencies that wish to achieve objectives through the use of Crown lands.

Comprehensive planning processes are typically multi-stage and involve substantial analysis and documentation. They often involve the preparation of, and consultation on, documents dealing with one or more of: background information, issues, goals and objectives, or planning options. Land use decisions are often presented in a separate document, although the decisions also need to be incorporated into CLUPA through a land use amendment. Examples of comprehensive Crown land use planning processes that have been carried out by MNR include:

- Strategic Land Use Plans (SLUPs) and District Land Use Guidelines (DLUGs)
- Lands for Life/Ontario's Living Legacy planning
- Temagami land use planning
- Madawaska Highlands land use planning
- Lake Nipigon Basin Signature Site Ecological Land Use and Resource Management planning
- Whitefeather Forest and Adjacent Areas land use planning (under the Northern Boreal Initiative)

## 3.3 STEPS IN CROWN LAND USE PLANNING AND IMPLEMENTATION

Crown land use planning processes can be broken down into a series of steps that can be identified, described and applied in different ways. Describing these steps can be challenging because Crown land use planning consists of a combination of: project planning; analytical, decision-making and documentation processes; and public involvement initiatives.

The requirements associated with each of the steps are normally addressed in some form regardless of the Crown land use planning category. However, as planning initiatives increase in scale and complexity more rigour will be applied in how the steps are carried out. For example, basic and comprehensive planning processes generally follow the same planning steps, but differ very significantly in the effort expended in project planning, the treatment of resource information, the nature of analysis, the amount of documentation, and the nature and scope of public involvement.

The ten generic planning steps that provide the foundation for MNR's Crown land use planning process are:

1. Prepare for planning
2. Design the process
3. Confirm topics/issues and assemble background information
4. Develop land use goals and objectives
5. Develop options (where appropriate)
6. Analyze and evaluate
7. Develop and review draft land use policies
8. Develop the recommended land use policies
9. Decide on policies and communicate decision
10. Close out the project

There are three subsequent steps that are not part of a planning project, but which should be considered in conjunction with planning processes:

- Implementation
- Monitoring and evaluation
- Assessment and potential review

These steps play an essential role in adaptive management.

Although the identification of steps suggests that planning is a linear process that moves sequentially through standard steps, planning processes often require revisiting earlier steps or touching on elements of future steps in order to aid in the resolution of specific issues. In particular, there is a substantial amount of overlap among the first few steps, and there is no standard sequence of initial planning steps that can be applied in all processes.

An integrated summary of the suggested actions at each planning step, broken down by planning category, is included in Appendix B. More direction on each of the planning steps is outlined in the remainder of Section 3.0. Some mandatory requirements (standards) are identified, but within the context of providing reasonable flexibility to ensure that planning processes can be tailored to fit the needs of specific planning processes.

The direction for the planning steps does not provide detailed direction on the specific requirements for land use amendments, as this direction is provided in MNR' s land use amendment procedures. However, in the remainder of the Section suggestions are included on where and how to coordinate planning processes and land use amendment requirements. It is important to recognize that the amendment procedures do not outline a full planning process – rather, they outline specific requirements related to the processing of amendments. The amendment procedures primarily outline requirements related to approving the initiation of a planning process, carrying out public involvement, and documenting and communicating the decision. In all planning processes the direction provided in the Guide and other supplementary planning guidance documents must be considered in addition to the requirements of the amendment procedures.

### 3.3.1 PREPARE FOR PLANNING 1

The "Prepare for Planning" step is usually only a discrete step for complex and comprehensive planning processes. For basic planning processes this step and step two, "Design the Process", should almost always be treated as a single step.

Before starting any Crown land use planning process it is important to do a preliminary assessment to determine if a planning process is appropriate, and if it is, what type and scope of planning should be considered. Do not jump to the conclusion that a planning process is required because there is a land use issue – issues sometimes arise because people disagree with the underlying provincial policy, not with how the policy has been applied through Crown land use planning. Where this is the case, a planning process will probably not resolve the problems or concerns. Crown land use planning processes can be considered where the issues can potentially be addressed through the establishment or modification of land use areas and the associated land use policies.

Be realistic when defining the scope of planning. There is a theoretical appeal to applying an integrated approach to resolving a broad range of issues, however trying to do everything at once may create a process of such complexity that it is not possible to come to a successful conclusion in a reasonable period of time. It is partly because of the need to carry out decision making in manageable groupings that MNR, and many other resource management agencies that manage large areas of land, usually separate the land use and resource management planning functions. This division has some parallels to the separation in municipal planning between official plans and zoning bylaws. In general, the larger the area or the more complex the issues, the more desirable it is to try to scope the breadth and/or depth of planning. (Breadth of planning refers to the number of topics or resources being addressed, while depth of planning refers to the degree of detail or specificity of decisions). If a relatively small area is being dealt with it may be feasible to deal with a broader range of topics, and to make land use and some resource management decisions in the same process. Because of the very complex process, with specific legal obligations, it is not usually feasible to combine forest management planning with other planning processes.

The amount of discussion at the "preparing for planning" stage, and the appropriate participants in the discussions, will depend on the potential scale of planning, the significance of the issues, and the range of people and organizations that may be interested in the planning process. For basic planning the initial scoping discussions would usually occur entirely within MNR, because the issues and planning process are considered to be relatively routine. For more elaborate proposed processes the communication and discussions should involve staff outside the district. As the potential scale and scope of the planning increases it is desirable to hold discussions with other ministries and other interested or affected parties, including Aboriginal communities, as early in the process as possible. In comprehensive planning processes the initial project scoping will virtually always involve discussions with other ministries, Aboriginal communities and stakeholders. Early involvement, before the scope of the planning process has been established, makes it much easier to consider and address a variety of perspectives.

Where they occur, discussions on project scoping should deal with topics such as:

- What are the primary issues?
- What is the geographic area that might be included in planning?
- Why is Crown land use planning being considered?
- Is a Crown land use planning process likely to address the identified issues?
- What would the objectives of the planning process be?
- Who are the interested or affected parties, and what are their interests? This assessment should consider a full range of external parties, and other ministries or agencies within the Ontario Government.
- How might the planning affect the policies, plans or interests of other ministries, agencies, the Federal government, municipalities, planning boards, Aboriginal communities, stakeholders and the general public?
- What are the potential longer-term implications of changes to land use policies?
- Do the conditions exist that would allow for a successful planning process, including the availability of adequate resources?
- Do the expected benefits of the planning warrant the projected costs?

In some situations, planning processes may need to address other commitments that have additional direction. One example of this additional direction is the Room to Grow policy (see 12.2).

Consideration should be given to the geographic extent of the potential planning. A planning project may require the consideration of a variety of geographic areas because the area where new land use policies are being considered (i.e., the "planning area"), the area that is included in the analysis of potential effects, and the area where consultation occurs may all be different. Planning areas (referred to in Section 12 (1) of the Public Lands Act as "planning units") should be large enough to allow for thorough consideration of land use issues and options, while not being so large as to be unmanageable. When determining planning areas or the area where potential effects will be examined, consideration should be given to the nature of the decisions and participants – a planning process that is mainly dealing with terrestrial issues may apply ecological units such as eco-districts or eco-regions, a process that is considering significant aquatic issues may use watersheds, and a process that is focused on Aboriginal interests may use traditional frames of reference such as trap line boundaries.

Where this step is being applied as part of a project that may lead to a complex or comprehensive planning process, it is necessary to obtain informal support for proceeding. This informal support confirms that it is worth developing the proposal including defining the appropriate process. The support does not replace the need for formal approvals at specific stages in the process, including those at Step Two, Design the Process. In making the decision to proceed, consideration must be given to the interests and perspectives of the range of potentially affected parties, including other ministries.

The decision to proceed would normally be made as follows:

**Complex Planning:** District Manager in consultation with regional staff.

**Comprehensive Planning:** Determined by the nature of the project; minimum approval level is the Regional Director, but further approvals are often required.

In basic planning processes this step is almost always combined with Step Two, and thus approvals to proceed are obtained as part of the combined step.

Where Crown land use planning potentially affects protected areas (e.g., possible new areas, boundary modifications, deletions), Ontario Parks must be involved in the decision to proceed.

### 3.3.2 DESIGN THE PROCESS 2

The design of the proposed planning process, and the nature of the associated documentation, should be largely based on how elaborate and contentious the process is expected to be. In most cases the development of the process will be led by MNR planning staff, but there may be varying degrees of involvement of other government staff or members of the public. A planning team will be required for complex and comprehensive planning processes, but will rarely be necessary in basic planning.

It is usually desirable to build flexibility into the planning process. For example, some projects may involve an iterative approach, whereby earlier steps can be revisited as planning proceeds. In addition, in the complex environment that Crown land use planning occurs in, there can sometimes be substantial delays in obtaining necessary approvals.

#### Objectives of the Planning Process

One of the most important tasks in this step is identifying the broad objectives of the planning process. The initial research and scoping in Step One should provide the basis for this. The objectives that are identified at this stage should deal with the planning process, not the actual plan. Examples of objectives for a planning process might be "to update planning documents so that they support the implementation of specific new provincial policies" or "to develop area-specific land use policies related to access in area x".

#### Consider use of Project Management Approaches

The complexity of the planning process has obvious implications for how the process should be managed. Many planning processes are relatively straightforward and can be managed using the approaches outlined in the Guide, the land use amendment procedures, and other supporting direction. In these circumstances the preparation of a short outline of the steps, responsibilities and proposed timing is desirable. In simple situations that follow routine processes (e.g., basic planning) formal project management approaches are not normally warranted, and may add unnecessary complexity.

Some Crown land use planning projects are sufficiently complex and non-routine that they warrant the use of formal project management approaches. This is the case for virtually all projects that are identified as "comprehensive". There are also some "complex" planning processes that will warrant this approach.

Project management provides a set of generally accepted processes that help to deal with varying possibilities. The application of project management practices, processes and techniques will increase the likelihood of larger projects being completed on time, within the defined budget and scope, and to an acceptable level of quality.

A key source of information on processes and tools for project management (including templates) is the intranet site maintained by the Centre for Leadership and Learning. The site outlines project management approaches that have been specifically adapted for the Ontario Government context.

The Ontario Government's project management approach includes two front-end stages of project scoping or planning that may be relevant to specific Crown land use planning projects:

- In the project definition stage, project charters can be used to define what the project is to accomplish, what it will produce, and who should be involved
- At the project planning stage, project plans, possibly in combination with project schedules, create a detailed plan for what tasks need to be completed and when, what resources will be used, how it will deal with risk, and who should be communicated with

The project charters or project plans that may be produced are primarily intended for use within the Ontario Government, or for use with a small range of partners familiar with project management processes. None of the standard project management documents is suitable for use as a communication document in public consultation or communication. If there is a desire to involve the public in designing the planning process, or to communicate the broad elements of a planning process, a "Terms of Reference" should be prepared. Terms of Reference are less formal and less technical documents outlining the broad elements of a planning process. Depending on the nature of the project, the Terms of Reference may be in addition to the project management documentation or may be the only outline of the planning process.

#### Involving Governments, Aboriginal Peoples and the Public in Designing the Process

Consideration should be given to the appropriate involvement of staff within MNR and in other ministries and agencies in the design of planning processes. Planning is usually led by staff of MNR's districts, regions and

sometimes park zones, and these staff may not have in-depth expertise in specific policies, or be familiar with all of the current data, information and decision-support tools. As a result, as part of this step there should be an identification of the staff or resources from outside the lead organizational unit that need to be involved at subsequent stages. An increasing emphasis is being placed on ensuring that policy development integrates a variety of perspectives within the Ontario Government (often referred to as "horizontal policy development"). Staff from across MNR and the Ontario Government should be engaged in the design of the planning process whenever there are broader implications. The proposed planning process should identify appropriate opportunities for consultation with other ministries throughout the planning process. Consideration should also be given to the desired nature of the involvement of other governmental bodies, for example any municipalities or planning boards that could be affected by planning decisions. The nature of the expected inter-agency involvement or consultation should be clearly identified in the Terms of Reference or other project documentation.

The appropriate public involvement or Aboriginal engagement in the "design the process" step will vary substantially depending on the nature of the planning. Most basic and some complex planning processes will not have any public involvement or Aboriginal engagement at this step, because the process that is being developed will be routine. Some complex and all comprehensive planning should provide opportunities for public involvement and Aboriginal engagement at this step. Where opportunities for public involvement are being provided at this stage, at a minimum the involvement should include an opportunity to review and comment on the proposed planning process, as outlined in the Terms of Reference or other public document. Usually this is accomplished by posting a proposal notice on the Environmental Registry, and by mailing and/or publishing notices that invite interested parties to participate in the process. There are a variety of other involvement techniques such as open houses, workshops, questionnaires and background documents that can also be considered at this stage. A separate process may be contemplated where Aboriginal engagement is being sought in the design of a planning project.

### Planning for Public Involvement and Aboriginal Engagement

All Crown land use planning processes must include opportunities for public involvement. The involvement must be integrated into the planning process, not treated as a separate process. Public involvement opportunities should be tailored to suit the nature of the planning issues and process, and the interest and capacity of the potential participants. The intended nature of the involvement must be identified in the documentation of the proposed planning process. Guidance on the design of public involvement processes is included in Section 4.0, and in MNR's Public Involvement Best Practices Bulletins. Particularly for complex or comprehensive processes that are dealing with contentious issues, it is desirable to consider involvement strategies that go beyond minimum requirements. These strategies could include the establishment of a multi-party advisory committee or planning team.

To the extent possible public involvement requirements for related processes should be addressed through a coordinated approach. It is essential to integrate any applicable requirements from MNR's land use amendment procedures. Where a Crown land use planning process may recommend the establishment of a new protected area, the process should meet the evaluation and consultation requirements that are outlined in the Class Environmental Assessment for Provincial Parks and Conservation Reserves. However, there are limits to the extent to which processes can be combined or coordinated, because many project level processes have requirements or considerations that are beyond the scope of Crown land use planning.

Some planning proposals may involve specific legal and/or policy obligations related to Aboriginal interests. In these situations, it may be desirable to ask the Aboriginal communities how they would like to be consulted. Further guidance on Aboriginal engagement and consultation is included in Section 4.2.

### Planning for Data Management

Planning for data management should be factored into the initial design of the planning process. Guidance for this planning is provided in A Resource Manager's Guide to Data Management Planning . This document outlines the key data management components that must be planned for in each MNR project.

### Approvals

In order to proceed with planning, one or more formal approvals may be required, depending on the scale of the process, the nature of the documents that are being used to outline the process, and whether the process may trigger the need for a land use amendment.

Where a Terms of Reference and/or project charter and/or project plan is being prepared, specific approvals are necessary for these documents. The Terms of Reference/project charter for local Crown land use planning projects should normally be approved by the District Manager. In the case of a planning project that will cross district boundaries, or that has significant implications, the Terms of Reference, project charter and/or project plan for the project should also be approved by the Regional Director. Where there are potential implications for protected areas, approvals should also be sought from the Parks Zone Manager or Main Office Ontario Parks, as appropriate.

For some large scale or potentially contentious planning processes there will be a need to obtain approval to proceed from MNR's Integrated Leadership Committee or Executive Committee or possibly the Minister or even Cabinet

Because virtually all Crown land use planning processes will trigger the need for an area-specific land use amendment, the approval requirements of the land use amendment procedures must be addressed. For minor land use amendments approval to proceed is given by the appropriate Director (Regional Director and/or Director of Ontario Parks). In most cases the approval would be documented through the "screening decision" on MNR's land use amendment form. For planning processes that could lead to a major land use amendment, the approvals may be more complicated, depending on the scope of the planning. Further direction on approvals is outlined in Procedures for the Amendment of Area-specific Crown Land Use Policy.

In some special planning processes (e.g., co-planning projects), there may be a need for partners to also review and approve the proposed process. The appropriate approvals will need to be determined on a project-specific basis.

The approvals for the planning process obtained in this step address the requirements in Sections 12 (1) and (2) of the Public Lands Act, which state that "The Minister may designate as a planning unit all or any area of public land…" and "The Minister may require that a land use plan be prepared for a planning unit".

### 3.3.3 CONFIRM ISSUES AND ASSEMBLE BACKGROUND INFORMATION 3

This step involves confirming and defining in greater detail the topics or issues that need to be considered in the planning process, and planning and initiating the assembly of background information.

The more detailed confirmation of issues is mainly applicable to complex or comprehensive planning processes. In basic planning processes the issue definition and scoping work that occurred as part of designing the planning process may be adequate. For all projects, a thorough identification of issues or problems provides the basis for developing relevant solutions. Issue statements should focus on identifying the core problems, not just the symptoms.

In basic planning projects it will usually be possible for MNR staff to identify problems and issues based on available information. In more complex projects it will normally be desirable to obtain local and stakeholder input in problem identification. This can occur through informal discussions and/or more formal public involvement processes.

Although it is virtually always necessary to assemble information as part of a planning process, or ensure that existing information is available, this may or may not constitute a specific phase in the planning process. The information collection/assembly must be targeted to address the issues that have been identified. It is not usually desirable to carry out comprehensive information assembly early in the process, because this often results in the collection of information that is not relevant to the issues. In some processes it will be desirable to draft preliminary goals and objectives prior to doing any data assembly, because the goals and objectives will clarify the scope of the planning, which in turn will help to focus the data assembly.

The scale and nature of information assembly should relate to the scale of decision making. Most Crown land use planning projects that deal with large areas will rely on the compilation of existing information, although in some cases this may involve obtaining information that is not currently part of MNR's databases. In contrast, site-specific planning may require the collection of some detailed local

information that is not currently available in standard databases. It is important to recognize that planning rarely has access to all the data that might be considered to be desirable; as a result it may be important to differentiate between essential and useful information.

Information on Aboriginal traditional knowledge - including traditional ecological knowledge – may be useful. The knowledge of local residents and resource users can also be an important contribution to planning processes. In major or potentially contentious projects it may be desirable to go beyond the collection of values information and to identify "interests". Interests typically include an identification of needs, concerns and priorities. Some interest identification may have occurred at the Prepare for Planning, or Design the Process, steps but the work at this stage would be more detailed. An understanding of interests may have substantial benefits in the subsequent development of objectives and options, and the evaluation of planning proposals.

In Crown land use planning processes where there is the potential to propose policies that could significantly affect activities or values that are of interest to other ministries, consultation should usually occur with the appropriate ministries regarding the information that will be necessary to support decision making.

As noted earlier, it is essential to put in place an overall information management strategy for more complex planning projects, so that the information that is collected, and the results from analysis, are managed using appropriate standards and processes. Consideration also needs to be given to any analytical or modeling tools that will be necessary.

### 3.3.4 DEVELOP LAND USE GOALS AND OBJECTIVES 4

A key part of complex and comprehensive Crown land use planning processes is developing goals and objectives, because the results of this policy development should guide all subsequent planning. Carefully defined land use goals and objectives help to establish a common understanding of what is to be achieved, and guide the development and evaluation of options. Direction pertaining to the planning process itself should not be included in the goals and objectives.

A basic planning process will not usually identify any new goals or objectives, because the process will not substantially modify the existing direction for an area or group of areas. For example, a process that would add land to an existing land use area would not normally deal with the topic of goals and objectives, because these would already have been established either explicitly or implicitly for the existing area.

Land use goals and objectives must relate to the issues that have been identified in the planning process. Goals and objectives must consider higher level direction (e.g., legislation, provincial policies or existing plans), including direction that is the responsibility of another ministry or agency. In developing the goals and objectives it is also important to consider any existing lower level direction, to see if conformity is a potential issue.

**Goals** are broad statements of desired outcomes. They are not intended to be specific guide posts for measuring achievement, but are used to describe a future vision that planning will support. Goals may already have been defined in another document or process, or may be developed through the planning process. Goals provide a bridge between higher level direction and identified issues, and objectives. There should be a small number of goals, or preferably a single goal statement if it is a focused planning process. Goals should normally apply throughout the entire planning area and should encompass all resources that are being dealt with in a planning process.

**Objectives** are concise, measurable statements of the desired future condition for an area, resource or resource use which is attainable through management action. Objectives must be consistent with planning goals and relate to the planning issues. Objectives can apply to an entire planning area or specified parts of the planning area. Where objectives deal with resources, they should typically address only one resource at a time. Objectives help with the identification of the amount and type of information that will be needed for decision making, they provide the basis for the development of strategies, and are the yardsticks against which achievement is measured.

Direction pertaining to the planning process itself should be expressed as a planning principle, and should not be included in the goals or objectives. Section 2.3 of the Guide outlines planning principles for MNR's Crown land use planning. In most Crown land use planning processes the provincial-level planning principles should provide adequate guidance, and should not need local elaboration.

The nature and role of goals and objectives varies considerably depending on the type of Crown land use planning that is being carried out. Planning may establish broad goals and objectives for an overall planning area that includes a number of different land use areas, or the goals and objectives may be specific to an individual land use area. In some cases Crown land use planning may not establish goals or objectives for an area, because they may be implicit in the designation. For example, each class of Provincial Park has well defined policies that establish the broad management intent for any new parks of that class. In contrast, GUAs have very little provincial level policy, and thus it is essential that Crown land use planning defines the policy direction on an area-specific basis.

In the past, most Crown land use planning carried out by MNR identified goals and/or objectives for broader planning areas, and general "land use intent" has been identified for individual land use areas. In future, it is recommended that Crown land use planning processes should attempt to identify goals and/or objectives for individual land use areas. In some cases it may only be possible to develop goals, but where possible it is also desirable to develop objectives, because these provide much more explicit direction. The development of goals and objectives for specific land use areas will be easier in planning processes that deal with a smaller number of land use areas or an individual area. Where goals or objectives are developed for land use areas, they should be documented in the land use intent section of the policy reports.

When carrying out Crown land use planning, goals and objectives that are developed should be land use related, and the planning should usually leave the development of resource management objectives to the appropriate resource management planning process. (See Section 6.1 for more guidance on the differentiation between land use and resource management decisions.) This recommendation is particularly applicable to those resources or programs where there are well-developed resource management planning processes. However, in some cases it may be efficient to address some resource management topics in Crown land use planning, and both land use and resource management objectives will be dealt with in combined land use and resource management planning processes.

Land use objectives are generally less prescriptive than those developed through resource management planning. For example, land use objectives would rarely identify a time for the completion of an objective, because many land use objectives are intended to apply indefinitely.
Strategies (i.e., a description of how to achieve an objective) should not be blended into the goals and objectives.

When writing goals and objectives, the level of technical precision may be affected by the extent of public involvement. In planning processes where there is extensive external involvement in developing material, it is often challenging to apply technical standards, e.g., standard definitions of what should be included in goals and objectives. In these situations it will usually be most important to develop statements of direction that are appropriate and clear, even if these do not precisely follow the guidance outlined in this section. If public participants are receptive, it may be possible for MNR staff to revise the goals and objectives so that they fit the technical standards without losing the original intent.

Where a process involves drafting a complex set of goals and objectives, an excellent source of advice is the paper, Writing Resource Objectives and Strategies – A Guide to Preparing Effective Resource Management Plans, produced by the British Columbia Ministry of Sustainable Resource Management. Appendix 2, "Checklist for Writing Resource Objectives and Strategies", is a very useful summary of considerations that are generally relevant to both land use and resource management planning.

### 3.3.5 DEVELOP OPTIONS 5

Options are different ways of achieving desired ends. This step in the planning process identifies options for allocating and managing lands in ways that can be expected to meet the defined goals and objectives. This step should identify the most feasible, effective and efficient approaches. The options provide the basis for assessing the potential tradeoffs between competing interests and uses. Options should be practical, technically and financially feasible, achieve defined objectives, be consistent with policy and legislation, and be within the scope of the planning process.

The scale of option identification needs to be linked to the complexity of the planning process. In a relatively simple planning process there may be few or no options. For example, if the objective is to increase the representation of a natural value in a specific protected area, the only options that achieve the objective may be minor variations in the precise boundaries of the potential expansion. In contrast, in a complex planning project the challenge may be in limiting the potential options to a manageable set.

As an example of the potential scope of options, a planning process that is seeking to maintain remoteness in a broad area could consider options such as:

- using different Crown land use designations, or categories of designation;
- different geographic locations;
- variations in the boundaries of specific proposals; and
- different area-specific policies for the land use area(s).

When developing or analyzing options, it is important to apply a broad frame of reference, and not just focus on the specific area being planned. MNR is committed to an ecosystem approach to managing Ontario's lands and natural resources, including consideration of "landscape level" planning and analysis. Similarly, there are usually cultural heritage and economic values that are significant beyond the area being planned, so it is essential to consider the broader frame of reference in developing and evaluating proposed policies.

When one is identifying and narrowing options both the decisions and the reasons for the decisions should be documented.

In some planning processes it will be desirable to involve stakeholders or Aboriginal representatives in the development of options, or to carry out informal "pre-consultation" on options. This early involvement is particularly desirable where there are complex or potentially contentious land use proposals, for example proposals to establish new protected areas.

In complex or comprehensive planning processes that involve a range of participants who are seeking to achieve a consensus outcome, the development of discrete options may not always be desirable. Certain options will inevitably be preferred by specific stakeholders or interests, and may lead to a polarized process. As a result, in some cases it may be preferable to try to develop, through an iterative process, a scenario that has broadly-based support. This type of consensus process can probably only occur when a small group is actively involved in the development of the scenario. The extensive dialogue that occurs in a smaller group allows the participants to develop an understanding of common interests.

The level of resolution of options also depends on the complexity and scale of the planning process. The smaller the area that is being planned, the more detailed the options are likely to be.

It may be necessary to explain why specific potential approaches that some groups or individuals would consider to be "options" are not included. This explanation would identify which of the objectives or criteria were not met by the potential option, leading to the rejection from further consideration.

Before land use options are released for broad public review, consideration should be given to whether interim protection is required. Putting interim protection policies in place can help to ensure that there are minimal changes during the period that the land use proposals are being considered, in order to maintain existing values and options. Interim protection should be in place before options for new protected areas are released for broad public discussion. Guidance on interim protection is outlined in Section 10.0.

### 3.3.6 ANALYZE AND EVALUATE OPTIONS 6

Where options have been identified (Step Five), they must be evaluated in order to identify a preferred option. The complexity of the evaluation process and the extent of the documentation can vary widely depending on the nature of the issue, the potential implications, the level of public interest, etc. Table 1 gives an indication of the general types of analysis and documentation that are recommended for basic versus complex and comprehensive projects. However, there is a considerable range in the type of evaluation that could be carried out even within a specific planning category, and thus both the evaluation processes and the documentation must be tailored to fit the project.

As noted in the discussion of planning categories, administrative land use amendments are not considered to be Crown land use planning processes. There is little or no local discretion associated with these land use amendments, and thus no evaluation is required.

### TABLE 1: **RECOMMENDED EVALUATION AND DOCUMENTATION BY CATEGORY OF PLANNING**

| Category of Planning | Nature of Evaluation | Evaluation Documentation |
|---|---|---|
| Basic | ■ Because basic planning usually involves minor and relatively focused land use decisions, with few or no options, the evaluation of the specific proposal or options will be highly simplified.<br>■ Normally there will be no formal public involvement, or Aboriginal engagement or consultation, specifically related to the evaluation of options. The evaluation will be informed by any prior discussions or input. Public or Aboriginal input related to evaluation will normally happen as part of the discussion of the draft policies (Step Seven).<br>■ Most basic planning processes are responding to a small number of specific issues or meeting general planning needs, and the evaluation will focus on how well the issue is addressed, the extent to which the proposals are consistent with broader policies, and whether there are any additional implications. | ■ The main documentation of the evaluation will be the rationale and analysis that is included in the land use amendment form, although occasionally supplementary documentation may be prepared. |
| Complex and Comprehensive | ■ These planning projects involve significant land use decisions that warrant detailed evaluation.<br>■ The evaluation should consider all of the potential evaluation topics listed below.<br>■ If there are proposals for substantial land use changes, particularly changes that would affect industrial or commercial activities, the application of socio-economic impact assessment techniques may be appropriate.<br>■ Normally there will be a stage of consultation that includes a discussion of options and MNR's evaluation of the options. This can occur as a separate stage of consultation, or it can be dealt with in conjunction with other topics such as background information, issues, or goals and objectives.<br>■ MNR should make information about the evaluation available to the public. Public input may provide additional information or analysis that may lead to a revision of the evaluation. | ■ Thorough documentation of the evaluation should be prepared, and it may also be desirable to prepare a summary.<br>■ The evaluation may be produced as a separate report or be integrated into overall project documentation.<br>■ The documentation should factually present the findings, without presenting the implications as either positive or negative. |

Where there are challenging issues it can be very helpful to carry out "pre-consultation" with key stakeholders or Aboriginal communities prior to initiating the formal public and Aboriginal review of the options. The pre-consultation can provide input to the evaluation process, increase the understanding of the potential reaction to proposals, and identify proposals that may require revision, further consideration or clarification. In any process where there is consultation on options other ministries with potential interests must be consulted.

The evaluation should help to answer the question "on balance, is this the right decision?" Land use decisions should support the achievement of defined goals and objectives while having an acceptable level of impacts. Except in extremely complex situations, the evaluation methodology should be relatively straightforward. Complex evaluation processes can get bogged down in technical debates about the methodology, rather than focusing on the key implications and decisions.

Depending on the nature of the decision, some or all of the following factors or topics should be considered as part of the evaluation:

- How well do the proposals/options address goals and objectives identified in the planning process? All proposals or options should be consistent with the goals and objectives, but some options may make a greater or lesser contribution to specific goals or objectives, and this assessment is an essential part of the evaluation
- Are the proposals consistent with legislation, existing plans, broader objectives or policies of MNR or the Ontario Government, and Federal legislation? (Examples of broader provincial objectives or policies which may need to be considered in Crown land use planning include ecological sustainability, sustainable development, protection of biodiversity, support for renewable energy, support for regional economic development, support for Aboriginal economic opportunities, reducing greenhouse gas emissions, and mitigation of climate change impacts. These broader objectives may be embedded in the project-specific goals and objectives)
- Do the proposals adequately consider the direction provided in MNR's Statement of Environmental Values (SEV)?
- Do the proposals adequately consider any approved municipal land use plans or other relevant local plans, e.g., source water protection plans?
- How well are issues resolved? (Potential issues may also be addressed through the project-specific goals and objectives)
- What is the potential for positive and/or negative impacts (environmental, social, cultural heritage or economic) at the local and landscape levels?
- What is the distribution of the impacts, and are there impacts on specific areas or sectors or groups that require consideration?
- Are there potential impacts on Aboriginal or treaty rights?
- Are there other projects with related impacts that need to be considered in order to assess potential cumulative effects?
- If there are potential negative impacts, are there potential mitigation measures?
- What are the short and/or long term cost implications, including potential fiscal implications for the province?
- Can the proposal be implemented? (i.e., is an option technically, financially and administratively achievable?)
- To what extent do the proposals have the support of other ministries, municipalities or planning boards, Aboriginal communities, stakeholders, and the general public?

The preceding list of factors that could be considered in evaluation underscores the potential scope of evaluation. The selection of a preferred option normally involves the balanced review of a range of factors, but some of the factors are sufficiently significant that failure to adequately address a specific factor may result in the deletion or modification of an option.

Where there is public involvement and Aboriginal engagement or consultation at this stage, the input can help in evaluating a number of these factors.

For complex and comprehensive planning processes that include a formal evaluation step, it is usually desirable to prepare a summary of the findings of the evaluation. This should be made available internally and externally.

More detailed guidance on the evaluation of options using socio-economic impact assessment is provided in MNR's bulletin: Incorporating Socio-Economic Impact Assessment in Crown Land Use Planning. The bulletin provides guidance on the evaluation of several of the factors identified above. The direction provided in the bulletin is primarily applicable to proposals for substantial land use

changes, particularly changes that could have a significant impact on industrial or commercial activities. The bulletin has little or no application to basic planning processes.

### 3.3.7 DEVELOP AND REVIEW DRAFT LAND USE POLICIES 7

After the development and evaluation of goals, objectives and options is completed, and any public input that may have been received (primarily in complex and comprehensive planning projects) has been analyzed, the draft land use policies can be prepared. In areas where there are existing land use policies, the focus should be on documenting the changes to existing policy in a form that will be readily integrated into CLUPA. This supports the implementation of a planning system that is maintained on an ongoing basis, rather than a system that infrequently carries out major new planning. A small number of planning processes may involve developing draft policies that will be incorporated into a new or updated land use plan.

Direction on the documentation of policies, particularly related to the use of policy reports, is provided in Section 9.0 Developing and Documenting Land Use Policies and Boundaries. Detailed guidance on the structure of policy reports is outlined in the bulletin, Completing or Amending of Crown Land Use Policy Atlas Policy Reports.

**STANDARD:** When developing draft land use policies, the policies and perspectives of other Ontario ministries must be considered. Where land use proposals may significantly affect the clients, policies or interests of another ministry, there must be information exchange and/or discussions prior to releasing the proposals to the public.

**STANDARD:** All proposed minor and major land use amendments and proposed land use plans will require appropriate public review and Aboriginal engagement or consultation, with an opportunity for the submission of comments. The solicitation of input will include an Environmental Registry proposal notice (new or updated), and notification to parties that are believed to be potentially affected and others known to have a specific interest.

The intended scope of public involvement and Aboriginal engagement should have been defined in the original Terms of Reference, but this should be reviewed to ensure that it is still the appropriate scope and nature of involvement based on what has been learned through the planning process. The direction on public involvement that is outlined in the Procedures for the Amendment of Area-specific Land Use Policy must be considered, in addition to the advice outlined in Section 4.0.

For planning processes where no options have been identified, and thus the requirements of Step Six have not been considered separately, this step will include an evaluation of the potential implications of the draft land use policies. This evaluation should consider the thirteen factors that are outlined in Step Six, to the extent that they are relevant. The evaluation should be summarized in the land use amendment form, although in some situations supplementary documentation may be warranted.

### 3.3.8 DEVELOP RECOMMENDED LAND USE POLICIES 8

All input on the draft land use amendment and/or draft land use plan must be carefully reviewed. Where concerns are expressed, in some cases they can be addressed by clarifying the intent or providing more detailed direction. Where the public input or the views of Aboriginal communities indicate that there are significant disagreements with the content of the draft policies, an assessment should be made as to whether further broad involvement or more focused dialogue could help to identify more acceptable alternatives, while still achieving the goals of the planning process. There are a variety of techniques for issue resolution which may warrant consideration. Where the concerns relate to the underlying goals or objectives, not the means for achieving the goals, there may be limits to the extent to which consensus can be reached.

After considering the input, the recommended amendment and/or plan can be written. It should be drafted as it would read if it is approved. As outlined in Section 9.2, where a separate plan is being prepared or updated, it must be accompanied by copies of the revised policy reports in CLUPA.

In some cases the public consultation or Aboriginal engagement on the draft policies or plan, other evaluation work, or other events such as a change in provincial policy may result in significant changes to the draft land use policies. In this situation, consideration must be given to whether a revised draft should be released for further public review, or some other form of focused consultation should be carried out. Consideration should also be given to the need for further dialogue with other ministries.

### 3.3.9 DECIDE ON POLICIES AND COMMUNICATE DECISION 9

Based on a consideration of all input and analysis, a decision will be made on the proposed land use policies. For all environmentally significant decisions, MNR must consider MNR's SEV in making the decision. Possible decisions are: approve, approve with modifications, reject, defer, or refer for further consideration. Where the intention is to seek approval for the proposed policies, the level and extent of the approvals will depend on the nature of the project and the policies that are being proposed. Direction on the required approvals is provided in Section 5.0, Approving or Amending Land Use Plans and Policies.

Once a decision has been reached, for all planning processes where a proposal notice has been posted on the Environmental Registry, a decision notice must be posted. The decision notice would provide a link to the approved land use amendment, and to a land use plan where one has been prepared or amended. The information in CLUPA must be updated. In conjunction with the drafting of the decision notice, a Consideration of MNR's Statement of Environmental Values must be prepared that documents how the SEV was considered in decision-making.

It is essential to make information about planning decisions available to participants in the process, the general public, and any interested or affected Aboriginal communities. The decision notice on the Environmental Registry must summarize the main issues that were raised during consultation and identify how the planning proposals were, where appropriate, revised to address the issues and concerns. Additional communication options should also be considered. If an advisory or stakeholder committee is being used, then it is desirable to have direct discussions with the members. In planning initiatives that have a smaller number of participants MNR should provide, where feasible, feedback (hardcopy or electronic) directly to all the participants, through individual responses or a form response/newsletter. Where a form response is being used, the material in the Environmental Registry decision notice related to how public input was considered will usually be the primary source of the content. Other possible approaches for the distribution of information include one or more of a media release, newspaper advertisement, notice posted at a site, website update, open house or release of a final report.

Comments from other ministries are not submitted through the Environmental Registry, and thus are not included in the summary of issues and responses posted as part of the decision notice. As a result, it is desirable to directly communicate to ministries that have provided input or comments how their concerns have been addressed in the process.

In addition to external communication, MNR employees and affected staff of other ministries should be made aware of the approved policies and any associated commitments. In some situations it may be desirable to carry out formal "transfer" activities to ensure that staff who will be implementing the land use policies, or who may need to explain the policies, fully understand the policies.

### 3.3.10 CLOSE OUT THE PROJECT 10

At the end of the planning process it is important to allow the time and resources necessary for "project closeout". For basic planning processes this will usually involve ensuring that all the necessary documentation is completed and the material is filed appropriately in paper and/or electronic form. For complex or comprehensive projects this phase will likely include tasks such as:

- project records are completed, collected and archived
- the rationale for planning decisions is adequately documented, so that it can be considered if similar issues are raised in the future
- a review is carried out to identify lessons learned. In most cases this will be relatively informal, but for some highly significant projects it may be desirable to do a more formal documentation of lessons learned that can be shared widely

### 3.3.11 IMPLEMENTATION

Land use decisions are implemented through a variety of actions. In some cases the only implementation action is ensuring that the decisions are appropriately documented in CLUPA, and sometimes in a separate plan. In other cases the land use decisions provide the basis for more detailed land use or resource management planning, or for other implementation actions such as regulating new protected areas that are recommended in a land use plan. A summary of the steps involved in placing recommended protected areas into regulation is included in Section 8.7, Establishing Regulated Crown Land Use Designations.

There are often a number of formal approvals that must be obtained before land use decisions, or specific facilities or activities that are permitted by the land use decisions, can be fully implemented. Many of these approvals are independent of Crown land use planning. These approvals or reviews may be necessary to meet the requirements of MNR-administered legislation or policy, or other legislation or policy (e.g., the Environmental Assessment Act).

**STANDARD:** In implementing the policies for Crown land use designations, consideration needs to be given to pre-existing commitments. Subject to meeting all other necessary requirements, MNR will complete actions where a commitment has been established prior to the date that interim protection was applied or, in the case of designations where interim protection is not normally applied, the date that the land use document was approved.

(Examples of the types of actions that are referred to in the standard are commitments to sell land or allow the construction of a road.)

Consideration should be given to how other participants in planning processes can participate in implementation. In a few very significant situations, it may be appropriate to establish a committee that will have an ongoing role in providing advice related to implementation and/or keeping planning policies up-to-date. However, there are likely to be a very limited number of situations where this is both desirable and practical.

Plans on their own do not initiate specific types of management actions. These actions typically require the allocation of human or financial resources that occur through other processes. As an example, a land use plan can identify areas where a new protected area should be established, but the process that establishes the area under a regulation, and the subsequent planning and management of the area, are not part of Crown land use planning. Because of the different processes that are involved, implementation schedules should not be included in land use plans, although implementation strategies are appropriate.

### 3.3.12 MONITORING AND EVALUATION

Many planning processes, particularly those classified as complex or comprehensive, warrant subsequent evaluation of the planning process, and monitoring of plan implementation. This information and analysis supports an adaptive resource management system. Through such an adaptive system MNR, other agencies and the public can evaluate outcomes and determine what adjustments are necessary to plan policies.

The monitoring and evaluation of individual planning processes can examine the planning process and the outcomes, and seek to answer a variety of questions.

Questions that could be asked in the short-term include:

- Did the planning process follow defined requirements? (If not, why not?)
- Was the planning process effective?
- What lessons were learned that could potentially be applied to other planning processes, and how could these lessons be best shared?

Questions that should be considered in the longer-term include:

- Were the policies implemented, and was the direction specified in the policies followed?
- If the land use policies were implemented, did they lead to the desired outcomes?
- What other outcomes resulted from the implementation of the policies, including unanticipated outcomes?

This type of evaluation and review would normally only occur for complex and comprehensive planning.

### 3.3.13 ASSESSMENT AND REVIEW

Assessments should be carried out periodically to determine whether the land use policies that were adopted are still appropriate, or whether a review and re-examination is required. These assessments may occur because of a commitment in a plan, an ongoing periodic re-examination or public requests for a review or revision of policies. In some situations it may be apparent that a review of policies is necessary, but even in this situation an assessment should be carried out to examine the appropriate scope of the review. Reviews should not be carried out just because a fixed time interval has passed.

The assessment could consider the policies for an individual area, a group of land use areas that are in a single geographic area or planning unit, or areas of a specific designation or category. The assessment will consider the results of any monitoring and evaluation that has been carried out. Where the assessment is responding to an earlier commitment to periodically assess the need to review a plan, and MNR does not believe that a review at the specific time interval is warranted, MNR should provide the public with information on the rationale for not carrying out the review.

The assessment may determine that no review is necessary, that a scoped review is appropriate, or that a review of applicable policies should be carried out. If it is determined that a review is necessary, the planning processes outlined in the Guide must be applied. General guidance on updating land use policies is provided in Section 5.2, and detailed procedural direction on specific aspects of the land use amendment process is presented in Procedures for the Amendment of Area-specific Crown Land Use Policy.

# 4.0 INVOLVEMENT IN MNR'S CROWN LAND USE PLANNING

## 4.1 INTRODUCTION

Effective involvement of the public, Aboriginal peoples, and other governments or agencies is a key component of Crown land use planning. In most planning projects some involvement is mandatory in order to meet legal or policy requirements. There are many other rationales for incorporating effective public, Aboriginal and government involvement processes into Crown land use planning, including:

- drawing on diverse knowledge and perspectives in order to develop effective policies;
- identifying public values, because many planning decisions are substantially about value choices;
- providing fairness and transparency in decision making in order to support broader government commitments;
- increasing understanding and support for the land use policies, thereby improving the likelihood that they can and will be implemented;
- identifying opportunities for involvement or partnerships in implementation;
- developing relationships which support ongoing objectives; and
- avoiding the potential costs of not consulting, that can include opposition to a proposal and poorer relationships.

It is essential that involvement processes be an integral part of the overall planning process.

## 4.2 CONSULTATION WITH ABORIGINAL PEOPLES

Ontario has a duty to consult with Aboriginal peoples where its actions may adversely affect an established or asserted Aboriginal or treaty right. Canadian courts continue to clarify the nature of this duty. Ontario is committed to meeting its obligation to consult with Aboriginal people and, where appropriate, to accommodate the exercise of their rights.

In addition to addressing legal obligations, participation by Aboriginal peoples in planning has potential benefits for both Aboriginal peoples and broader society. Aboriginal peoples can contribute a range of traditional knowledge to planning processes. There may be opportunities for improved communications, which can address potential concerns about the outcomes of planning processes. It may be possible to identify new economic opportunities in conjunction with planning.

The Ontario Government has released Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights, June 2006. At the time of the release of the Guide, the document was still in draft form. As a result, it does not provide formal direction, but it does provide useful information related to the government's understanding of obligations for Aboriginal consultation.

Ontario's draft Consultation Guidelines distinguish between "consultation related to Aboriginal and treaty rights" and "effective engagement practices for involving Aboriginal peoples in other initiatives that directly affect Aboriginal communities." This distinction should be considered in the design of Crown land use planning processes. As part of the development of broader involvement strategies, consideration should be given to strategies that will support the engagement of Aboriginal communities. This engagement may be in addition to meeting any specific Aboriginal consultation obligations that may exist. The engagement strategies may need to be separate from public involvement activities.

Constitutionally protected treaty and Aboriginal rights are often exercised on/in Crown lands and waters. The development of area-specific land use policy may lead to decisions that could adversely affect constitutionally protected rights. In such circumstances, the Crown has an obligation to act honourably and must consult appropriately.

Whether and how consultation in the Crown land use planning context should occur raises unique questions. Accordingly, where there is the potential for adverse effect, it is essential to contact MNR's Aboriginal Policy Branch for advice and support. This contact should occur as early in the planning process as possible, so that any consultation obligations that are identified can be integrated into the overall planning project.

Where district offices have agreements or understandings with Aboriginal communities with respect to consultation, the agreed-upon processes should be the basis for consultation in Crown land use planning processes. In cases where planning decisions may affect the rights of multiple Aboriginal communities each of the Aboriginal communities must be consulted. A detailed record of the consultation process must be maintained.

Aboriginal consultation or engagement strategies should be developed in the context of the need for longer-term dialogue and relationships with Aboriginal communities. Any dialogue with Aboriginal communities occurs in the context of past relationships and events, and may have implications for future discussions.

Useful contact and related information can be found on the websites of the organizations described in Table 2: Sources of Information for Aboriginal Engagement.

### TABLE 2: SOURCES OF INFORMATION FOR ABORIGINAL ENGAGEMENT

| Organization | Information Available on Website |
|---|---|
| Ministry of Aboriginal Affairs | ■ Information on status of land claims<br>■ Ontario Government policies<br>■ Links to web sites pertaining to Aboriginal affairs<br>■ Provides list of local Métis councils |
| MNR's Aboriginal Policy Branch | ■ Listing and description of Tribal councils and other affiliations<br>■ Links to websites |
| Indian and Northern Affairs Canada (INAC) | ■ First Nation profiles<br>■ Information on land claims<br>■ Treaty information<br>■ Agreements |

## 4.3 SOURCES OF GUIDANCE FOR PLANNING AND IMPLEMENTING PUBLIC INVOLVEMENT

MNR has developed materials that provide guidance on public involvement in policy development and planning activities, and is developing additional direction. There are a variety of other useful reference documents that are available on the internet. Because of the considerable amount of existing direction this section highlights some of the material that is most relevant to MNR's Crown land use planning.

### MNR Public Involvement Best Practices Bulletins

MNR's Natural Heritage and Land Use Planning Section (NHLUPS) has developed Public Involvement Best Practices Bulletins which update and supplement MNR's Public Involvement Guidelines that were developed in 1991. The Best Practices bulletins provide advice about public involvement practices, particularly in the context of planning processes, and do not establish formal policy or guidelines. Bulletin 1: Backgrounder outlines the broad rationale for public involvement in MNR's planning processes, and presents the proposed scope of the bulletins. Bulletin 2: Preparing for Public Involvement outlines some basic principles for public involvement and highlights the key considerations when preparing for public involvement. Bulletin 3: E-consultation Tools and Practices presents various electronic tools for consideration when carrying out public involvement processes (e.g., the Environmental Registry, electronic surveys, and Web 2.0 applications [i.e. discussion forums, blogs, etc.]).

### Ten Principles of Public Involvement

- Clarity of purpose
- Outcomes are not predetermined
- Inclusiveness
- Commitment of resources
- Sharing of information
- Reasonable, realistic time frames
- Flexibility and responsiveness
- Follow-through and reporting
- Continuous improvement
- Ongoing involvement

*Source: MNR Public Involvement Best Practices Bulletin 2.*

### Other Sources

Health Canada has a useful publication, The Health Canada Policy Toolkit for Public Involvement in Decision Making, which reviews a broad range of public involvement techniques. The techniques are linked to different levels of involvement, and the levels of involvement are similar to those used in the MNR public involvement bulletins.

## 4.4 REQUIREMENTS RELATED TO PUBLIC INVOLVEMENT IN CROWN LAND USE PLANNING

Although there are many aspects of public involvement that should be guided by the nature of the specific initiative and the anticipated public interest, there are a number of specific requirements that must be addressed in Crown land use planning. These provide direction on whether public involvement should occur and how and when it should occur. The main sources of this direction are:

- Environmental Bill of Rights
- Freedom of Information and Protection of Personal Privacy Act
- French Language Services Act
- Government Advertising Act
- Ontarians with Disabilities Act
- Planning Act

The implications for Crown land use planning are summarized in Table 3, Summary of Legislation that Establishes Consultation or Communication Requirements.

There are a number of other pieces of legislation, such as the Environmental Assessment Act and the Provincial Parks and Conservation Reserves Act (PPCRA), which identify some requirements for public involvement. These requirements do not apply directly to Crown land use planning, but there may be some indirect implications. An example of this type of indirect implication would occur where a Crown land use planning issue is being dealt with in conjunction with the development of a protected area management plan. The planning process would need to address the requirement in the PPCRA that there be "more than one opportunity for public consultation" in the development of a management plan.

A more detailed summary of the implications of most of the sources of direction listed in Table 3 is included in Resource Two of the MNR Guide to Policy. Resource Two also points to sources of additional information.

Obligations related to Aboriginal consultation are addressed in Section 4.2.

### TABLE 3: SUMMARY OF LEGISLATION THAT ESTABLISHES PUBLIC CONSULTATION OR COMMUNICATION REQUIREMENTS

| Source of Direction | Major Implications for Crown Land Use Planning |
|---|---|
| Environmental Bill of Rights | ■ Post proposal and decision notices for proposed policies (including area-specific land use policies) that MNR considers could have a significant effect on the environment and considers that the public should have an opportunity for comment on the Environmental Registry.<br>■ The Environmental Registry should be used at each stage in a planning process where there are formal opportunities for public involvement (see Section 3.0 in the Guide).<br>■ Environmental Registry provides opportunities for submission of comments via the Internet.<br>■ Consider MNR's Statement of Environmental Values for decisions that might significantly affect the environment. |
| Freedom of Information and Protection of Personal Privacy Act | ■ Consider privacy requirements in the development of contact lists.<br>■ Use an appropriate notice of collection regarding personal information when soliciting public comments.<br>■ Store and use personal information appropriately.<br>■ Respond to requests for information regarding public input in a way that meets privacy requirements. |

| Source of Direction | Major Implications for Crown Land Use Planning |
|---|---|
| French Language Services Act | ■ Broad range of requirements related to communication with the public in French.<br>■ One of the most significant implications for planning projects is that most material posted on the MNR internet site and the Environmental Registry needs to be translated into French. There may be exemptions for translation requirements for technical documents. |
| Government Advertising Act | ■ "Non statutory" print or broadcast advertising must receive advance approval by Ontario's Auditor General. (All notices related to Crown land use planning are "non statutory.")<br>■ Substantially lengthens the time required to obtain approvals for advertising, e.g., notices of public meetings. |
| Ontarians with Disabilities Act | ■ The ODA requires that ministries make alternate format versions of their publications available to a person with disabilities "within a reasonable time after receiving a request." |
| Planning Act | ■ Section 6 (2) states "A ministry, before carrying out or authorizing any undertaking that MNR considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality."<br>■ Although primarily focused on "undertakings", this consultation obligation might apply to Crown land use planning in some circumstances. |

## 4.5 COMMUNICATIONS REQUIREMENTS

All Crown land use planning projects should have a communications component, although the nature and scale of the communication can vary dramatically depending on the type of project. In the case of an administrative land use amendment, communication would usually be limited to the posting of the amendment on the Crown Land Use Policy Atlas (CLUPA). For a high-profile planning project, communication would be very extensive.

Where there is a significant communications component, communications planning is essential. It can help to ensure that:

- the purpose of the communication is clearly defined;
- communications mechanisms are suitable for the topic and audience, and necessary communications products are produced;
- messages are consistent with overall Ministry and government direction;
- legal or policy requirements for public involvement or communications are addressed;
- potential public issues are identified, and response strategies are developed;
- communications planning is coordinated with overall project planning; and
- appropriate approvals have been obtained.

Communications planning and communication skills must be built into project planning and project teams from the beginning of the process. Communication planning should not start when there is a draft document ready for release.

It is essential to allow sufficient lead times to obtain the necessary approvals for communications, including postings on the Environmental Registry and any paid notices.

The leader of the planning project has primary responsibility for ensuring that all communications requirements for the project have been met. In most situations, the primary source of communication advice will be regional or district communication staff. If communications activities will be at the provincial level, a Communication Services Branch planner will likely be assigned to the project. The communications advisers will help you to determine a suitable approach and what products may be required. They will also help to identify the necessary approvals.

Some resources related to communications planning are:

- In the MNR Guide to Policy, Part Two, Resource Three – Communications and the Policy Development Process has guidance that is relevant to Crown land use planning.
- The CSB intranet site has guidance on a variety of topics. However, for any significant communications planning work it is essential to engage appropriate communications staff.
- Information on advertising requirements, including information on the implementation of the Government Advertising Act, is available on the CSB intranet site.

## 4.6 INVOLVING OTHER MINISTRIES

The Ontario Government places a high priority on integrating policy development across programs and ministries – often referred to as "horizontal policy development". Area-specific land use policy can have significant cross-ministry implications, and thus MNR's Crown land use planning should apply integrated approaches wherever possible. The nature of the engagement needs to be related to the scale and scope of the planning – some basic planning processes may not need any inter-ministry involvement, while most complex or comprehensive planning processes will warrant extensive involvement.

Some methods that can support integration in Crown land use planning include:

- identifying potential cross-ministry implications early in the planning process (Step One or Two preferably);
- reviewing Crown land use planning initiatives at an early stage to determine what cross-ministry involvement is desirable, and building this into the planning process;
- holding informal discussions with staff of other ministries to assess interest and potential implications;
- establishing a cross-ministry committee or project team for specific planning projects (primarily complex or comprehensive processes);
- providing opportunities for other ministries to input information and analysis, and to review draft material prior to public release;
- providing feedback to other ministries regarding how their input has been considered at various stages in the process;
- providing advance notice to other ministries of the release of material which may raise concerns among stakeholders; and
- informal dialogue throughout the process.

MNR is also pursuing provincial-level initiatives that support integration in Crown land use planning. CLUPA improves the availability of information on land use policies including proposed and approved changes. Provincial-level policies for Crown land use planning processes identify requirements related to cross-ministry involvement, and are normally subject to inter-ministry review.

## 4.7 CONSULTING WITH MUNICIPALITIES AND PLANNING BOARDS

Substantial portions of the Crown lands in Ontario are located within municipal boundaries or in areas where local planning boards carry out planning for private lands. Municipalities may have a range of interests in Crown land use planning, including the potential for Crown land activities to have implications for municipal servicing, compatibility of Crown land activities with activities on private lands, the role that Crown land plays in the provision of economic or recreational opportunities to community residents, and the ecological role that Crown lands may play (e.g., protection of water sources). As a result, it is essential to engage municipalities and planning boards in Crown land use planning processes.

**STANDARD:** Where a proposed change in area-specific land use policy for Crown lands is being considered through a Crown land use planning process, and the area is in the vicinity of, abutting with, or within a municipality or planning board area, the comments of the municipality or planning board must be requested. The requirement to seek comments also applies to proposals that may be further from a municipality or planning board area, but which may have a significant impact on the community.

Where input is being sought from municipalities, it is important to establish realistic deadlines for submitting comments. If a municipal council needs to approve comments, this can substantially increase the response time.

# 5.0 APPROVING OR AMENDING LAND USE PLANS AND POLICIES

The direction in this Section on approving new, or amending existing, area-specific land use policies is intended to apply to all Crown land use planning carried out by MNR, except for planning in the Far North. The direction primarily applies to amending existing policies, but also applies to a small number of situations where area-specific land use policies are being developed for areas without prior land use direction.

**STANDARD:** The direction in Section 5.0 updates and replaces all earlier provincial-level MNR policies on land use plan approvals and land use amendments, including Section 9.3 of the Ontario's Living Legacy Land Use Strategy, "Keeping the Land Use Strategy Current".

The approvals that are required for land use decisions/documents vary considerably based on the nature of the planning process and the types of decisions that are being made. This section outlines some general standards for approvals, although there may be some planning processes that will have additional approval requirements that are specific to the process.

## 5.1 APPROVING OR AMENDING LAND USE PLANS

The results of most Crown land use planning will be documented in an amendment to the Crown Land Use Policy Atlas (CLUPA). However, there are some situations were a land use plan will also be developed or updated. The following two standards apply where land use plans are being developed or updated, in addition to the documentation in CLUPA.

**STANDARD:** New or amended Crown land use plans may be approved by the appropriate MNR Regional Director(s). If the plan recommends the establishment of a new or expanded protected area, removal of part or all of a protected area, or provides policy direction for protected areas, the approval of the Director of Ontario Parks is also required. In planning processes where there are contentious issues, additional approvals, potentially including approval by the Minister, may be necessary.

**STANDARD:** All new or amended land use plans for Crown lands must include or be accompanied by policy reports that can be incorporated into CLUPA. The draft version of the new policy reports must be subject to public consultation in conjunction with the review of the draft plan.

The preceding standard is intended to ensure that there are no subsequent questions or issues resulting from the "translation" of the policies in a land use plan into CLUPA.

## 5.2 APPROVING OR AMENDING AREA-SPECIFIC LAND USE POLICIES

Over half the Crown lands in Ontario are covered by area-specific land use policies that were developed through comprehensive Crown land use planning processes. The lands with approved policies include all of the area that was covered by Ontario's Living Legacy Land Use Strategy (LUS), and virtually all Crown lands in southern Ontario. In these areas changes to area-specific land use policies will be primarily documented through land use amendments.

MNR may identify the need to consider changes to area-specific land use policy because of changing government policies or public needs, changing resource conditions, new or refined information, or proposals for land use change resulting from other processes. The need to consider changes may also be triggered by a public request. Examples of situations that may result in revised area-specific land use policies include:

- allocating Crown land for a particular use when a new policy is implemented;
- responding to changes in provincial land use or resource management policy, or in response to direction established through a broad scale planning process (e.g., planning at the eco-region level);
- responding to the results of monitoring and assessment, or concerns that have been expressed;
- considering proposals for new land use areas, including new protected areas, or the subdivision of existing land use areas;

- developing more detailed land use policies for a General Use Area (GUA) or an Enhanced Management Area (EMA);
- changing the land use policies for a park or Conservation Reserve in conjunction with the development of management direction; and
- considering proposed changes to boundaries or land use policies for one or more areas.

The consideration of significant potential changes can occur when the circumstances warrant, rather than waiting for a predetermined review period. Consideration of less significant changes may be deferred until a formal review occurs.

MNR will facilitate changes to area-specific Crown land use policy through planning processes that are effective, efficient and that promote transparency and accountability. Land use decisions will consider natural, cultural heritage, social and economic values and effects.

Procedural direction on the updating of existing land use policies is presented in Procedures for the Amendment of Area-specific Crown Land Use Policy. Supplementary direction is available in Amendments to Area-specific Crown Land Use Policy: Frequently Asked Questions.

**STANDARD:** Changes to area-specific land use policy must be formalized through the approval of a land use amendment. All substantive changes that are proposed must be considered through an appropriate planning process with opportunities for public review. A planning process is not required for changes that document another decision or are updating information.

Where Crown land use planning has already occurred the acquisition of lands may initiate the need for the development of new area-specific land use policy. In this situation there may not be an existing policy that requires amendment. Most acquired lands are acquired for a specific purpose, and thus the broad land use intent will already have been established.

**STANDARD:** Blocks of lands that are acquired for specific purposes after the completion of Crown land use planning, or lands which are being managed by MNR under an agreement which identifies a specific land use intent, will normally have their land use intent formalized through a minor land use amendment. Acquisitions that will result in small additions to existing areas with approved area-specific land use policy (e.g., the acquisition of a small property that is within or adjacent to a Provincial Park, for the purpose of adding to the park) will have their land use intent formalized through an administrative amendment or mapping changes.

Further direction on Crown land use planning for acquired lands is outlined in Section 12.1.

Some policy which is contained in land use documents is not considered to be "land use policy". For example, the LUS modified a number of existing program policies (e.g., permitted uses in Provincial Parks). Changes to program policies that are included in Crown land use planning documents will occur through the appropriate processes for changing program policies, not through land use amendment processes.

CLUPA provides up-to-date information on proposed and approved area-specific land use amendments. A Land Use Amendment Search Tool allows users to retrieve detailed land use amendment information based upon a customized search of all amendments.

CLUPA is the primary source of area-specific land use policies. The area-specific land use policy in the documents that have been consolidated in CLUPA (e.g., LUS, District Land Use Guidelines (DLUGs), special area plans) will not normally be separately amended. In the small number of cases where local plans are being maintained when they are subject to a comprehensive review the policy reports and other material should be harmonized with the requirements in this Guide.

### General Policies for Land Use Amendments

The following general policies for amending area-specific land use policies apply to Crown land use planning in Ontario, except for planning in the Far North. These policies are supplemented by the land use amendment procedures.

In addition to amendments initiated by MNR, an amendment to area-specific Crown land use policies may be requested by any external party, including members of the public, Aboriginal communities, groups, corporations and public agencies. Information on the public role in requesting or reviewing land use amendments is publicly available.

### Screening Amendment Proposals

All land use amendment proposals (internal and external) are subject to an initial screening by the originating/custodian office. Through the screening process a determination will be made as to whether a proposed amendment should be:

- considered immediately;
- deferred for subsequent consideration;
- referred to another process;
- returned to the submitter with a request for additional information; or
- rejected.

Where the amendment proposal has been submitted from outside MNR, the requester will receive a written response identifying how the proposal has been screened.

The screening process will consider a number of factors, including:

- the urgency of the proposal;
- the degree of public interest;
- the extent to which similar issues may have been considered recently;
- the relative priority in relation to other proposed planning projects;
- whether the issues raised fall within the scope of Crown land use planning; and
- the availability of the staffing, financial and information resources that would be required to carry out the planning.

### Classifying Land Use Amendments

Land use amendments will vary in their significance and impact. Land use amendments will be classified as 'administrative,' 'minor' or 'major.' The level of documentation, nature of public involvement and necessary approvals will be determined by the classification. (See MNR Bulletin: Procedures for the Amendment of Area-specific Crown Land Use Policy for more detail.)

### Administrative Amendments

Administrative amendments document decisions that have been made through another process or that update information including correcting minor errors or omissions. The administrative classification should be assigned when the intent of the amendment is one or more of the following:

- document and implement a higher level government (e.g., Ministerial, provincial Cabinet or federal government) decision or legislation;
- implement an existing legal commitment;
- correct minor errors or omissions; or
- update information.

The following examples of changes to policy reports are classified as administrative land use amendments:

- Updating policy reports where changes to provincial policies for a specific Crown land use designation are sufficiently explicit that they can be incorporated without the need for additional planning (e.g., incorporating minor changes to permitted uses policies resulting from the proclamation of the Provincial Parks and Conservation Reserves Act (PPCRA).
- Updating policy reports to recognize that a site's regulated status has changed (i.e., regulation or re-regulation has occurred).
- Changing the name of an area.
- Updating policy reports following the approval of a management direction for a Provincial Park or Conservation Reserve. ("Management Direction" is the generic term for documents providing site-specific management policies for Provincial Parks or Conservation Reserves).
- Re-designating part or all of a Forest Reserve as a recommended protected area if the mining tenure lapses.
- Changing a boundary of a protected area in which there is no change to the original intent of that boundary (e.g., the original intent of a boundary may have been to follow a natural feature, or human-made feature such as a road or a hydro corridor, but this intent was not accurately mapped).
- Designating private land (i.e., land managed by MNR under an agreement), acquired land or donated land as a protected area addition where the addition is small and will be the same Crown land use designation and class as the existing park that is being added to. (This does not include minor additions within a protected area where the land use intent is already defined. These additions are dealt with as mapping changes).

- Consolidating land use areas that have essentially the same land use intent, but which were subdivided because they were formerly in different MNR administrative units.

Where they exist, local land use plans should not establish consultation requirements related to administrative amendments, because administrative amendments generally implement decisions that have already been made. However, there may be situations where it is appropriate to carry out additional notification for some types of administrative amendments that would supplement the posting on CLUPA.

- Administrative amendments are normally approved at the Director level; specific approval requirements are outlined in Procedures for the Amendment of Area-specific Crown Land Use Policy.

**STANDARD:** Some administrative amendments are documenting legislative or provincial-level policy changes that have been approved, but which are not yet reflected in CLUPA. The new provincial direction starts to guide local land use decisions when the legislation or policy comes into force, not when the administrative amendment is approved.

Other than the preceding guidance, the Guide does not apply to administrative land use amendments. Administrative amendments are reflecting other decisions or making minor changes in documentation, and the process to do this is not considered to be a "Crown land use planning process" covered by the Guide.

### Major and Minor Amendments

- Amendments that are not classified as "administrative" will be classified as major or minor amendments. The criteria for determining whether an amendment is major or minor are outlined in Table 4: Criteria for Classifying Land Use Amendments. The determination of the classification is discussed further in Procedures for the Amendment of Area-specific Crown Land Use Policy.

TABLE 4: **CRITERIA FOR CLASSIFYING LAND USE AMENDMENTS**

| Factor | Minor Amendment | Major Amendment |
|---|---|---|
| Change in land use intent | ■ Minor alteration. | ■ Significant alteration. |
| Anticipated public reaction | ■ Little or no public concern anticipated. Little to no potential for negative effects on the public or adjacent landowners. | ■ Likely to cause significant public concern regionally or provincially, regarding potential for adverse impacts. |
| Anticipated Aboriginal reaction | ■ Little or no concern anticipated. Little to no potential for negative impacts. | ■ Likely to cause significant Aboriginal concerns regarding potential for negative impacts. |
| Environmental or socio-economic effect | ■ No significant negative environmental or socio-economic effect anticipated. | ■ Significant negative environmental or socio-economic effect possible. |

| Factor | Minor Amendment | Major Amendment |
|---|---|---|
| Proposing new land use area that requires a regulation | ■ Proposed protected areas on lands acquired or donated for protection purposes, or additions to existing protected areas. (Excludes some small additions that may be dealt with through administrative amendments – see discussion of administrative amendments). | ■ All substantial new areas requiring a regulation, except proposed protected areas on lands acquired or donated for protection purposes. |

The only significant difference in the standard requirements for minor versus major amendments is that major amendments must have additional consultation at the provincial level, although additional approvals may also be required.

**STANDARD:** Minor and major land use amendments may be approved by the Regional Director. Amendments that deal with existing or proposed protected areas also require the approval of the Managing Director of Ontario Parks. In the case of very significant amendments additional MNR approvals beyond the Director level may be required; an individual evaluation of potential implications is required in order to identify the appropriate level of approval. All staff involved in the approval process must carefully consider whether additional approvals should be sought.

**STANDARD:** A major or minor land use amendment comes into force when it is approved, unless the amendment specifically indicates a date when it will come into force.

Amendments to the boundaries of areas that are established in regulation will require a new or revised regulation or legislative approval. Crown land use planning may recommend these amendments, but the formal approval is beyond the scope of the Crown land use planning process.

### Public Involvement and Aboriginal Consultation

Minimum requirements for public involvement in proposed amendments are outlined in the Procedures for the Amendment of Area-specific Crown Land Use Policy. Public involvement will focus on the specific issue that is the subject of the proposal, rather than the fact that there is a proposal to amend a land use document. In some cases involvement opportunities will be combined with that for another planning process (e.g, a park planning process that is proposing changes to park boundaries). All proposals for major or minor land use amendments will require posting proposal and decision notices on the Environmental Registry. The review process for proposed land use amendments must address any obligations to consult with Aboriginal peoples, in addition to identifying appropriate opportunities for Aboriginal engagement.

# 6.0 CROWN LAND USE PLANNING: SCOPE, ROLES AND RESPONSIBILITIES

This section elaborates on the general discussion of Crown land use planning presented in Section 2.2, and is intended to assist in determining the topics that should be addressed in Crown land use planning exercises. As part of the clarification there is a discussion of topics that are considered to be outside the scope of Crown land use planning.

## 6.1 SCOPE OF CROWN LAND USE PLANNING

Crown land use planning is intended to result in land use decisions that show where, and under what circumstances, certain land use activities can occur on Crown lands in Ontario. Crown land use planning attempts to deal with and integrate a broad range of objectives. Because MNR carries out a variety of types of strategic planning at higher levels, and detailed resource management and operational planning at the local level, questions sometimes arise as to what should be categorized as a land use decision, or decisions on "area-specific land use policy". The following discussion provides more detailed guidance, although there will always be some grey areas that will require interpretation. Staff of the Regional Planning Units or Natural Heritage and Land Use Planning Section can provide advice where necessary.

Crown land use planning decisions include:

- assigning Crown lands and waters to specific Crown land use designations with associated general policies;
- establishing land use goals and objectives for broad planning areas and/or individual land use areas;
- determining the principal land uses that may occur on particular areas; and
- establishing broad direction for the permitted uses.

It is difficult to provide a generic description of resource management planning because the nature of the planning varies considerably among the different resources or programs. Typically, resource management planning deals with a single resource or provides detailed direction for the management of an area that has been allocated to a particular designation. Examples of planning that is considered to be resource management planning include forest management planning, protected area management planning and water management planning.

For practical reasons, some decisions that theoretically could be considered to be "Crown land use planning" are considered to be part of resource management planning where they occur in protected areas. For example, the establishment of zones and the development of associated broad management policies in protected areas are similar to activities carried out in Crown land use planning. However, protected area planning is not part of MNR's Crown land use planning because it is providing detailed direction within the context of an approved Crown land use designation.

Not all content in land use plans is considered to be "land use decisions" that should be maintained through Crown land use planning processes. As an example, Ontario's Living Legacy Land Use Strategy (LUS) changed some protected area policies to address concerns that had been expressed. These are provincial-level policy decisions that over time will be integrated into updated program policy. When this is done, these policies will be deleted from the LUS or will only be included for information purposes, and future revisions to the protected area policies should be done through the normal processes for revising provincial policy. As another example, Section 6.1.5 of the LUS reconfirmed a provincial policy that established planning and management requirements for new road construction on Crown lands, which had been in an earlier policy document. These provincial policies will have their permanent home in updated program policy.

Land use plans or the Crown Land Use Policy Atlas (CLUPA) may include area-specific land use policy that is appropriately classified as resource management or operational direction. Although this is not encouraged, there may be specific situations where it is reasonable to address the additional topics. For example, it may be necessary to occasionally provide direction on specific contentious resource management issues in order to address the concerns of participants in the planning process. Detailed direction, including quantified objectives, may also be established where there is a desire to identify opportunities for new development – for example an opportunity to develop a new tourism facility on Crown land.

Crown land use planning processes can get bogged down in detail if attempts are made to resolve detailed resource management issues, particularly if the planning process is dealing with a large planning area. In addition, there are process requirements associated with resource management planning that can be difficult to integrate into Crown land use planning processes.

The following types of activities do not result in land use decisions, and thus they are not normally dealt with in Crown land use planning processes (with occasional exceptions). Detailed direction for these activities is usually provided by resource management plans or specific review and approval processes:

- Establishing specific areas intended for disposition (with some exceptions). For example, the land use policies for a specific General Use Area (GUA) might permit the development of cottage lot subdivisions, and might specify certain lakes that are considered to be appropriate for cottage lot development, but the precise definition of location, number of lots, size of lots, etc. is a land management function.
- Authorizing activities (by letter, permit, lease, sale, transfer, etc.) on Crown land where they are permitted by existing land use policy. For example, if the policy for an area permits new outpost camps, there are no further Crown land use planning requirements to permit the establishment of a new camp. Boundary adjustments to protected areas where land use and/or protected area policy allows a disposition for specific activities (e.g., providing an adequate area for the installation of a septic system to serve an existing cottage) also do not require any Crown land use planning.
- Establishing conditions on use or detailed operational direction. For example, while Crown land use planning may indicate that commercial fur harvesting is a permitted use in a specific land use area, it is not the appropriate vehicle to develop detailed direction on topics such as species, seasons, allocation of licenses, etc. Similarly, while Crown land use planning can be used to develop broad direction on access, it is not normally the appropriate mechanism for establishing detailed road use management strategies.

If provincial policy for a Crown land use designation generally permits an activity then it may be considered in a local area covered by the designation through the normal review and approval processes, without further review through a Crown land use planning process. The only exception would occur where the proposed activity clearly conflicts with the area-specific land use intent.

In the past, some land use plans have included recommendations for specific management actions. This type of content should not normally be included in Crown land use planning documents because land use plans cannot commit MNR to specific implementation actions, particularly if additional resources will be required to implement the commitment.

## 6.2 ROLE OF CROWN LAND USE PLANNING IN ACCESS OR ROAD PLANNING

There is sometimes uncertainty about what policies related to access or roads should be developed in what planning process. Crown land use planning is the appropriate process for developing direction on the type, extent and intensity of access that will be permitted over larger areas. This direction does not directly deal with the location, construction, management or decommissioning of roads or trails. Local direction on the construction, use and management of roads and trails is primarily developed through resource management planning or operational processes. However, there will often be some overlap in the types of decisions that can be made in each type of planning.

The following examples must be read in the context that in some cases there may be constraints or guidelines on the types of access policies that can be established. In the case of Provincial Parks and Conservation Reserves, the Provincial Parks and Conservation Reserves Act (PPCRA) outlines the circumstances under which resource access roads or trails may be considered. Section 11.0 of the Guide provides guidance related to access for mineral exploration and development.

Examples of access decisions that can be made in Crown land use planning are:

- whether motorized access will be permitted in a specific area (subject to any pre-existing rights);
- if motorized access is permitted, whether it will be restricted to specific activities, e.g., commercial activities, or limited to existing access;
- establishing broad guidelines on access, for example establishing restrictions or prohibitions on access in certain portions of a land use area or in proximity to specific types of values; and

- time limits on use of road infrastructure, e.g., an area may be closed to all motorized access during certain times of the year or after specific management activities are completed. (This decision may also be made in resource management planning).

Examples of road and trail decisions that can be made through resource management planning or operational processes are:

- locations of roads and trails, including planning for broad corridors (e.g., the one kilometre wide corridors considered as alternative primary road corridors in forest management planning) and specific locations;
- construction standards for roads (e.g., type of road);
- phasing of road construction;
- management strategies, including monitoring, maintenance, possible restrictions on use and possible decommissioning of infrastructure, in particular bridges;
- assignment of management responsibility; and
- seasonal use policy, e.g., roads are only open for a specific hunting season.

Many Crown land use planning processes did not develop explicit local access policies. Where appropriate, this can be addressed through a review of local land use policies.

## 6.3 ROLES AND RESPONSIBILITIES

Table 5 outlines the roles or functions that are considered to be part of MNR's Crown land use planning activity, and identifies what part of MNR is responsible for each of the functions. The functions that the table deals with include policy development, plan preparation, monitoring and evaluation, priority setting, policy interpretation, and training and transfer. After the table there is a summary of a variety of other supporting functions.

Table 5 does not deal with the participation of other ministries in Crown land use planning. This participation can include activities such as developing policies that will be implemented through Crown land use planning, identifying specific values or resources that need to be considered in planning, providing data or analysis, and participating in the development or review of land use policies.

### TABLE 5: MNR'S CROWN LAND USE PLANNING ROLES OR FUNCTIONS[1]

| Type of function | Specific Role or Function | Responsibility |
|---|---|---|
| Policy development for Crown land use planning | 1. Establishing and maintaining broad standards for Crown land use planning processes including evaluation, consultation and documentation requirements, and developing associated technical guidance and tools.<br>2. Establishing and maintaining broad policies for Crown land use designations, except where the policies for the designation are the responsibility of a specific MNR program.<br>3. Monitoring the implementation and effectiveness of standards for planning processes and broad policies for Crown land use designations, and identifying the need for review. | Led by Natural Heritage and Land Use Planning Section (NHLUPS). Broad involvement (MNR, Ontario Public Service, Public, Aboriginal organizations or communities, as appropriate) in significant policy development or review initiatives. |

1. The table does not deal with Far North planning. Roles and responsibilities in Far North planning will vary from those applied in other Crown land use planning. MNR leadership for Far North planning will primarily be provided by the Far North Branch.

| Type of function | Specific Role or Function | Responsibility |
|---|---|---|
| Carrying out Planning | **1.** Assembling information necessary to carry out planning.<br>**2.** Identifying the potential contribution that areas (districts, eco-districts, etc.) may make to the achievement of broader objectives, where this will be at least partly determined by the Crown land use designation and/or land use policies.<br>**3.** Allocating individual areas of Crown lands, with defined boundaries, to specific Crown land use designations in order to achieve ministry or government objectives.<br>**4.** Developing area-specific policies (land use intent, some permitted uses, conditions for some activities or uses) for land use areas including determining any specific application of the provincial policies for the designation where the policies have broader implications. In some cases the policies may include specific objectives.<br>**5.** Altering the designation or broad policies for local areas, or modifying the boundaries.<br>**6.** Maintaining documentation of the processes leading to local land use decisions including any amendments to the decisions. This documentation may include planning direction that elaborates on the material included in CLUPA.<br>**7.** Developing and maintaining CLUPA, including maintaining documentation of land use amendments.<br>**8.** Evaluating the effectiveness of individual Crown land use planning processes.<br>**9.** Identifying monitoring needs to assess the effectiveness of land use decisions, and the extent to which the policies are implemented. | Primarily the responsibility of Regional Operations Division (ROD), with support from Science and Information Resources Division for information assembly and management. Planning usually carried out by district offices, although Regional Planning Units may play a lead or coordinating role. Approval responsibilities outlined in Section 5.0.<br><br>Some Crown land use planning functions may be led by Ontario Parks, e.g., consultation on proposed expansion of park in conjunction with park management planning. |
| Documenting planning decisions | **10.** Defining priorities for planning projects. | CLUPA and amendments are maintained by NHLUPS, content and the maintenance of supporting documentation is the responsibility of ROD and Ontario Parks. |

| Type of function | Specific Role or Function | Responsibility |
|---|---|---|
| Monitoring and evaluation | **11.** Evaluating the effectiveness of individual Crown land use planning processes.<br>**12.** Identifying monitoring needs to assess the effectiveness of land use decisions, and the extent to which the policies are implemented. | ROD (districts or regions); NHLUPS may provide advice on approaches.<br>ROD (districts or regions); NHLUPS may provide advice on approaches. |
| Priority setting | **13.** Defining priorities for planning projects. | Highly dependent on nature of project. Priorities for most planning projects determined in ROD (primarily district, occasionally region) NHLUPS will have a role in broad scale initiatives. |
| Policy interpretation | **14.** Interpreting provincial level policies and requirements. | Broad interpretation is led by NHLUPS, ongoing advice to districts is provided by Regional Planning Units. |
| Training and transfer | **15.** Education and training related to Crown land use planning, including development of support materials. | NHLUPS plays lead role, but Regional Planning Units also have important role. |

In addition to the core Crown land use planning functions noted above there are a number of supporting functions including information assembly and management, mapping, science and analysis, and communications planning. Examples of the support provided by other parts of MNR include:

- Communications Services Branch provides advice on communications planning and approvals, and in some situations provides operational assistance.
- Legal Services Branch provides advice on complex legal issues, including Aboriginal consultation.
- Ontario Parks develops and interprets the criteria for the protected areas system and provides input on the identification of candidate protected areas, including running MNR's "gap tool" which identifies gaps in representation.
- Aboriginal Policy Branch (in association with the Ministry of Aboriginal Affairs) provides advice on Aboriginal consultation, Aboriginal community contacts and structures, and Aboriginal community issues.
- Information management staff play a substantial role in developing information management strategies, and in carrying out information management.
- MNR's French Language Services can help with strategies to ensure effective engagement with the Francophone population of Ontario, plus provide specific advice on translation and other requirements resulting from the French Language Services Act.
- Advice on meeting the requirements of the Freedom of Information and Protection of Personal Privacy Act (FIPPA) is provided by the Information and Privacy Unit and FIPPA advisers.
- MNR's Environmental Planning Team provides guidance on meeting requirements of the Environmental Bill of Rights, in addition to posting notices on the on-line Environmental Registry.

# 7.0 APPLYING POLICY IN CROWN LAND USE PLANNING

Crown land use planning carried out by MNR is guided by a range of legislation, policy, government direction and existing plans. Many of the acts, regulations and policies that either direct Crown land use planning or establish context are identified and briefly described in Appendix C. This section outlines how these sources of direction influence Crown land use planning.

## 7.1 ROLE OF LEGISLATION, POLICY AND GOVERNMENT DIRECTION

Legislation provides the fundamental direction for MNR's planning activities. The basis for MNR's Crown land use planning is provided by the Public Lands Act, in particular Section 12. Crown land use planning is influenced by several other acts that MNR is responsible for, including: the Provincial Parks and Conservation Reserves Act (PPCRA); the Fish and Wildlife Conservation Act; the Endangered Species Act; and the Niagara Escarpment Planning and Development Act. Regulations associated with legislation can also have implications for planning.

MNR's Crown land use planning also considers or addresses the provisions of several acts that are primarily the responsibility of other provincial ministries or the federal government, including the Environmental Bill of Rights, Environmental Assessment Act, Planning Act, Places to Grow Act, Oak Ridges Moraine Conservation Act, Greenbelt Act, Mining Act, and the federal Fisheries Act.

Ontario respects Aboriginal and treaty rights protected by Section 35 of the Constitution Act, 1982 and is committed to meeting the province's constitutional and other legal obligations in respect of Aboriginal peoples in Crown land use planning and other activities.

The policies outlined in the Provincial Policy Statement (PPS) under the Planning Act are an important source of direction for a range of planning matters in Ontario. In the case of Crown land use planning, which is carried out under the authority of the Public Lands Act, the PPS is a reflection of government interests that MNR will consider in carrying out its work.

The Planning Act states in Section 6 (2) that: "A ministry, before carrying out or authorizing any undertaking that MNR considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality." This legislative provision applies to some Crown land use planning proposals in areas where there are municipalities.

Policy establishes the broad outcomes to be achieved through allocating Crown lands to potential specific uses and developing area-specific policies for these lands. Policy may also provide guidance on process requirements that need to be addressed in Crown land use planning. The primary source of this direction is formal strategic-level policy that has been approved by either the government or MNR. A key policy is Our Sustainable Future, MNR's strategic directions document that was released in 2005. Other examples of strategic policy that influence Crown land use planning include Ontario's Biodiversity Strategy, Ontario's New Approach to Aboriginal Affairs, MNR's Statement of Environmental Values (SEV) under the Environmental Bill of Rights, Nature's Best – The Framework and Action Plan for Ontario's Parks and Protected Areas, the Strategic Plan for Ontario's Fisheries, the Policy Framework for Sustainable Forests, MNR's Climate Change Strategy and Action Plan, Resource-Based Tourism Policy and Ontario's Mineral Development Strategy. All of these examples will be revised or replaced over time, and thus it is important to identify the most current policy. There are instances where the government's strategic policy may still be evolving, but there are government commitments that need to be considered in Crown land use planning.

In some situations provincial-level strategic policies are translated through planning or analysis into more geographically specific direction (e.g., objectives or targets or ranges for a resource or activity or value in an eco-region or eco-district). An example of this type of direction is MNR's Landscape Guides which are being developed to ensure that forest management reflects the most recent scientific knowledge on conserving biodiversity at the sub-regional (landscape) scale. This type of guidance should be considered in Crown land use planning.

Plans developed by other ministries or other public agencies (e.g., highway plans, source water protection plans, growth plans under the Places to Grow Act and the Ontario Power Authority's Integrated Power System Plan) will influence MNR planning. MNR's planning must consider other provincial land use plans, such as the Niagara Escarpment Plan, Oak Ridges Moraine Plan, Greenbelt Plan, Parkway Belt West Plan and Central Pickering Development Plan. Recovery plans which are developed under the Endangered Species Act may have implications for Crown land use planning.

In special situations strategic policy may be developed in conjunction with planning processes. The Ontario's Living Legacy Land Use Strategy (LUS) established or modified some provincial policies. At the same time, the Ontario Forest Accord was developed in cooperation with several key stakeholders. The Accord established commitments and principles for working cooperatively to establish new protected areas, while also meeting the needs of the forest industry for a sustainable wood supply. This initiative has subsequently been formalized as "Room to Grow".

There are a variety of government documents or processes that provide direction for short to medium time periods (one to four years), such as Results-Based Plans or business plans, Throne Speeches, provincial budgets and other statements of government intent or priorities. This direction must be considered in all planning to ensure that ministry policies and actions are aligned with government priorities. Some sources of direction may contain both policy and shorter-term action plans, such as Ontario's Action Plan on Climate Change.

MNR also develops a broad range of procedural direction. An example of procedural direction related to Crown land use planning is the Procedures for the Amendment of Area-specific Crown Land Use Policy. Strategic or procedural direction for Crown land use planning will be supplemented by bulletins that provide guidance on how to apply the broad direction.

## 7.2 RELATIONSHIP OF PROVINCIAL POLICY AND AREA-SPECIFIC LAND USE POLICIES

An issue that periodically arises is whether provincial policy or area-specific land use policies should guide decisions in a specific situation. This is most likely to be raised in relation to protected areas, but may also arise in relation to the interaction of provincial Guides and area-specific land use policies.

Area-specific land use policy refers to direction on land use that applies to a specific portion of Ontario. The policy can apply to a very small area or it can apply to a substantial portion of the province. Area-specific land use policy is almost always developed through a Crown land use planning process. ("Area-specific" is used rather than "local" because land use policies can apply to very large areas that most people would not consider to be local.)

Area-specific land use policy can normally only be developed within the bounds of provincial policy. Crown land use planning cannot revise or contradict provincial policy, with rare exceptions under specific circumstances.

**STANDARD:** Provincial policy provides direction for and takes precedence over area-specific land use policies and local plans, except where there is an explicit identification of the exception with appropriate approvals.

Examples of the exceptions where Crown land use planning processes modified provincial policy are found in the planning documents that resulted from two major Crown land use planning exercises carried out by MNR – District Land Use Guidelines (DLUGs) which were approved in 1983, and the LUS which was approved in 1999. The modifications of provincial policy that occurred in conjunction with these planning processes were possible because both were provincial-level planning initiatives, and appropriate provincial approvals were received for the policy changes.

Where provincial policy that has implications for area-specific land use policy is developed or revised, a land use amendment should simultaneously or subsequently be processed to document the changes to area-specific land use policy. Different types of provincial policies have different implications for Crown land use planning. Some

types of policies are non-discretionary and leave little or no room for interpretation. These policies must be automatically and consistently applied, and normally are incorporated into area-specific land use policies through an administrative amendment. Unless specific exceptions are noted, approved policy that is non-discretionary applies as soon as it is approved, and the subsequent processing of an administrative land use amendment is "housekeeping". Most legislative policy is non-discretionary. For example, the PPCRA establishes a number of policies for protected areas, and these immediately applied when the legislation was proclaimed, regardless of what direction was contained in area-specific land use policies.

Many policies have a discretionary element and permit activities under specific circumstances or subject to meeting conditions. For example, the PPCRA established a variety of conditions that would need to be met before resource access roads could be authorized in Provincial Parks or Conservation Reserves. Another example of a "discretionary" policy is the Provincial Parks policy that permits hunting in certain classes of parks. The precise application of these policies will need to be determined through more detailed planning or review.

Any proposals for a new or revised provincial policy that will lead to changes in area-specific land use policies should identify the expected implications during any public consultation on the proposed policy. Consideration must be given in the development of provincial policies that have implications for area-specific land use policies, as to whether there are any geographic variations in application, either areas where the policy does not apply or where it applies with modifications. Any exceptions or variations should be carefully defined and communicated so that the application is clearly understood.

# 8.0 WORKING WITH CROWN LAND USE DESIGNATIONS

This section provides guidance on the use of Crown land use designations in Crown land use planning, and presents guidelines on the use of primary and overlay designations. Provincial policies for the seven primary Crown land use designations used in Crown land use planning in Ontario are documented or summarized in Part II of the Guide, along with guidance on the circumstances under which specific designations could be applied. Part II also includes a brief discussion (Section 15.2) of the implications of Crown land use designations for Aboriginal peoples.

## 8.1 MNR'S CROWN LAND USE DESIGNATION SYSTEM

In Crown land use planning MNR makes extensive use of land use designations that are applied to specific areas of Crown lands. These designations show where particular land and resource use objectives are to be given emphasis or priority. Crown land use designations have several major purposes or values:

- They are an important tool for communicating land allocation decisions with the associated land use intent. The land use maps identify the areas where the designations and associated policies apply;
- They provide a level of certainty respecting uses that may occur on various lands (subject to meeting specific approval requirements);
- They can reduce land use conflict by supplying direction on the separation of incompatible land uses; and
- They provide the basis for resource management and other detailed planning, and some operational decisions.

The existing MNR Crown land use designations constitute a provincial land use designation system for Crown lands. The designations represent different blends of policies on a protection-to-development continuum. At the protection end of the continuum the designations are intended to provide high levels of protection to significant natural or cultural heritage values. At the other end of the continuum, there are designations that permit substantial flexibility in resource management, within the overall context of ecological sustainability. At midpoints on the continuum there are several categories of Enhanced Management Area (EMA) that provide an emphasis on managing for specific values, while also supporting sustainable development. Further Crown land use designations could be established through an amendment to this guide, but this would only occur in special circumstances.

## 8.2 PROVINCIAL POLICIES FOR CROWN LAND USE DESIGNATIONS

The provincial-level policies for specific Crown land use designations (outlined or summarized in Part II) serve a variety of purposes:

- They provide MNR staff and members of the public with a common understanding of the implications of the application of different designations;
- They ensure a level of consistency in land and resource management across the province; and
- They provide standard wording that can be used in local planning.

The degree of flexibility of the provincial-level policies for the different designations varies considerably. Some policies for Provincial Parks, Conservation Reserves and Provincial Wildlife Areas are established in legislation or regulation, and thus there is little or no flexibility in the application of these policies. There are different degrees of flexibility within the non-legislated and non-regulated policies. The General Use Area (GUA) designation is by far the most flexible, because the provincial-level policies for this designation establish few restrictions. Some GUAs have policies that provide explicit site-specific direction (e.g., relatively high level of protection for significant values), while other GUAs have few specific policies and rely on provincial program policies to guide potential activities.

Section 9.1, Developing Land Use Policies, provides direction on the extent to which local Crown land use planning can modify or elaborate on provincial policies.

## 8.3 PRIMARY CROWN LAND USE DESIGNATIONS

Seven primary Crown land use designations have been used in planning. These are:

- Provincial Park
- Conservation Reserve
- Provincial Wildlife Area
- Forest Reserve
- Enhanced Management Area
- General Use Area
- Wilderness Area

The seventh designation, Wilderness Area, applies to a small number of existing areas. These areas were established in regulation under the Wilderness Areas Act. The Provincial Parks and Conservation Reserves Act (PPCRA) contains a section that, once the section is proclaimed, will repeal the Wilderness Areas Act. The intention is that no new Wilderness Areas (under the Wilderness Areas Act) will be established. A standard on this topic, with the associated rationale, is presented in Section 16.7. The section also outlines the proposed approach for dealing with the few remaining Wilderness Areas (established under the Wilderness Areas Act) that are not located within another protected area.

Part II presents or summarizes provincial-level policies for the primary Crown land use designations. The provincial-level policies for three designations – GUA, EMA and Forest Reserve – were originally established in the LUS. The policies outlined in Part II for these three designations update and replace the direction in the LUS. The sources of policy direction for Provincial Parks, Conservation Reserves and Provincial Wildlife Areas are identified in Part II.

**STANDARD:** There can only be one primary Crown land use designation for an area.

The primary Crown land use designation identifies most of the land use policies that apply to an area, either through the application of provincial policy or through the development of local policies. As a result, it is only possible to have one primary Crown land use designation for any given area.

**STANDARD:** Primary Crown land use designations for specific areas are determined through a Crown land use planning process.

The Crown land use planning that determines land use designations virtually always includes some level of public involvement, but in special situations the government could make the determination without public involvement, and the land use decision will be subsequently documented in an administrative amendment. In the case of designations that are legally established by regulation, Crown land use planning establishes the area-specific policy intent to pass a regulation. However, the formal establishment of the area still requires the approval of a regulation, and the policy approval is not a guarantee that this will happen. In the case of the de-regulation of larger portions of a protected area, the decision must be made by the provincial legislature.

**STANDARD:** The use of a primary Crown land use designation other than those designations identified in Part II of the Guide requires special approvals. Establishing a new primary Crown land use designation, or a new category of EMA, would require an amendment to the Guide, other provincial-level policy approval, or a basis in legislation or regulation.

It is possible that new Crown land use designations, new categories of EMAs, or modifications of policies for existing Crown land use designations may be proposed when Crown land use planning occurs in the Far North, in order to recognize the unique cultural and environmental context. These new designations, categories or policies will be subject to the review and approval processes that are established for Far North planning. If there is interest in applying these designations, categories or broad policies elsewhere in the province, provincial level review and approval would be necessary, and would involve an amendment to Part II of the Guide.

The Provincial Park and EMA designations are both subdivided into separate types – for parks these are described as "classes" and for EMAs these are described as "categories". The class or category determines some of the provincial policies that will apply to the area.

**STANDARD:** The policy report for a recommended Provincial Park must recommend the assignment of the area to one of the park classes defined in the PPCRA.

The assignment of a recommended Provincial Park to a park class in Crown land use planning is treated as a recommendation, because Section 8 of the PPCRA indicates that "The Lieutenant Governor in Council may classify Provincial Parks…". Any reconsideration of the classification of a park would be done through the development or review of a management direction for the park, with any resulting changes being incorporated into the Crown Land Use Policy Atlas (CLUPA) through an administrative amendment.

**STANDARD:** The policy report for a new EMA must assign the area to a category that has approved policy.

**STANDARD:** The following factors must be considered in the selection of a primary Crown land use designation for a specific area:

- the extent to which the provincial-level policies for the designation effectively support the proposed objectives for the area;
- the ability to develop area-specific policies that address local circumstances;
- the support that the designation may provide for implementing the identified land use intent and management direction (e.g., are there regulatory tools associated with the designation that would help to implement the policies for the area);
- the degree of public acceptance of the designation;
- potential environmental, social, cultural heritage and economic implications;
- potential impacts on Aboriginal or treaty rights;
- the compatibility of the policies for the designation with the land use intent of adjacent land use areas;
- where area-specific land use policies are being developed for lands in proximity to a Provincial Park or a Conservation Reserve, consideration must be given to whether the designation and associated policies will support the protection of the ecological integrity of the protected area; and
- any commitments that have been made to a person or group, where land has been or is being donated to the province for a specific purpose.

There may be other factors that will warrant consideration in specific circumstances.

Considerations in the application of each primary Crown land use designation are outlined in Part II.

## 8.4 OVERLAY DESIGNATIONS

Overlay designations are used to identify areas with supplementary policies that modify some of the policies of one or more primary land use areas. These overlay or modifying policies must be read in conjunction with the policies for the primary designation. Overlay designations typically provide direction for a small number of land use or resource management activities.

Overlay designations have been primarily applied where there are defined areas with a limited set of land use policies that cut across (i.e. do not align with) the primary Crown land use designations. Because of this lack of alignment the policies cannot be readily integrated into the geographic areas (polygons) that are used for primary designations.

**STANDARD:** The policies for overlay designations supplement the policies for the primary Crown land use designation. Where the primary and overlay designations provide direction on the same topic or activity, the policies of the overlay designation will be applied. The only theoretical exception to this would be where the policies for the primary designation are established in legislation or regulation.

One example of an overlay designation is Crown game preserves. Crown game preserves have specific policies (no hunting and no trapping) that are established in Section 9 (1) of the Fish and Wildlife Conservation Act, and that are applied as overlays on top of the primary Crown land use designation. As noted, policies for overlay designations almost always over-ride the primary Crown land use designation policies. As a result, where a Crown game preserve overlays a Provincial Park or Conservation Reserve where provincial policy normally permits hunting, the Crown game preserve prohibition on hunting is the applicable policy.

Overlay designations have also been used where there are identified natural resource values with associated local land use policies.

An overlay designation could be used to document general policies that apply to a number of land use areas, rather than referring to policies that may be housed in a separate land use document outside CLUPA.

The establishment of new overlay designation areas is discouraged because it creates greater complexity, and is difficult for both the public and MNR staff to interpret. Wherever possible all land use direction should be integrated into the policies for the primary land use areas. In some cases this may necessitate the division of the land use areas. However, there are likely to continue to be some circumstances (e.g., some Crown game preserves), where it will not be feasible to integrate the land use direction into the primary Crown land use designations for the area.

Planning determines where overlay land use designations are to be applied, and identifies any specific local elaboration of the land use and management policies. This elaboration must be consistent with any provincial policy that may apply to the type of overlay, except where special approvals are obtained.

The process for the removal of overlay policies should be similar to the process that was used to originally establish the policies. For example, Crown Game Preserves were established by regulation. The amendment or removal of a Crown Game Preserve overlay in CLUPA would be triggered by the amendment of the regulation that establishes the Crown Game Preserve. The actual change to CLUPA would involve processing an administrative land use amendment. Any public discussions regarding the proposed removal of the Crown Game Preserve regulation should note that a corresponding change would be made to CLUPA, with no additional consultation. Modification or removal of overlays that were established through a Crown land use planning process would need to occur through Crown land use planning, including meeting the requirements of the applicable land use amendment processes. When existing area-specific policies are reviewed, opportunities to remove existing overlays should be carefully considered.

## 8.5 CROWN LAND USE DESIGNATION OR VALUE FOR CONSIDERATION?

There have been some situations where there has been uncertainty about whether a specific label for an area is a type of Crown land use designation or a value that needs to be considered in planning. As outlined in Section 8.3 there are only seven approved primary Crown land use designations. A Crown land use designation is applied to an area through a Crown land use planning process and has an associated standard set of land use policies which provide the primary land use intent for the area. In contrast, most planning considerations do not have any associated land use policies.

In some cases MNR provincial programs have developed a process for formally identifying areas with associated management intent, and the management intent may include land use policies. In these situations, MNR's Crown land use planning documentation (CLUPA and local plans) may note the identified areas and the associated land use policies.

As examples, the following material briefly reviews the status of Areas of Natural and Scientific Interest (ANSI), areas with high mineral potential as determined by the Provincially Significant Mineral Potential (PSMP), lake trout lakes, and provincially significant wetlands.

### Areas of Natural and Scientific Interest

Confusion has occasionally arisen about the status of ANSIs. The current MNR policy (established in Nature's Best – Ontario's Parks and Protected Areas: The Framework and Action Plan) is that on Crown lands the ANSI status identifies areas which contain natural values. Where ANSIs have been identified in the past, the natural values should be considered in land use and other planning, but the Crown land ANSI status does not by itself confer any protection. This perspective differs somewhat from the application of ANSIs on private land as guided by the Provincial Policy Statement. There are a few areas where, through Crown land use planning, protective policies have been developed for individual ANSIs that have not become regulated protected areas. This protection is a result of land use decisions, and is not inherent in the ANSI identification. Where there is a desire to protect a specific ANSI on Crown lands, there are a variety of land use policy options including designation as a protected area, a Natural Heritage EMA, or a GUA with area-specific protection policies.

### Provincially Significant Mineral Potential

In all future Crown land use planning it is expected that an assessment will be done to determine if there are any lands with high mineral potential as determined by the PSMP. The PSMP identifies areas with varying levels of mineral potential, but it does not establish a Crown land use designation. Guidance on how to consider this potential in Crown land use planning is included in Section 11.0, Consideration of Mineral Resources, Mineral Exploration and Mining.

### Lake Trout Lake

A lake trout lake is a fisheries value that is often referenced in CLUPA and land use plans. Fisheries Policy Section has established a formal process to identify lakes that are managed for lake trout, and the lakes are documented in Inland Ontario Lakes Designated for Lake Trout Management. Some provincial policies with land use implications (e.g., restrictions on dispositions) have been developed for lake trout lakes. CLUPA is a useful vehicle for integrating the value identification and land use policies that specifically apply to the value, in order that the geographic application of policies is readily apparent to both staff and members of the public. The policy report for any land use area in CLUPA that contains one or more identified lake trout lakes includes a link to the current list of identified lake trout lakes. However, the responsibility for revising the list of identified lakes or the associated land management policies continues to rest with the appropriate programs, not Crown land use planning processes. Any revisions to the policies would be incorporated into CLUPA using an administrative land use amendment.

### Provincially Significant Wetland

Provincially Significant Wetlands may be identified on Crown lands. MNR will have regard for this important value in Crown land use planning processes, but it is not a Crown land use designation, and it does not automatically trigger the need to apply any specific land use policies on Crown lands.

## 8.6 CROWN LAND USE DESIGNATIONS LIMITED TO CROWN LANDS

Primary Crown land use designations apply to lands that are owned or managed by MNR. Most MNR land use plan maps, including the maps in CLUPA, are relatively general and do not precisely show all private lands, Federal Lands or Indian Reserves. These lands do not form part of the land use areas. Other agencies are encouraged to consider the general land use intent when they are developing their own plans.

**STANDARD:** The following standard statement must be included on any new land use plan maps, and in the text of any land use plans that may be prepared: Crown land use designations apply only to Ontario Crown lands, and other lands managed by MNR. Where a designation appears to overlap private land, Federal land, or Indian Reserves, these lands are not covered by the designation.

The mapping of the boundaries of Crown land and private land in CLUPA will be improved over time.

When Crown land is sold or transferred, there is normally no need to revise the boundaries in CLUPA, because the land use policies no longer apply to the area. There are some exceptions to this, in particular in situations where the public may use CLUPA to identify lands that are available for use. This is the situation for Provincial Parks and Conservation Reserves. In the future it will also be necessary to revise CLUPA boundaries in southern Ontario south of the OLL Planning Area when lands are sold or transferred, because CLUPA will show individual Crown land parcels. It is MNR's intent to periodically update CLUPA's patent land layer to reflect the most current information.

## 8.7 ESTABLISHING REGULATED CROWN LAND USE DESIGNATIONS

At the end of a Crown land use planning process, if a policy decision has been made to establish a new land use area that needs to be regulated under a specific piece of legislation, the area will be described as "recommended". In this context, the "recommended" means that MNR will be preparing a formal submission that recommends, to the appropriate committee of Cabinet, that the area be placed into regulation. A variety of requirements must be met before the regulation is approved. Planning staff in district and regional offices usually play a substantial role in implementing some of these requirements.

The Crown land use designations that will be established by regulations in the future are Provincial Parks and Conservation Reserves. Tasks associated with the legal

establishment of new Provincial Parks and Conservation Reserves include:

- refining the proposed boundary of the protected area (if this was not clearly established during Crown land use planning) and arranging for the preparation of a regulation plan by the Office of the Surveyor General;
- confirming the recommended protected area has accurately been withdrawn from claim staking, including any additions or deletions that may be made through the boundary refinement process;
- continuing discussions with Aboriginal communities with specific interests in the proposed protected area boundaries, as appropriate, including meeting any legal obligations to consult;
- public consultation on boundary fine tuning;
- obtaining sustainable forestry license amendments (in areas that are within the Area of the Undertaking), including provision for the license holders to review and respond to the proposed amendments;
- obtaining approvals for regulations under the PPCRA;
- for Provincial Parks where hunting is to be permitted, obtaining hunting regulations under the Fish and Wildlife Conservation Act;
- updating CLUPA through an administrative amendment to reflect the regulated status;
- ensuring that accurate mapping of the protected area is shown in MNDMF's on-line Claimsmap; and
- public notification following regulation.

The steps for regulating protected areas must be carried out in conjunction with the requirements of the Class Environmental Assessment for Provincial Parks and Conservation Reserves.

The Operations and Development Section of Ontario Parks is responsible for coordinating the regulation of protected areas and can provide procedural direction. Some guidance materials are posted on Ontario Parks' intranet site.

# 9.0 DEVELOPING AND DOCUMENTING LAND USE POLICIES AND BOUNDARIES

This Section provides guidance on how to develop and document draft and approved area-specific land use policies. The emphasis is on developing and documenting policies using the Crown Land Use Policy Atlas (CLUPA), but guidance is also provided for the relatively small number of situations where a separate land use plan document may be prepared. The section also provides guidance on the documentation of the boundaries of land use areas.

## 9.1 DEVELOPING LAND USE POLICIES

Land use policies should be clear, specific and unambiguous.

Land use policies should be intended to last for a longer period of time, and should not normally be used to establish shorter-term (a year or two) operational direction or prescriptions. Although it is possible to revise the policies or boundaries for individual land use areas, they should be relatively stable over time. Thus, it would not normally be appropriate to apply a Crown land use designation to a situation where a particular land use, or set of resource management practices, is expected to occur for only a relatively short period of time.

It is desirable to make as many land use decisions as possible (consistent with the scope of planning and appropriate data availability) during Crown land use planning processes. Deferring consideration of issues to subsequent planning can mean substantial delays, or in many cases the issues will never be appropriately addressed.

The development of area-specific policies must be carried out in the context of applicable legislation and regulation, provincial policies for the Crown land use designation including those outlined in Part II of the Guide, and any other relevant policies. Local policies must be consistent with provincial policies but can elaborate on provincial policies and in some circumstances can be more restrictive. Where area-specific land use policy is silent on a specific activity or use, then the policy for the activity is based on any applicable provincial policy.

General direction for the development of area-specific land use policies is as follows:

- area-specific land use policies cannot be less restrictive than provincial policy, because this would create a policy conflict. For example, the provincial policy for Remote Access Enhanced Management Areas (EMAs) is that "new roads will not be open for motorized travel by the public", and local planning must apply this policy;
- with the exception of Provincial Parks and Conservation Reserves, area-specific land use policies in CLUPA or land use plans may be more restrictive than provincial policies for the Crown land use designation. (Detailed policies for individual Provincial Parks and Conservation Reserves are established through the development of a management plan or statement);
- the application of restrictions in specific situations must be consistent with the intent of the provincial policies, and the overall purpose of the Crown land use designation. (An example of the need to consider provincial policies is that area-specific land use policies for EMAs must be consistent with the policy that "modifications to resource management practices in EMAs will be implemented with no impact on wood supply, and only in exceptional cases will wood costs be affected");
- there is considerable latitude in the development of area-specific land use policies where provincial policies are conditional in nature. For example, where provincial policies indicate that an activity "may" be permitted, through Crown land use planning it is usually possible to permit the activity without restriction, to identify conditions under which the activity may occur, or to prohibit the activity under specific circumstances;
- new area-specific land use policies that effectively turn an area into another type of designation are discouraged. For example, if the area-specific policies for an area prohibit all industrial uses, while the provincial policies are relatively permissive, consideration should be given to the application of another designation or category;
- more detailed policies can be applied to part of a land use area, as long as the geographic application of the policy is clearly defined. However, if the policies are significantly different for a portion of the area, consideration should be given to establishing a separate land use area; and

- major pre-existing land use commitments must be documented in policy report(s) when new planning is carried out, so that there is a general understanding of the scope of these commitments.

Particular emphasis should be placed on developing clear and relatively detailed direction for General Use Areas (GUAs) and EMAs in any Crown land use planning processes, because these designations have limited provincial policies. The GUA designation has few standard policies, and thus it is essential that planning clearly defines the broad intent and specific policies for all GUAs. In some situations the GUAs may not need any specific policies, if a conscious decision is made that there is no local land use intent for the area and standard provincial policies provide adequate management direction.

EMAs have some provincial policy direction, but for most categories the direction is limited or quite general in nature. As a result, in all future Crown land use planning specific land use and management guidelines should be developed for existing and new EMAs, which would be documented in CLUPA. The policies for the EMAs should go beyond the provincial policies, and should interpret how any provincial-level direction applies to a specific area. In cases where there are extremely significant values or major management issues, a district may determine that it is appropriate to develop individual management plans for some EMAs, but this is not considered to be necessary for most EMAs. Where individual management plans are prepared for EMAs, any revisions to the land use direction must be incorporated into CLUPA through a land use amendment.

In developing policies, it is important to recognize the "bounds" of Crown land use planning. There are some specific topics or resources that cannot be dealt with in Crown land use planning, or where the treatment must be limited, for example:

- Although Crown land use planning processes can identify interests or perspectives on the management of private lands, or lands managed by other agencies, these statements do not have any direct effect. Planning on private lands is the responsibility of municipalities and a number of other ministries and agencies.
- Crown land use planning cannot bind MNR to specific implementation actions other than carrying out activities and granting authorizations in conformity with approved land use policies. Implementation actions are often contingent on other approvals including the approval of funding, and plans are not the mechanisms for approving these types of commitments.
- Land use policy documents do not grant approvals for activities that require specific types of review or authorization. For example, a policy report may identify trails as a permitted use in a GUA, but before a club could develop a new recreational trail authorization would be required under the Public Lands Act, and any applicable requirements of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects would need to be addressed.
- There are constraints on the land use policies that can be included in Crown land use planning related to mineral exploration and development. See Section 11.0 for direction.

Further guidance on the scope of Crown land use planning is provided in Section 6.1.

Some flexibility may be required in developing land use policies for land that has been acquired or donated for a specific purpose. Detailed direction on this topic is outlined in Section 12.1.

When developing land use policies, it is important to consider the application of policies to lands under water. In most situations water bodies are combined with the adjacent land areas, and there are no special policies dealing with the lands under waters. However, with larger water bodies, such as the Great Lakes, it may be appropriate to have land use areas that only include lands under water, or that deal with the land under water plus a limited amount of shoreline. Many of the land use policies for lands under the Great Lakes are established in treaties, legislation, regulation or policies, and thus policy reports will often primarily document the application of existing policies to specific areas.

## 9.2 DOCUMENTING LAND USE POLICIES

### Documentation in CLUPA and/or Local Plans

In the past, MNR's local land use policies were typically documented in local or regional land use plans or strategies. The introduction of CLUPA has changed this approach. New and revised land use policies are now documented in CLUPA. Although it is possible to document area-specific land use policies in both CLUPA and a specific local land use plan, CLUPA must be the primary means of documenting land use policies. The use of CLUPA supports

the broad objectives of accessibility and transparency. If necessary, substantial detail can be included in policy reports.

**STANDARD:** CLUPA is the source of area-specific land use policy, except where a policy report states that supplementary direction is provided by a local planning document. When planning processes are being carried out that will result in the production of a separate land use plan, the relationship between CLUPA and local planning documents must be identified in both the policy reports and the relevant local document(s). The policy report must identify the nature of any supplementary direction that is in other documents. Any policies in other land use documents must be consistent with those in CLUPA. New or revised policy reports should provide links to any relevant local land use plans.

As noted in Section 2.2, the Public Lands Act refers to "land use plans" as being the source of land use direction. For the purpose of applying the provisions of the Public Lands Act, policy reports are a form of land use plan.

Additional direction in land use plans that cannot be reasonably included in policy reports can fall into two categories:

1. Land use policies that apply to multiple land use areas
2. Extremely detailed land use direction

**STANDARD:** Planning processes that will result in the production of a land use plan will need to have an accompanying land use amendment that identifies the policies that will be incorporated into CLUPA. To the extent possible, new or updated area-specific land use policies must be incorporated into policy reports. Until CLUPA has been expanded to include existing direction for Crown lands in southern Ontario, new area-specific land use policy decisions in this area will be documented through amendments that are posted on CLUPA.

Where there are existing Crown land use policies documented in CLUPA, the preparation of new separate land use plans should only occur in special situations. Separate plans should normally only be prepared where:

- there is the need to develop comprehensive policies that apply to a range of different land use areas and designations;
- there are significant issues that warrant the more detailed treatment, discussion and documentation that is usually associated with the development of a land use plan;
- there is a need to provide integrated land use and resource management direction; or
- participants in a planning process are more likely to understand the scope and nature of planning if it is communicated through a single planning document.

Supporting documents that are prepared as part of local Crown land use planning processes are appropriate vehicles for communicating and consulting on a broad range of information and direction that does not constitute area-specific land use policy (e.g., background information, options, evaluation, summaries of and response to public input, and implementation strategies). Local planning documents can play a useful role in documenting the rationale for decisions, which does not normally get included in CLUPA.

**STANDARD:** In planning processes where a separate land use plan is being prepared, the draft, recommended and approved plans must include the proposed or approved text of new or revised policy reports. The policy reports can be included in the body of the report or in an appendix. When a plan that existed prior to the approval of CLUPA is reviewed and substantially updated, and continues to exist as a separate document, this requirement to incorporate updated policy reports must be addressed.

The preceding standard is intended to avoid raising concerns about the subsequent "translation" of policies in the plan into the policy report format.

### Format and Content of Policy Reports

**STANDARD:** Policy reports that are being included in CLUPA must follow the established standards for format and content.

Detailed guidance for MNR staff on the format and content of policy reports is provided in the bulletin, Completing or Amending Crown Land Use Policy Atlas Policy Reports. Some information on this topic is also on the CLUPA website.

CLUPA is intended to document area-specific land use policies. It is not the place to document the evolution of designations or policies for an area (e.g., additions, subtractions, modifications). This type of background information or rationale can be included in land use amendment documentation, or in other supporting documentation. Documentation of all proposed and approved land use amendments initiated since 2001 is available on the CLUPA website, and relevant amendments are listed as a source of direction in the policy reports.

**STANDARD:** The content of CLUPA and other land use policy documents must focus on land use policies, not on description. A detailed description of an area should only be included in CLUPA where it is essential context for understanding the associated land use policies.

### Documenting Land Use Amendments

Proposed and approved changes to land use policies are documented through area-specific land use amendments. The amendment process also provides a mechanism for ensuring that appropriate approvals are obtained for any proposed changes. Extensive direction for land use amendment documentation is provided in the Procedures for the Amendment of Area-specific Crown Land Use Policy.

### Review Periods for Plans

In the past, some land use plans have identified a specific time interval when they should be subject to a comprehensive plan review. This can create problems because there may be situations where a review is not warranted when the date is reached, or there are other higher priority planning projects.

**STANDARD:** Land use plans must not set a fixed date for a comprehensive review of land use policies. Plans can include a date when the need for a scoped or comprehensive review will be examined.

The approach to reviews outlined in the standard is similar to the approach that has been adopted in the Provincial Parks and Conservation Reserves Act (PPCRA) for determining if there is a need for amendment or review of management direction documents for protected areas.

### Electronic versus Printed Documentation

The Internet has become the primary vehicle for documenting land use policies on Crown lands. This approach permits broad access to the policies, and also allows for a more dynamic maintenance of the policies. For a transitional period it will likely be necessary to have the option of producing and distributing hard copy versions of planning policies, although this will primarily be done on a demand basis, rather than through printing an inventory of planning reports. There may be some specific exceptions to the reliance on electronic distribution where large maps are part of the documentation.

## 9.3 DEVELOPING AND REFINING LAND USE AREA BOUNDARIES

Land use area boundaries are intended to provide a clear definition of the area where a suite of land use policies apply. There are two types of boundaries – boundaries that will be implemented through policy (i.e., through incorporation into CLUPA) and boundaries that will be implemented through regulation. In the past, there has been a considerable difference in the level of precision between these two types of boundaries, because the potential legal implications of regulated boundaries warranted a much higher level of precision. Although there is still an expectation of a higher level of precision for regulated boundaries, new positioning and mapping technology is making it easier to establish policy boundaries that are relatively accurate.

**STANDARD:** All new or revised land use boundaries must be edited in the appropriate CLUPA data layer stored in the Natural Resources Values Information System[2], following the data rules and standards utilized by the Natural Resources Values Information System application. Amendments to area-specific land use policies that create a new boundary or revise existing boundaries must be accompanied by a map illustrating the boundary changes.

Some boundaries in CLUPA are the responsibilities of specific programs that have been identified as the "data custodians". For example, boundaries of regulated Provincial Parks and Conservation Reserves are maintained in NRVIS by Ontario Parks. Changes to a regulated boundary may result in the automatic revision to an adjacent policy area boundary. For example, if a park boundary changes, an adjacent GUA boundary would have a corresponding change, as the intent of the GUA boundary is to match the park boundary.

Some of the current boundaries that are shown in CLUPA are known to be imprecise because they are transpositions of older paper mapping that was very general. These boundaries may not reflect the original land use intent for the area. Some EMA boundaries that were developed in the LUS are relatively general and warrant refinement. Over time, boundaries should be updated so that they appropriately capture the intent of a specific land use area. Where new or updated boundaries do not follow an obvious feature such as a road or river, the rationale for the definition of boundaries should be included in the description section in the policy report.

With the integration of CLUPA data layers in NRVIS, refinements to the boundaries can be more readily made and are more accurate. Initiatives to improve boundaries are strongly encouraged, particularly where this may impact on-the-ground management. It is recognized that boundaries in remote areas may remain relatively general. Where the accuracy of a policy boundary is improved through refinements to the geo-spatial data layer, but the intent of the boundary is not altered, no land use amendment is required.

An amendment to CLUPA is required where proposed boundary refinements would alter the original intent of the boundary.

2. The Natural Resources Values Information System (NRVIS) is the Ontario Government's Geographical Information System for managing geographic information.

# 10.0 INTERIM PROTECTION

MNR carries out a variety of Crown land use planning processes that result in proposed changes to Crown land use designations and policies. In some situations, it is desirable to ensure that there are minimal changes during the period that the land use proposals are being considered in order to maintain existing values and options. This need for short-term controls on land use changes, usually referred to as "interim protection", most frequently occurs where there are proposals for a new protected area or where land is being considered for transfer to another agency.

This section outlines general policies on the nature and timing of the interim protection that should be applied in conjunction with Crown land use planning processes. Subsequent detailed direction on the procedures that will be used to implement interim protection will be developed in conjunction with the Ministry of Northern Development, Mines and Forestry (MNDMF), and the procedures will explicitly recognize the variety of tenure situations and the range of planning processes that will be applied in different parts of the province.

The majority of situations where interim protection is needed during Crown land use planning processes arise as a result of proposals for new protected areas or additions to existing protected areas. These proposals may be triggered by a variety of initiatives, including:

- major Crown land use planning initiatives;
- local Crown land use planning carried out to pursue potential new protected areas under the Room to Grow policy framework;
- management planning processes that identify desirable additions to existing protected areas;
- land acquisition by MNR or supporting groups through partnership initiatives; or
- other government initiatives.

Interim protection is also applied in conjunction with land management activities, such as considering proposals for the disposition of lands. The following guidance is not intended to apply to these land management activities.

## Interim Protection for Proposed and Recommended Provincial Protected Areas

While consideration of proposals for new provincial protected areas is underway, the values that have been identified should be retained. The protection will need to apply until decisions are made whether or not to formally protect (regulate) areas as Provincial Parks or Conservation Reserves. Where a decision is made to apply a permanent protected area designation, the interim protection will continue to apply until the area is regulated.

The following points will guide the application of interim protection for proposed and recommended protected areas:

- Interim protection is a planning and administration tool that is used to retain the opportunity to make land use decisions on proposed protected areas that are being considered in a Crown land use planning process, and to provide ongoing protection between the time that land use decisions are made and any recommended protected areas are placed into regulation.
- Early consultation with MNDMF is mandatory whenever there are land use proposals that may require interim protection, in order to allow a coordinated provincial assessment of values and interests. (See Section 11.0 for more guidance.) Requests for interim protection should be developed in consultation with the appropriate Regional Land Use Geologist and the Provincial Recording Office.
- Interim protection is primarily used to protect proposed and recommended protected areas from specific activities that are controlled by MNR or MNDMF. This protection is intended to ensure that the natural and cultural heritage values of proposed and recommended protected areas are not significantly altered prior to the formal government decision as to whether the areas should be regulated under the Provincial Parks and Conservation Reserves Act (PPCRA). "Proposed protected areas" are areas that are identified in a **proposed** land use plan or land use amendment that has been or will shortly be released for public review. "Recommended protected areas" are areas that are designated in an **approved** land use plan or land use amendment, but the regulation to formally establish the protected area has not yet been approved.

Recommended protected areas include recommended dedicated protected areas, where a decision has been made that an area should be regulated as a Provincial Park or Conservation Reserve, but a decision on the specific designation has not yet been made.

In some situations it may be appropriate to apply interim protection to candidate protected areas which are being discussed in a public planning process. Candidate areas are optional sites that are being considered for protection, and which are identified in a planning options document that is being released for public review. A determination of whether interim protection is warranted at this stage in the planning process needs to be determined on a case-by-case basis through discussions between MNR and MNDMF.

- In the short to medium term, generally up to five years, MNR-administered activities to be prohibited in the areas afforded interim protection include, but are not limited to, forest harvesting, road construction that is not consistent with protected area policies, aggregate and peat extraction, all dispositions including sales, leases, licenses of occupation, land use permits, work permits, and disposition of rights for water or wind power development. However, subject to meeting all other necessary requirements, MNR will normally complete transactions where there is a prior commitment (i.e., prior to the area being placed under interim protection). A "prior commitment" refers to a written undertaking by authorized MNR staff that clearly establishes a responsibility by MNR to complete a particular action or transaction. Because of this policy, MNR staff must very carefully consider any discussions or approvals that may be interpreted as establishing a commitment for areas where Crown land use planning is proposed or underway.
- In situations where regulation of a recommended protected area is deferred for an extended period, consideration can be given to reviewing and potentially permitting some types of activities that are consistent with the policies for the category of protected area and any management direction that may have been developed for the area, and that do not conflict with the reasons for the deferral of the regulation of the area (e.g., a land claim). At a minimum, consideration of proposals would need to meet the requirements of the Class EA for Provincial Parks and Conservation Reserves (e.g., Category C evaluation is mandatory in cases where management direction is required but not available). Any consideration of development or management proposals must recognize that maintenance of the ecological integrity of the protected area is the first priority.
- Although consideration of proposals for resource access roads and utility corridors should generally be deferred within proposed or recommended protected areas under interim protection until after a land use decision has been made or the area has been regulated, such proposals can be considered where they meet the requirements outlined in Sections 20 to 22 of the PPCRA. Proposals for resource access roads and utility corridors in proposed protected areas must also meet the requirements of the Class EA for MNR Resource Stewardship and Facility Development Projects, while proposals for resource access roads and utility corridors in recommended protected areas must also meet the requirements of the Class EA for Provincial Parks and Conservation Reserves.
- Subject to prior consultation and agreement with MNDMF, MNDMF will, under the provisions of the Mining Act, withdraw the proposed or recommended protected areas from staking. There may be special issues related to acquired or donated lands or rights, where the ownership does not include mineral rights. MNDMF should be consulted prior to any final decisions being made regarding the acceptance of such land acquisitions, in order to assess the potential implications of any mining land tenure that may exist.
- In most cases, interim protection is applied following pre-consultation with Aboriginal communities/ organizations and key stakeholders with the intent of sharing information, assessing support, and identifying any potential impacts associated with the creation of a new protected area. The identification of potential impacts will consider both direct impacts on the areas proposed for interim protection and indirect impacts, for example, access restrictions that could affect activities on lands outside the area proposed for protection.
- In seeking interim protection related to the potential for new mineral exploration, consideration must be given to MNR's land management policy and procedure PL3.03.03 – Withdrawal and Reopening of Surface and/or Mining Rights – Section 35, Mining Act. The policy states that if program interests require that non-discretionary disposition of public lands be precluded, the lands should be withdrawn from staking under clause 35 of the Mining Act. The procedures note that Area Supervisors are authorized to submit withdrawal

requests to the Mining Recorder. However, major new land use proposals that will result in requests for interim protection will normally be subject to additional approvals within MNR.

- Interim protection should be in place by the time that a proposal for a new protected area is subject to broad public review as a result of the release of a proposed land use amendment, other draft land use document, or Environmental Registry proposal notice. The requirement to apply interim protection prior to public review also applies to situations where several optional candidate protected areas are the subject of a public review
- The boundary of the initial area that is subject to interim protection may in some cases be relatively general. The area that is subject to interim protection should be as scoped as possible, in order to avoid creating unnecessary constraints to mineral exploration and other activities. As planning proceeds the proposed boundaries may be revised, and the area subject to interim protection should be adjusted accordingly. For mineral exploration, this is normally accomplished through the reopening of the existing withdrawal order for the lands under interim protection and the simultaneous execution of a new withdrawal order for the interim protection of lands within the refined boundary. It is not possible to amend existing withdrawal orders, and having multiple withdrawal orders for interim protection in the same area is strongly discouraged. The number of revisions to the interim protection boundary should be kept to a minimum in order to avoid creating additional workload, particularly with respect to the processing of mining withdrawal orders.
- Decisions on the status of proposed protected areas must be made in a timely fashion. Once a decision has been formally made to establish a new protected area (i.e., the area is formally identified as a "recommended protected area" in an approved land use document), interim protection will remain in place until the area is regulated. If a formal decision is made by MNR to not approve the establishment of a new protected area, interim protection will be removed as soon as possible. Where a decision is made that interim protection will be removed, MNR will initiate a timely request to MNDMF to remove the withdrawal orders.
- The need to continue interim protection for proposed protected areas should be reviewed no later than five years from the date that interim protection was first put in place. As part of the review MNR must determine if the proposal has a reasonable expectation of proceeding, and if not, MNR should remove the internal interim protection and request that MNDMF remove the withdrawal order. As part of the review, MNR must discuss the withdrawal with MNDMF and consider any concerns that are identified. In some circumstances it may be appropriate to discuss the continuation of interim protection with other parties.
- After regulation, protected areas will be managed in accordance with the PPCRA, and approved policies. Interim protection measures will no longer apply because the policies outlined in legislation, regulations and protected area policies will provide long term protection.

### Procedural and Policy Direction

Procedural direction will be developed or updated on some of the technical aspects of the implementation of interim protection. This direction will be developed in conjunction with MNDMF. Until such time as the interim protection procedures are developed, requests for interim protection will follow: MNR Policy and Procedure PL3.03.03, Withdrawal and Reopening of Surface and/or Mining Rights Section 35, Mining Act; MNDMF Policy G.A. 701-1 Withdrawal of Mining Lands: Advising Minister; and MNDMF Policy G.A. 701-2 Withdrawal and Reopening of Lands, Etc: Process.

Guidance on the implementation of interim protection can be provided by staff of the Regional Planning Units. Policy direction on the relationship of interim protection to planning processes can be provided by staff of the Natural Heritage and Land Use Planning Section, while advice on specific interim protection policies for proposed and recommended protected areas can be provided by staff of the Parks and Protected Spaces Policy Section.

# 11.0 CONSIDERATION OF MINERAL RESOURCES, MINERAL EXPLORATION AND MINING

This section addresses a variety of topics related to mineral resources, mineral exploration and mining in the context of Crown land use planning. It provides guidance on:

- specific obligations related to the consideration of mineral potential and existing mining lands;
- the types of mining-related policies that should or should not be included in MNR's Crown land use planning documents; and
- the need to consider access for mineral exploration or development in all Crown land use planning.

Management of most of Ontario's mineral resources is the responsibility of the MNDMF, under the authority of the Mining Act. Some mineral resources are managed by MNR: mineral aggregates and a few other commodities such as dimension stone, trap rock and calcium carbonate are managed under the authority of the Aggregate Resources Act; and oil, natural gas and salt are managed under the authority of the Oil, Gas and Salt Resources Act. Because of MNDMF's lead role in the identification of mineral resources governed by the Aggregate Resources Act, and its management of Ontario's mineral resources under the Mining Act, MNR must coordinate its Crown land use planning with MNDMF wherever there are potential implications for mineral resources.

**STANDARD:** Crown land use planning that requires interim or permanent withdrawal of mineral rights, or which might lead to constraints on mineral exploration or development including constraints on access, must consider the potential for mineral development, and any existing mining lands. The potential for mineral development may need to be identified through the application of the Provincially Significant Mineral Potential (PSMP) methodology or other mineral resource potential estimation tools as developed by MNDMF. The identification of the mineral potential will be carried out in cooperation with MNDMF. Planning processes must evaluate potential socio-economic impacts, and any other potential impacts of the policies that are being considered. Ministry of Northern Development, Mines and Forestry staff must be involved as early as possible in the site selection process to assess mineral values and interests and to evaluate the potential impacts of land use proposals.

Additional consideration must be given in planning processes to areas that are identified through the PSMP methodology as having the highest mineral potential (i.e., PSMP Index greater than 65). This mineral potential category covers about 10 percent of Ontario. On these lands, any land use decisions that would preclude future mineral exploration and development will only be approved after consultation with the Minister of Northern Development, Mines and Forestry, or delegate.

Normally, MNDMF will use mineral potential estimation tools combined with expert opinion in the preliminary stages of Crown land use planning. When the result of the estimation tools combined with expert opinion is challenged or when planning processes are considering proposals that would remove areas from the land base available for mineral exploration, a full assessment using the PSMP methodology may be conducted. As PSMP mineral resource assessments can be time consuming and labour intensive, it may be necessary to contract out the assessment to a qualified third party. The source of funding for such work will need to be determined on a case-by-case basis. MNDMF will review third party PSMP assessments for consistency with the prescribed methodology and to ensure that all relevant information was considered.

A Data Index was developed to be used alongside the PSMP Index as part of the PSMP methodology. The Data Index is a measure of the data that is available to determine the PSMP Index. There are areas in Ontario where the quantity and quality of the available data is insufficient to provide a reliable determination of mineral potential by the PSMP methodology. This is demonstrated by low Data Index numbers. Where low Data Index numbers are defined, it may be necessary to re-evaluate the PSMP scores. MNDMF will rely on expert opinion in the re-evaluation process.

The primary source of information on current mining claims is MNDMF's CLAIMaps internet site. This site maps all mining claims within Ontario. The site allows the downloading of digital data and mapping. It is normally updated every night. Use of information from this site is an essential part of the Crown land use planning process.

MNDMF's Regional Land Use Geologists can provide valuable assistance in identifying the potential implications of land use policies that are being proposed.

In Ontario's Living Legacy Land Use Strategy (LUS) MNR established a new Crown land use designation, "Forest Reserve," which applies to areas where there is some pre-existing interest or tenure under the Mining Act or Aggregate Resources Act, but the long-term desire is to establish a new protected area if the interest or tenure lapses. The Forest Reserve designation was primarily applied to areas within or adjacent to proposed or recommended protected areas. Mineral exploration and development are allowed to continue in Forest Reserves (see Part II for a detailed discussion of Forest Reserve policy). The establishment of Forest Reserves created substantial concerns in the mineral exploration community because of the perception that Forest Reserves were not available for normal mineral development. This concern was intensified when the government removed the provision in the LUS which potentially permitted mineral exploration in portions of new Provincial Parks and Conservation Reserves that had PSMP. In 2005 the Ontario Government announced its intention to reduce the number and extent of Forest Reserves through Crown land use planning processes. Because of the concerns and issues related to Forest Reserves, they should no longer be considered a normal Crown land use designation. New Forest Reserves could possibly be considered in very specific and limited circumstances e.g., where there is an isolated pre-existing claim in the middle of a large protected area proposal, or where there is a pre-existing aggregate operation authorized by an aggregate permit. (A standard regarding the possible establishment of new Forest Reserves is included in Part II, Section 16.4)

Previous Crown land use planning documents prepared by MNR have included statements related to mineral exploration and development that may have overstated the extent to which these activities can be controlled through land use policies or processes. The Mining Act establishes a free entry/open access environment where as much land as possible is open for exploration and mine development. MNR has the authority under the Public Lands Act, and MNDMF has provisions under the Mining Act, for control of specific aspects of mineral exploration and development. If the development of a mine is being proposed, a variety of obligations established under several pieces of legislation including the Mining Act and the Environmental Assessment Act also need to be addressed.

The PPCRA establishes some policies related to mineral exploration and development. The Act prohibits "prospecting, staking mining claims, developing mineral interests or working mines" in Provincial Parks and Conservation Reserves, and amends the Mining Act accordingly. Section 20 of the PPCRA also establishes policies related to resource access roads or trails for mineral exploration and development.

**STANDARD:** MNR's Crown land use planning documents must not include policies related to mineral exploration and development that go beyond what can be implemented by MNR, except where there is prior agreement with MNDMF.

As part of Crown land use planning processes that are proposing the establishment of new protected areas or documenting the proposed transfer of lands, MNR should recommend that "mining withdrawal orders" that prohibit the registration of new mining claims be put in place by MNDMF. The circumstances where this may occur are outlined in Section 10.0 on Interim Protection.

**STANDARD:** Interim protection policies related to mineral exploration and development can be included in Crown land use planning documents if they are consistent with the interim protection policies outlined in 10.0, and have been subject to prior consultation with MNDMF.

Mineral exploration and development requires access, including the probable use of motorized access. Crown land use planning processes must consider lands that are open for staking, including lands with existing interest or tenure under the Mining Act and unstaked lands, and evaluate how access to these lands could be affected by any proposed policies. This evaluation would normally occur as part of an evaluation of the potential impacts of proposed designations or policies on the access interests of all sectors. The evaluation should consider the implications of the application of existing provincial policies for Crown land use designations, and any new access policies being proposed for the specific area.

# 12.0 DETAILED DIRECTION FOR CROWN LAND USE PLANNING

This section provides more detailed direction on three topics that did not fit within the scope of other sections, or that expand on the content of another section:

- Crown Land Use Planning for Acquired Lands
- Implications of "Room to Grow" for Crown Land Use Planning
- Crown Land Use Planning and Environmental Assessment

## 12.1 CROWN LAND USE PLANNING FOR ACQUIRED LANDS

MNR periodically acquires lands (title or other form of tenure) for management purposes through purchase, land exchange, transfer from another agency, donation or tax forfeiture. The majority of the planned acquisitions are intended to become regulated protected areas. In some cases the land acquisition supports the existing land use intent for an area (e.g., acquiring inholdings within a protected area or adjacent lands with significant values). However, there are cases where lands are acquired for a specific new initiative (e.g., a new Provincial Park) and this will usually not be identified in existing area-specific land use policies.

Table 6: Crown Land Use Planning Requirements for Acquired Lands, outlines a number of different acquisition scenarios, and the associated Crown land use planning requirements. This material elaborates on some of the direction outlined in Section 5.0, which provides guidance on land use amendments. Some of the variability in approaches outlined in Table 6 result from the different approaches that will be used in the Crown Land Use Policy Atlas (CLUPA) when it is extended to cover Crown lands south of the area covered by Ontario's Living Legacy Land Use Strategy (LUS). In this southern area, individual parcels of Crown land will be mapped with a reasonable level of precision, and these parcels will be linked to policy reports. This contrasts to more northern areas, where most of the land base is covered by the mapping of Crown land use designations, but a generalized depiction of private land tenure is included for information purposes. Table 6 does not address the Far North, which is beyond the scope of the Guide.

Because of the general nature of the mapping of land use policy areas in CLUPA for the area of the LUS, it is usually possible to identify the Crown land use designation that acquired lands would automatically become part of, where lands are not acquired for a purpose that involves a specific land use designation. For example, in the area initially covered by CLUPA, acquired land that is located in the middle of Crown land use designations that are not regulated would usually be automatically added to the surrounding land use designation with the same policies, and no mapping changes or land use amendment would be required. In contrast, when the area south of the Ontario's Living Legacy Planning Area (OLL Planning Area) is added to CLUPA, any newly acquired parcels will need to be added to CLUPA through a mapping change or an area-specific land use amendment. This requirement also applies in the OLL Planning Area to newly acquired areas that are being assigned to Crown land use designations that are established by regulation.

The table indicates that a minor land use amendment will be used where land has been donated for a new initiative or for a major addition to an existing area. This approach has been adopted because in many cases the donors will have identified the principal land use intent for the area. As a result, the extent of the discussion on the proposed land use intent for the area is significantly scoped.

## TABLE 6: **CROWN LAND USE PLANNING REQUIREMENTS FOR ACQUIRED LANDS**

| Type of Acquisition | Planning Area | Crown Land Use Planning Requirements |
|---|---|---|
| Land that is returned to the Crown, transferred from another agency, or acquired by the province, where there is no specific management intent. | OLL Planning Area | The acquired lands would become part of the land use area they fall within. Unless the acquired lands trigger the need for a change in the boundaries of a land use area that is established in regulation, no land use amendment is required. |
| | South of the OLL Planning Area | A land use amendment would be required to establish the land use intent for the area, and to add the area to CLUPA. In some cases, because of the data flow for the mapping of acquired land, it is possible that acquired lands could be mapped in CLUPA before a land use amendment is processed. For lands where there is no specific management intent the default Crown land use designation is GUA. |
| Lands acquired by MNR for a specific purpose (excludes land donations or transfers of management responsibility where there is a pre-determined land use intent for the area). | OLL Planning Area and South of the OLL Planning Area | There is considerable variability in the approach, depending on the nature of the acquisition.<br>Where land acquisition is implementing the established policy or land use intent (e.g., acquisition of an inholding), or is consistent with the land use intent, that has been established in a land use plan, management plan or other document with consultation, the acquired lands will be added to the appropriate land use area through an administrative amendment or mapping update.<br><br>Where the acquisition is for a new initiative that will require revisions to Crown land use designations or policies, e.g., a new protected area, or is a major addition to an existing area where the intent to add the area has not previously been identified in a plan that was prepared with consultation, the land use proposal will be considered through a minor or major land use amendment as appropriate. |
| Lands donated to MNR, or where the management responsibility is transferred, with some pre-determined land use intent for the area. | OLL Planning Area and South of the OLL Planning Area | There is considerable variability in the approach, depending on the nature of the acquisition.<br>Where the donation or partnership initiative is consistent with the established policy or land use intent (e.g., acquisition of an inholding), that may have been established in a land use plan, management plan or other document with consultation, the acquired lands will be added to the appropriate Crown land use designation through an administrative amendment or mapping update. |

| Type of Acquisition | Planning Area | Crown Land Use Planning Requirements |
|---|---|---|
| | | Where the donation or partnership initiative would require revisions to Crown land use designations or policies, or is a major addition to an existing area where the intent to add the area has not previously been identified in a plan that was prepared with consultation, the land use proposal will be considered through a minor land use amendment. |

## 12.2 RELATIONSHIP OF "ROOM TO GROW" PROCESSES TO CROWN LAND USE PLANNING

The Ontario Government balances the need to harvest and extract provincial natural resources for the benefit of all Ontarians with the need to respond to changing social and environmental expectations for Crown land.

The signing of the Ontario Forest Accord in 1999 by representatives of the forest industry, the Partnership for Public Lands (a coalition of environmental non-government organizations) and MNR opened the way for a new spirit of cooperation in Ontario's forests. The Accord established the means and principles for working together to establish new protected areas, while at the same time meeting the needs of the forest industry for a sustainable wood supply. These actions supported the provision in the LUS that "A planning and consultation process will be developed to consider future suggestions for areas that may provide improved representation of natural heritage features."

The Ontario Forest Accord Advisory Board (OFAAB) was developed to oversee the implementation of the Forest Accord and foster a long term relationship between the government, the Partnership for Public Lands and the forest industry. OFAAB was charged with developing a strategy to provide for additions to the parks and protected areas system through a jointly acceptable process.

OFAAB presented this strategy in its report Room to Grow: Final Report of the Ontario Forest Accord Advisory Board on Implementation of the Accord. The report outlined a "Room to Grow" policy framework that included a set of principles and a process for expanding the network of protected areas.

Room to Grow implementation procedures will provide details on the process by which the Room to Grow policy framework will be implemented. The procedures will only apply to processes that may lead to the establishment of new regulated protected areas in forest management units within the OLL Planning Area. The procedures will provide direction on technical issues such as when Room to Grow processes should be initiated, as well as providing supplementary direction on the selection of candidate protected areas. The primary direction for any Crown land use planning activities associated with Room to Grow processes is provided by the Guide.

As with all Crown land use planning processes, the participation in the implementation of Room to Grow will not be limited to the signatories to the Forest Accord. The planning process will include opportunities for potentially affected Aboriginal communities to participate in the selection and identification of candidate protected areas and the development of local consultation strategies. It will include MNR and partner ministries (e.g., Ministry of Northern Development, Mines and Forestry) as well as stakeholders such as the mineral and waterpower industries.

## 12.3 CROWN LAND USE PLANNING AND ENVIRONMENTAL ASSESSMENT

The Environmental Assessment Act (EAA) states that the Act applies to "enterprises or activities or proposals, plans or programs in respect of enterprises or activities by or on behalf of Her Majesty in right of Ontario…" The reference to "plans" in the EAA does not apply to policy documents like Crown land plans. This point was clarified in the Far North Act, which added a new Section 12.2 (5) to the Public Lands Act stating, "For greater certainty, a land use plan is not an undertaking as defined in the Environmental Assessment Act."

The policies set out in CLUPA and local land use plans provide direction with respect to where and how MNR activities, and private sector activities guided by MNR, may be carried out. However, these land use policies do not provide any project-level authorizations or approvals that would have the legal effect of committing resources to specific end uses. These land use policies do not relieve MNR from its obligations under the EAA. MNR's existing EAA "instruments" (i.e., Approvals, Declaration Orders and remaining Exemption Orders) will continue to apply to the projects or activities, including dispositions of rights to Crown resources, which MNR proposes to carry out.

MNR has a number of instruments in place under the EAA, in addition to the general exemptions under EAA Regulation 334, which apply to the carrying out of MNR activities. These instruments have been developed over time to ensure that MNR activities are carried out in compliance with the requirements of the EAA. These activities include broad Ministry programs such as forest management, forest fire management, Provincial Park and Conservation Reserve management, fish and wildlife habitat and population management, as well as the supporting functions of land acquisition, and the disposition of rights to Crown resources.

Where any new undertakings are proposed in Crown land use planning processes, which are not covered under MNR's existing EAA instruments, MNR will need to obtain new Approvals or Declaration Orders before proceeding.

The evaluation and consultation requirements associated with the establishment by regulation of new protected areas, which are outlined in the Class Environmental Assessment for Provincial Parks and Conservation Reserves, can be addressed in conjunction with the Crown land use planning process. Information on this option is presented in Appendix 2 of the Class EA. This type of integrated approach - where a number of requirements are dealt with through a single process - is strongly encouraged.

# 13.0 MAINTAINING THE GUIDE

The first version of the Guide is a work in progress that needs to be tested through field application. There will be future revisions to clarify direction, address topics that were not addressed in the first version, or to incorporate revised policies. An assessment of the Guide to determine whether a comprehensive review is warranted should occur no more than five years after the initial approval. Both before and after the comprehensive review it is expected that there will be periodic revisions of specific content. Any recommendations for revisions should be submitted to MNR's Natural Heritage and Land Use Planning Section.

Proposed revisions to the Guide will be classified as either major or minor. Major revisions will be subject to inter-ministry, and broader consultation, and will be approved by the Director responsible for Crown land use planning policy. Major revisions are those changes which may have significant social, economic, or environmental impacts. Substantial changes to the policies for Crown land use designations that have their principal direction from Part II will be classified as major amendments. All other substantive revisions, including clarification of policies and the revision of material in the Guide to reflect other policy decisions, will be classified as minor. Minor revisions will not normally be subject to public consultation, and will be approved by the Director responsible for Crown land use planning policy. A summary of major revisions will be maintained on the Internet in conjunction with the Guide. Minor updating will occur periodically, such as updating the names of Ministry organizational units when there are organizational changes, but these do not constitute formal amendments.

There is some material in the Guide that summarizes direction that has been developed by other MNR programs or that will be maintained by other programs. This has implications for the revision process for the Guide. For example, the policies for protected areas in Part II have been developed through a variety of mechanisms including Crown land use planning, but in future will be maintained by Ontario Parks. Any policy revisions will be developed and approved by the program, with public and Aboriginal review where appropriate, and the Guide will be subsequently updated through minor revisions.

There is some technical direction in the Guide that in the future may be more appropriately housed elsewhere, either to deal with the topic in conjunction with other related direction, or to provide a more in-depth treatment of the topic. The material has been included in the first edition of the Guide in order to facilitate a comprehensive internal and external review of a range of planning-related material. The transfer of material from the Guide to another document will be classified as a minor revision and will not be subject to public review, except where there are significant proposed changes to policies.

# PART II: PROVINCIAL POLICIES FOR CROWN LAND USE DESIGNATIONS

# 14.0 PURPOSE OF PART II

Part II of the Guide presents provincial policies and supporting information for the Crown land use designations that are used as primary land use designations for lands managed by MNR. These Crown land use designations provide a geographic identification of where specific sets of land use and management policies will apply on Crown lands.

As outlined in the first standard in the Introduction, the Guide applies south of the northern boundary of the Ontario's Living Legacy Planning Area (OLL Planning Area). Some new Crown land use designations or modifications of policies for existing land use designations may be developed when land use planning occurs in far northern Ontario. These policy revisions will occur through Far North policy and planning processes and will not affect the policies in the Guide, unless there is a specific determination that new policies or policy revisions should be applied in other parts of the province.

For each primary Crown land use designation the following information is provided:

- the basis (legislative or policy) of the designation;
- the circumstances under which each designation is normally applied;
- the provincial-level policies for the designation (in full or summary);
- the source of the policies; and
- other considerations in the application of the designation.

Area-specific land use policies for lands falling into the designations are developed through Crown land use planning. Detailed management policies for specific areas or resources may be developed through resource management planning.

The provincial-level policies for three designations - Forest Reserves, Enhanced Management Areas (EMAs) and General Use Areas (GUAs) - were originally established in the Ontario's Living Legacy Land Use Strategy (LUS). The policies for the three designations are updated in Part II, and the updated policies replace the direction in Sections 7.2.3 (Forest Reserves), 7.2.4 (GUAs) and 7.3 (EMAs) in the LUS.

In most Crown land use planning only the designations outlined in the Guide are to be used as primary Crown land use designations. Establishing a new primary Crown land use designation requires an amendment to the Guide, other provincial-level policy approval, or a basis in legislation or regulation.

Any future changes that are proposed to the policies outlined in Part II will be subject to the review and approval requirements outlined in Section 13.0 of the Guide. Where policies in Part II are summaries of program policies (i.e., policies for Provincial Parks, Conservation Reserves, Provincial Wildlife Areas and Wilderness Areas), policy revisions will be carried out through revisions to the source policies with subsequent minor amendments to the Guide. The planning processes that are used to apply Crown land use designations to specific areas, and the associated documentation requirements, are outlined in Section 3.0 of the Guide.

# 15.0 OVERVIEW OF CROWN LAND USE DESIGNATIONS

## 15.1 PRIMARY CROWN LAND USE DESIGNATIONS

Seven primary Crown land use designations are currently used in planning for Ontario's Crown lands. These are:

- Provincial Park (six classes, with a possible seventh class)
- Conservation Reserve
- Provincial Wildlife Area
- Forest Reserve
- Enhanced Management Area (five categories)
- General Use Area
- Wilderness Areas

Areas that fall into the first two designations are officially established through regulations under the Provincial Parks and Conservation Reserves Act (PPCRA).

Provincial Wildlife Areas were established on a policy basis, not through regulation, but may have associated regulations under the Fish and Wildlife Conservation Act to provide controls on hunting activities specific to the area or part of the area. Provincial Wildlife Areas may be used as either primary or overlay land use designations. The discussion in Part II only deals with the use of the designation as a primary Crown land use designation.

Forest Reserves, Enhanced Management Areas (EMAs) and General Use Areas (GUAs) are policy designations that are applied to specific areas through Crown land use planning processes, and are documented in the Crown Land Use Policy Atlas (CLUPA) or other approved land use plans.

There are a small number of areas that are currently assigned to the Wilderness Areas land use designation. These areas were established in regulation under the Wilderness Areas Act. For the reasons outlined in Section 16.7, the intention is to phase out this Crown land use designation.

"Dedicated Protected Areas" is a Crown land use designation that was used in the Ontario's Living Legacy Land Use Strategy (LUS) for the Whitefeather Forest and Adjacent Areas, which was prepared in conjunction with the Northern Boreal Initiative. Dedicated Protected Area is a holding designation that was used where the intention was to create a Provincial Park or Conservation Reserve, but the choice had not been made between the two designations. This designation has not been applied within the area where the Guide applies.

Crown Game Preserve has not been included in the preceding list of designations because it is only used as an overlay designation.

## 15.2 IMPLICATIONS OF CROWN LAND USE DESIGNATIONS FOR ABORIGINAL PEOPLES

Ontario respects Aboriginal and treaty rights protected by Section 35 of the Constitution Act, 1982 and is committed to meeting the province's constitutional and other legal obligations in respect of Aboriginal peoples in Crown land use planning and other activities.

Land use plans and designations do not prohibit activities carried out by Aboriginal peoples, such as hunting, fishing, trapping, gathering, and travel. Even in the Crown land use designations with the most restrictive policies, the exercise of Aboriginal and treaty rights may continue, subject to considerations such as public safety and conservation. Crown land use designations and policies are not irreversible, and do not preclude the consideration of lands in land claim processes. For example, Ontario has deregulated all or part of a number of protected areas as part of land claim settlements and additions to reserves. Protected areas that form part of future land claim settlements or additions to reserves can also be deregulated.

# 16.0 CROWN LAND USE DESIGNATIONS

The material in Section 16.0 can be divided into two categories – the content for four Crown land use designations is a summary of existing provincial-level policy, while the content for the other three designations is the official source of provincial-level policy for the designations.

The material regarding the policies for Provincial Parks, Conservation Reserves, Wilderness Areas and Provincial Wildlife Areas is a **summary** for information purposes. The official provincial-level policies for these designations are outlined in legislation and/or policy documents prepared by the applicable programs, with the exception that some modifications to policies for Provincial Parks and conservations reserves are currently documented within the Ontario's Living Legacy Land Use Strategy (LUS). The maintenance of the policies for the four designations is the responsibility of the appropriate program.

**STANDARD:** Part II of the Guide is the official source of provincial-level policies for Forest Reserves, Enhanced Management Areas (EMAs), and General Use Areas (GUAs), within the area where the Guide applies. These policies replace all pre-existing provincial-level policies for the three designations including those outlined in the LUS. The policies outlined in the Guide for these designations apply to all existing and new areas that fall within these designations, and that are located within the area where the Guide applies.

## 16.1 PROVINCIAL PARKS

Crown land use planning establishes the intent to create new Provincial Parks and park additions by regulation under the Provincial Parks and Conservation Reserves Act (PPCRA). Crown land use planning is used to assign recommended parks or park additions to one of the six Provincial Park classes that have been defined in legislation. These classes are:

- Wilderness
- Nature Reserve
- Cultural Heritage (formerly Historical)
- Natural Environment
- Waterway
- Recreational

The PPCRA provides for the possible addition of a seventh class of Provincial Park, "aquatic class," at a future date.

The assignment to a park class is an important decision because it determines the general policy basis for park management. Considerations in the selection of an appropriate park classification are outlined in Ontario Provincial Parks - Planning and Management Policies.

Under the provisions of the PPCRA, with some limited exceptions, the following commercial activities are not permitted on lands that are part of a Provincial Park:

- commercial timber harvest
- generation of electricity
- prospecting, staking mining claims, developing mineral interests or working mines
- extracting aggregate, topsoil or peat
- other industrial uses

The exceptions to these prohibitions are outlined in Sections 17 to 21 of the PPCRA.

There is a complex policy environment for Provincial Parks. All parks are subject to the provisions of the PPCRA. The Act modifies a number of earlier policies, for example policies related to resource access roads across Provincial Parks. Provincial Parks and park additions are also subject to one of the three sets of park policies outlined in Table 7: Provincial Park Policy Application.

## TABLE 7: **PROVINCIAL PARK POLICY APPLICATION**

| Existing and new Provincial Parks outside the Ontario's Living Legacy Planning Area (OLL Planning Area) | Pre-LUS (prior to 1999) parks within the OLL Planning Area | LUS and subsequent (1999 and later) Provincial Parks and park additions in the OLL Planning Area |
|---|---|---|
| Non-legislative provincial-level policies for all existing and new parks outside the OLL Planning Area are outlined in the Ontario Provincial Parks Planning and Management Policies, as amended. | Non-legislative policies for all Provincial Parks or park additions in the OLL Planning Area that were in regulation or had been recommended for regulation, prior to the approval of the LUS, are outlined in the Ontario Provincial Park Planning and Management Policies, as modified by the policies for existing parks outlined in the LUS. | These policies apply to all Provincial Parks and park additions in the OLL Planning Area that were recommended in the LUS, or are recommended in any subsequent Crown land use planning in the same planning area. The non-legislative policies are established in the Ontario Provincial Park Planning and Management Policies, as modified by the policies for new parks and park additions outlined in the LUS. |

Table 3 in the Internet version of the LUS summarizes permitted uses in Provincial Parks within the OLL Planning Area and has been amended to be consistent with the provisions of the PPCRA.

The Kawartha Highlands Signature Site Provincial Park is governed by a specific piece of legislation, the Kawartha Highlands Signature Site Park Act. This park will also be subject to the provisions of the PPCRA.

There are a variety of existing non-conforming uses within Provincial Parks. Normally these uses will be allowed to continue until lands are acquired, the uses disappear through normal processes, or equal opportunities for such uses are provided elsewhere. In the interim, no expansion of the uses will be permitted.

The LUS provided the opportunity for controlled mineral exploration in new Provincial Parks under some circumstances. This policy was withdrawn in May 2002, and a prohibition on mineral exploration and development within Provincial Parks is included in the PPCRA.

More detailed site-specific direction for the management of Provincial Parks is provided in several types of management documents.

### Considerations in the Application of the Provincial Park Designation

In Crown land use planning processes, the following are some factors that should be considered when a Provincial Park designation is one of the possible Crown land use designations for an area:

- A Provincial Park designation is normally appropriate where a very high level of protection of natural heritage values is desired.
- New Provincial Parks are primarily established to improve the representation of natural and cultural heritage, but other factors such as existing or potential recreation opportunities can also be considered in establishing parks.
- Designation as a Provincial Park is particularly appropriate if an area could contribute to completing the protected areas system or meeting a Provincial Park class target that has not been met.
- Provincial Park status can be particularly appropriate if moderate to high levels of public use are considered to be desirable, or substantial active management is required, because of the policy base and the management expertise of Ontario Parks.
- There is an extensive policy framework for Provincial Parks that provides direction for a wide variety of uses and activities that may be considered during land use or resource management planning.
- There is detailed guidance on the process for preparing management direction documents for Provincial Parks.

- There is a considerable range in the types of activities that can occur in Provincial Parks, depending on the park classification. Some park classifications (e.g., recreation) permit a broad range of activities while other park classifications (e.g., nature reserve and wilderness) significantly limit the permitted activities.
- The PPCRA and associated regulations provide a variety of enforcement tools.
- Zoning established through the park management planning process provides a useful tool for clarifying how policies are geographically applied within a park. Zoning is a particularly valuable management tool in a protected area where the values and management objectives differ significantly in different parts of the area.
- The establishment of a new Provincial Park requires several approvals, including a land use amendment and a regulation passed by the Lieutenant Governor-in-Council (i.e. provincial Cabinet).
- The Provincial Park designation has a substantial degree of permanency. Subject to certain exceptions, if the government proposes to dispose of (deregulate) an area of a Provincial Park that is 50 hectares or more or 1 per cent or more of the total area of the Provincial Park, the Minister of Natural Resources must first report on the proposed disposition to the Legislative Assembly, table the proposed new boundaries with the Assembly and the disposition will not proceed unless the Assembly endorses the new boundaries. Exceptions are: a settlement of a claim in respect of aboriginal rights; an addition to a national park or national marine conservation area; or a transaction that increases the size of the Provincial Park and enhances ecological integrity.

## 16.2 CONSERVATION RESERVES

Crown land use planning is the process that establishes the intent to create new Conservation Reserves and Conservation Reserve additions by regulation under the PPCRA. Conservation Reserves complement Provincial Parks in protecting representative natural areas and special landscapes.

Policies for Conservation Reserves are established in the:
- PPCRA;
- Conservation Reserves Policy and Procedure;
- Ontario Regulation 319/07 under the PPCRA; and
- the LUS (policy only applies to Conservation Reserves within the OLL Planning Area)

These policies will be consolidated into an updated version of the Conservation Reserves Policy. At that time, the policies for Conservation Reserves in the LUS will be formally withdrawn. In the interim, Table 4 in the Internet version of the LUS, which summarizes permitted uses in Conservation Reserves within the OLL Planning Area, has been amended so that it is consistent with the provisions of the PPCRA.

Under the provisions of the PPCRA, with some limited exceptions the following activities are not permitted on lands that are part of a Conservation Reserve:
- commercial timber harvest
- generation of electricity
- prospecting, staking mining claims, developing mineral interests or working mines
- extracting aggregate, topsoil or peat
- other industrial uses

The exceptions to these prohibitions are outlined in Sections 17 to 21 of the PPCRA.

Most non-industrial resource uses (e.g., fur harvesting, commercial fishing and bait harvesting) are permitted if they are compatible with the values of individual Conservation Reserves. Most recreational and non-commercial activities that have traditionally been enjoyed in an area can continue provided they pose little threat to the natural ecosystems and features protected by the Conservation Reserve.

The LUS provided the opportunity for controlled mineral exploration in new Conservation Reserves under some circumstances. This policy was withdrawn in May 2002, and a prohibition on mineral exploration and development within Conservation Reserves is included in the PPCRA.

Guidance for the management of individual Conservation Reserves will be provided by management statements or management plans that will be prepared, over time, for all Conservation Reserves. Most existing Conservation Reserves already have local management policies outlined in statements of conservation interest or resource management plans.

### Considerations in the Application of the Conservation Reserve Designation

In Crown land use planning processes, the following are some factors that should be considered when a Conservation Reserve designation is one of the possible Crown land use designations for an area:

- The overall policy framework for Conservation Reserves is less detailed than that for Provincial Parks, but there are some clear policies, e.g., no industrial uses.
- Conservation Reserve may be an appropriate designation where:
  - levels of use are relatively low and expected to stay at this level;
  - minimal facilities are contemplated;
  - intensive resource or user management is not needed, and
  - a high priority is placed on retaining compatible recreation or non-industrial resource use activities.

  Detailed guidance on the process for preparing management direction documents for Conservation Reserves can be found in Ontario Park's Protected Areas Planning Manual and its related Guidelines.
- The PPCRA provides the option to apply zoning within Conservation Reserves.
- The PPCRA and associated regulations provide a variety of enforcement tools.
- The establishment of a new Conservation Reserve typically requires several approvals, including a land use amendment and a regulation passed by the Lieutenant Governor-in- Council (i.e. Cabinet).
- The Conservation Reserve designation has a substantial degree of permanency. Subject to certain exceptions, if the government proposes to dispose of (deregulate) an area of a Conservation Reserve park that is 50 hectares or more or 1 per cent or more of the total area of the Conservation Reserve, the Minister of Natural Resources must first report on the proposed disposition to the Legislative Assembly, table the proposed new boundaries with the Assembly and the disposition will not proceed unless the Assembly endorses the new boundaries. These requirements do not apply to: a settlement of a claim in respect of aboriginal rights; an addition to a national park or national marine conservation area; or a transaction that increases the size of a Conservation Reserve and enhances ecological integrity.

## 16.3 PROVINCIAL WILDLIFE AREAS

Provincial Wildlife Areas are designated areas that are being specifically managed for wildlife and to provide more opportunities for outdoor recreation, particularly hunting and wildlife viewing. There are currently about 40 Provincial Wildlife Areas in Ontario that are located on Crown lands, and all except one are located in southern Ontario.

Most Provincial Wildlife Areas were established in the 1960s and 1970s. The boundaries of the areas are not established in regulation. Some of the Provincial Wildlife Areas have associated regulations under the Fish and Wildlife Conservation Act to provide controls on hunting activities specific to the area or part of the area. Some Provincial Wildlife Areas are located partly or entirely on lands owned by other agencies. The following discussion of the use of Provincial Wildlife Area as a Crown land use designation only applies to those lands that are owned by MNR.

In some cases the Provincial Wildlife Area designation may overlap with another Crown land use designation for an area. The Crown Land Use Policy Atlas (CLUPA), or other planning document, should indicate the primary Crown land use designation. In the small number of cases where a Provincial Wildlife Area overlaps with or is located within a Provincial Park, the Provincial Park is always the primary land use designation, and the principal source of area-specific land use policy. Where a Provincial Wildlife Area overlaps a Provincial Park, an individual analysis of the policies for the area is required to determine whether there are any land use policies that would warrant identifying the Provincial Wildlife Area as an overlay land use designation.

Currently there are no land use or resource management policies that apply to all Provincial Wildlife Areas, other than the general intent to manage the areas for wildlife and recreation. As a result, the policies for individual wildlife areas are determined through local planning. In many cases the areas are managed through partnerships, and the management plans may be developed by other agencies or groups.

### Considerations in the Application of the Provincial Wildlife Area Designation

- Although a land use amendment can establish the intent to create a new Provincial Wildlife Area, it is also necessary to obtain approvals under the Environmental Assessment Act (probably through a new individual

declaration order). This requirement arises because condition 5 of EA Exemption Order MNR-42 states that "This exemption will not be used for the establishment of new wildlife management areas."

## 16.4 FOREST RESERVES

The following policies for Forest Reserves supersede Section 7.2.3 of the LUS. The LUS will be amended to show that the section has been withdrawn and replaced by the direction in this Guide. The policies for Forest Reserves should be considered in the context that few – if any – new Forest Reserves will be established.

Forest Reserves are areas where protection of natural heritage and special landscapes is a priority, but there is some pre-existing interest or tenure under the Mining Act or Aggregate Resources Act, and activities that are authorized under these Acts can continue to take place. This designation has been applied to a relatively small number of areas where there are pre-existing mining lands or aggregate permits within recommended or regulated Provincial Parks and Conservation Reserves. The intention is that these lands will be added to the park or Conservation Reserve if a mining claim or lease, or aggregate permit, is retired through normal processes. To implement this intent, Forest Reserves are withdrawn from staking so that if the claim or lease is retired the area cannot be re-staked.

Policies for Forest Reserves are similar to the policies for Conservation Reserves within the OLL Planning Area, except that mineral exploration, mining and related access are allowed in a Forest Reserve. Mineral exploration and mining within Forest Reserves are subject to the normal requirements that are established under the Mining Act and the Public Lands Act. Staff of MNR and MNDMF will work with prospectors and developers to make them aware of the values that exist in Forest Reserves and encourage practices that consider these values.

Similar to a Conservation Reserve, with some limited exceptions the following activities are not permitted on lands that are part of a Forest Reserve:

- commercial timber harvest
- generation of electricity
- extracting topsoil or peat
- other industrial uses

Aggregate extraction is not permitted except where:

- there is an existing aggregate permit;
- aggregate is required in support of mineral exploration or mining within the Forest Reserve and there are no feasible sources outside the reserve;
- an aggregate permit is required under the Aggregate Resources Act for the production of industrial minerals and building stone.

Any applications for new aggregate permits that meet the preceding criteria will be considered in accordance with provincial standards for aggregate resources.

Policies on land disposition are the same as those for Conservation Reserves within the OLL Planning Area.

More detailed planning may be undertaken to determine site-specific policies that will maintain the identified values of a Forest Reserve. Such detailed planning must be done in consultation with the claim/leaseholder and staff from MNDMF.

### Considerations in the Application of the Forest Reserve Designation

Consistent with the Ontario Government direction announced in 2005, the number and extent of Forest Reserves is being reduced through Crown land use planning processes. The longer-term objective is to eliminate Forest Reserves entirely. As much as possible, MNR will avoid designating new Forest Reserves when carrying out Crown land use planning. (See discussion in Section 11.0.) Crown land use planning must examine and carefully assess options for new protected areas that do not affect existing mining tenure or aggregate permits.

**STANDARD:** The establishment of new Forest Reserves may only be considered in exceptional circumstances. Staff of MNDMF must be consulted before any proposals for the establishment of a new Forest Reserve are made public.

## 16.5 ENHANCED MANAGEMENT AREAS

The following provincial-level policies for EMAs supersede Section 7.3 of the LUS. The LUS will be amended to show that the section has been withdrawn and replaced by the direction in this guide. The EMA designation and policies can be applied to Crown lands in all areas where the Guide applies.

EMA is a Crown land use designation that can be used to provide more detailed land use direction in areas of special features or values. The provincial-level policies for EMAs establish the general land use intent, and may define policies for specific activities. However, most of the provincial EMA policies outlined in the Guide are not highly detailed, and the designation primarily provides a framework for the development of area-specific land use policies through local planning. MNR does not intend to develop detailed provincial-level policies for EMAs.

The EMA Crown land use designation was originally established in the LUS, and the designation was applied to 86 areas through LUS planning. In some cases, the LUS applied the EMA designation to areas that already had special policies that had been developed though previous MNR Crown land use planning, in particular District Land Use Guidelines (DLUGs). Where these pre-existing area-specific policies that were established through Crown land use planning are more restrictive than the provincial EMA policies, they will be retained unless revised through a Crown land use planning process. New area-specific policies that provide more explicit direction, potentially including restrictions on land uses or activities, can be developed but must be consistent with the direction provided in Section 9.1 on developing land use policies. The establishment of new EMAs, revising EMA boundaries, changing EMAs to another land use category, or modifying the area-specific policies for an EMA, should all occur through Crown land use planning processes.

A wide variety of resource and recreational uses can occur in EMAs. In some areas, specific uses may be subject to conditions, in order to maintain the features or values that make the area special.

Policies for EMAs must be consistent with the free entry system for mineral exploration and development under the Mining Act. For example, restrictions cannot be placed on claim staking unless the mineral rights for the area are withdrawn. Certain controls may be placed on the manner in which mining claims are staked, and on mineral exploration activities and access, however discussion with MNDMF is required prior to implementing any measures that could impact on these activities and obligations under the Mining Act.

EMAs may lead to modifications (e.g., timing, location, method, access) in resource-management practices in order to recognize other land use values. Where new policies ("new policies" means that the policies do not just re-state land use policies that had been previously approved) are being applied to EMAs in the OLL Planning Area, these adjustments will be implemented with no impact on wood supply, and only in exceptional cases will wood costs be affected. EMAs will provide a specific focus for the application of guidelines and other planning and management strategies. More detailed implementation strategies may be developed with the participation of stakeholders.

Because EMAs are intended to maintain a number of different types of features or values, five categories of EMAs have been established. These categories are:

- Natural Heritage
- Recreation
- Remote Access
- Fish and Wildlife
- Great Lakes Coastal Areas

In the LUS "Resource-Based Tourism" was identified as a category of EMA that would be used in future Crown land use planning to recognize areas with highly significant resource-based tourism values. No specific policies were established for this potential EMA category, and no areas were assigned to this category. Stakeholders have subsequently indicated that it should be possible to adequately address the land use interests of the resource-based tourism sector through the use of other categories of EMAs, and other existing Crown land use designations. As a result, the proposal to establish a Resource-Based Tourism category of EMA is withdrawn.

"Intensive Forestry" was identified as a potential additional category of EMA in the LUS. MNR has concluded, after discussions with the forest industry and other forest stakeholders, that EMAs will not be established using this category. Any measures that are taken to improve forest productivity will be consistent with the policies for other

Crown land use designations, and forest management actions will be consistent with approved forest management plans and the provisions of the Class EA for Forest Management on Crown Lands.

### Considerations in the Application of the Enhanced Management Area Designation

The following are some factors that should be considered during Crown land use planning processes when an EMA designation is being considered:

- Like all Crown land use designations, EMAs are to be used to document longer-term land use direction, rather than shorter-term operational direction or prescriptions. Although it is possible to revise the policies or boundaries for individual EMAs, they should be relatively stable over time. Thus, it would not normally be appropriate to apply the EMA category to a situation where a particular land use, or set of resource management practices, is expected to occur for only a relatively short period of time (e.g., a few years).
- EMAs do not have a detailed set of provincial-level policies, and primarily provide a framework for developing local land use policies.
- EMAs are implemented through the tools that are available under the Public Lands Act.
- The "EMA" designation does not mean that the level of management activity will be noticeably different from other areas of Crown land. In most cases the EMA designation means that more detailed land use policies have been developed.
- If an EMA designation is to be applied to a new land use area, it is desirable to develop reasonably detailed site-specific policies as part of the Crown land use planning process. Separate management plans are not required or recommended for most EMAs. Deferring the development of management direction to a separate planning process usually results in a substantial period without adequate direction.

### 16.5.1 Natural Heritage

Natural Heritage EMAs are intended to provide partial protection to areas with significant natural values, while allowing a range of resource activities. Where a high level of protection is desired, a formal protection designation (Provincial Park or Conservation Reserve) will be more effective than a Natural Heritage EMA. More resilient natural heritage values (e.g., some earth science features) may be adequately protected using this designation.

Forestry, aggregate extraction, generation of electricity and road development are permitted, but may be subject to conditions to protect natural heritage values. These conditions may outline controls on matters such as the location, size and timing of operations. Mineral exploration and mining can occur subject to meeting the requirements established under the Mining Act, the Public Lands Act and other applicable legislation, although the use of "best practices" for exploration and development activities will be encouraged.

Commercial bait harvest, commercial fishing, commercial fur harvesting and wild rice harvesting are permitted subject to existing controls and policies, and existing access related to the carrying out of these activities would normally continue, provided there are no conflicts with the objectives and land use intent of the EMA. There is no guarantee of continued access for these activities, because roads or trails may need to be closed for environmental, safety or financial reasons. Where new access is proposed, usually through the development of new roads or trails, planning should carefully consider the potential impacts of the access, and may establish conditions or restrictions.

Disposition of Crown lands under the Public Lands Act may be considered where it would not conflict with the objectives that have been defined for the specific EMA. (There are a broad range of other factors that must be considered in reviewing proposed dispositions, such as the consistency of the intended use of lands with the Provincial Policy Statement and any applicable provincial or municipal plans.) Existing commercial tourism operations can continue, and expansions or new operations may be considered. The full range of Crown land recreational activities would normally be permitted in Natural Heritage EMAs, however in some cases there may be controls on access to protect significant values.

Wherever possible, Crown land use planning processes that establish Natural Heritage EMAs should provide direction for activities controlled by MNR, rather than deferring this to subsequent planning.

### 16.5.2 Recreation

The Recreation EMA designation can be applied to areas with high recreational use or significant recreation values for activities such as angling, hunting, motorized and non-motorized trail use, and canoeing. This EMA can be used for a wide variety of recreation values and management

intents, ranging from areas where relatively substantial recreation development is permitted, to areas providing low-density, high-quality recreation in a natural setting. Because of this range of application, and the resulting potential variability in policies, detailed policies should be developed when the EMA is established.

Some Recreation EMAs have been identified to protect remote recreation values. The intent is that these areas will be managed to provide high-quality recreation, resource-based tourism and natural values within a remote or semi-remote forested setting, while also permitting sustainable business and industrial activities. In these recreation areas, industrial activities such as forestry, mining, aggregate extraction, and generation of electricity, and the related construction and use of new roads, should be planned in a manner that supports the maintenance or enhancement of the area's remote recreation qualities. Where a Crown land use planning process identifies the protection of remote recreation values as a priority in a new Recreation EMA, the area-specific land use policies must adequately outline the policies that will be applied to the area. Existing commercial tourism operations can continue, and expansions or new operations may be considered.

Commercial bait harvest, commercial fishing, commercial fur harvesting and wild rice harvesting are permitted subject to existing controls and policies, and existing access related to the carrying out of these activities would normally continue, provided there are no conflicts with the objectives and land use intent of the EMA. There is no guarantee of continued access for these activities, because roads or trails may need to be closed for environmental, safety or financial reasons. Where new access is proposed, a review would be required to assess the potential impacts, particularly in areas that are identified to protect remote recreation values.

Disposition of Crown lands under the Public Lands Act can be considered where disposition would not conflict with the objectives that have been defined for the specific EMA. (There are a broad range of other factors that must be considered in reviewing proposed dispositions, such as the consistency of the intended use of lands with the Provincial Policy Statement and any applicable provincial or municipal plans.)

Recreation EMAs could be used in future planning to identify areas in which enhanced management and use of accessible fish and wildlife resources is an objective of planning and resource management. Other resource interests will be accommodated. Where enhanced management of fish and wildlife is a primary objective, the Fish and Wildlife EMA category may be a more appropriate choice.

Where consideration is being given to using the Recreation EMA to protect remote recreation values, consideration should also be given to the use of the Remote Access EMA. The Remote Access EMA has more specific policies for new road planning and construction, and includes the standard policy that new roads will be restricted from public use.

### 16.5.3 Remote Access

Remote Access EMAs are intended to maintain the remote character of selected areas. Typically, this designation would be applied to relatively large areas which can provide high-quality remote recreational experiences including hunting, fishing, canoeing, and camping. These experiences may be associated with commercial resource-based tourism operations. Some of these areas may currently be roadless, while others may have road systems that are managed to maintain a sense of remoteness.

Forestry, mineral exploration and mining, aggregate extraction, and generation of electricity may occur in this category of EMA. The remote character will be retained through planning and establishing standards for the location and the use or abandonment of roads and trails. Roads for industrial and commercial use are permitted, however their standards should be lower than those that would normally be applied to primary access roads, while still allowing permitted activities and considering the health and safety of users. New roads, or substantial upgrades to existing roads, must be planned through comprehensive long-term access planning that considers the values of the area, particularly the remote character of the area. Some guidelines are:

- roads should be constructed to the lowest standard possible;
- new roads/trails should be directed to existing corridors where possible;
- road layout should consider potential impacts on aesthetics (i.e., the visual experience of the visitors to the area);
- design and construction must facilitate access controls and closure/rehabilitation; and
- the feasibility of effectively restricting public use of new roads will be considered in determining the appropriateness and location of new resource access roads.

New roads will not be open for motorized travel by the public. Existing authorized access will continue.

Commercial bait harvest, commercial fishing, commercial fur harvesting and wild rice harvesting are permitted subject to existing controls and policies, and existing access related to the carrying out of these activities would normally continue, provided there are no conflicts with the objectives and land use intent of the EMA. There is no guarantee of continued access for these activities, because roads or trails may need to be closed for environmental, safety or financial reasons.

Crown lands may be disposed of under the Public Lands Act where disposition would not detrimentally affect the remote character of the area. (There are a broad range of other factors that must be considered in reviewing proposed dispositions, such as the consistency of the intended use of lands with the Provincial Policy Statement and any applicable provincial or municipal plans.) Existing commercial tourism operations can continue, and expansions or new operations may be considered. New operations must be consistent with the emphasis on retaining the remote character. Crown land disposition for purposes that would require new roads open to public use is not consistent with the intent of the designation.

### 16.5.4 Fish and Wildlife

The Fish and Wildlife EMA category can be applied to areas that are managed for the maintenance and enhancement of fish and wildlife habitat and populations, while allowing for the multiple use of other natural resources. The criteria for selection of these areas include:

- areas of known or potential fish or wildlife habitat for species that require special management practices;
- areas where forestry practices can be applied to enhance or maintain special habitat requirements; and
- areas where enhanced hunting and fishing opportunities may be provided through specific management and land use practices.

One or more of these criteria may apply to a specific EMA.

Forestry, aggregate extraction and generation of electricity are permitted, but may be subject to conditions to protect fish and wildlife values. Mineral exploration and mining can occur subject to meeting the requirements established under the Mining Act, Public Lands Act and other applicable legislation. The use of "best practices" in mineral exploration and development activities will be encouraged. Commercial bait harvest, commercial fishing, commercial fur harvesting and wild rice harvesting are permitted, and associated existing access would normally continue. There is no guarantee of continued access for these activities, because roads or trails may need to be closed for environmental, safety or financial reasons.

Crown lands may be disposed of under the Public Lands Act, where disposition would not detrimentally affect fish and wildlife values of the area. (There are a broad range of other factors that must be considered in reviewing proposed dispositions, such as the consistency of the intended use of lands with the Provincial Policy Statement and any applicable provincial or municipal plans.) Existing commercial tourism operations can continue, and expansions or new operations may be considered.

### 16.5.5 Great Lakes Coastal Areas

Great Lakes Coastal Areas is a category of EMA that has been applied to a relatively small area of lands and waters along the shore and islands of Georgian Bay, the North Channel, and Lake Superior. This category fits within a larger "featured area" or "signature site" concept -- the Great Lakes Heritage Coast -- that applies to all Crown lands along the portion of the Great Lakes shoreline within the 1999 OLL Planning Area. The Great Lakes Coastal Areas EMA has been applied in conjunction with the other Crown land use designations and EMAs that occur within the Heritage Coast. It is expected that few - if any - new Great Lakes Coastal Areas EMAs will be designated. Boundary refinements may be considered through local Crown land use planning that could expand or reduce the extent of existing EMAs.

In the coastal areas, ecosystem protection and the promotion of recreation and tourism are the primary land use and resource management goals.

Traditional Crown land recreation and non-industrial activities that have occurred within the Great Lakes or along the shoreline can continue. This includes activities such as commercial and sport fishing, hunting, fur harvesting, boating, camping, tourism and trail use. Activities occurring on or within the water portion of this land use category should be undertaken in a manner consistent with ecosystem protection, the recreation and tourism focus of the category and the land use intent of the adjacent land use category.

The following policies on commercial resource use and access apply to the Great Lakes Coastal Areas EMAs:

- commercial timber harvesting will generally not occur in this area;
- mineral exploration and development can occur subject to meeting the requirements established under the Mining Act, Public Lands Act and other applicable legislation, although the use of "best practices" for exploration and development activities will be encouraged;
- aggregate extraction may occur where it has been demonstrated that extraction and associated activities will have no significant impact on the ecological, aesthetic or tourism values of the coastal area;
- aquaculture may be permitted provided the objectives of maintaining the ecological, recreational, and aesthetic values of the coastal area are maintained, and where federal and provincial regulations ensure protection of water quality and fish populations;
- commercial fishing will continue to be permitted, will be managed according to Great Lakes fisheries management plans, and will take into consideration values as identified in any protected area plan. (Commercial fishing includes gill netting, trap netting, trawling and hook lines and other techniques as authorized by a license. It may also include the issuance of special licenses from time to time and buildings for commercial fish camps);
- new facilities for generation of electricity facilities may be permitted, but must be planned to be consistent with the values of the area, and any detailed land use policies that have been developed for specific areas. Underwater and underground utilities are encouraged where environmentally appropriate; and
- to maintain the character of the coast, the potential impacts of any proposed new access must be carefully considered. New permanent roads are normally not permitted on Crown lands, with exceptions being permitted for short "infill" roads in areas that already have road access, and roads required for permitted activities that cannot be carried out without road access. Where roads are constructed to access existing or new development or industrial activity, they must maintain the scenic, ecological, and land use values, and they must retain remote characteristics where they exist.

The preceding guideline on land use is not intended to be an exhaustive list of all possible uses, but rather it is an outline of general direction. Other uses (e.g., sunken log removal) can occur where they are consistent with the overall intent for the area and provincial policy.

Land disposition under the Public Lands Act should only occur where it is clearly consistent with the intent of the specific land use area, the overall intent of the Heritage Coast, and other policies related to development and disposition, including any applicable policies in the Provincial Policy Statement and provincial or municipal plans. As an example, a sale or lease of Crown land or water lot to permit a marina may be appropriate in areas where recreational boating is being encouraged, if it meets environmental and other requirements.

Some portions of the coast have had longstanding restrictions in land use plans (primarily DLUGs) on certain types of activities (e.g., the establishment of new tourism facilities or the sale of lands) in order to maintain the character of the area. Where these types of local policies are more restrictive than the provincial EMA policies they will be retained, unless revised through a Crown land use planning process.

## 16.6 General Use Areas

The following policies for GUAs supersede Section 7.2.4 of the LUS. The LUS will be amended to show that the section has been withdrawn and replaced by the direction in this guide. The following policies build on the lessons that were learned when a large number of areas with existing policies were identified as GUAs during the development of CLUPA.

The majority of Crown lands currently fall into the general use designation. The specific policies for individual GUAs are established through local Crown land use planning and should reflect an area's identified land use attributes and context. Where there is specific land use intent for a GUA, it is essential that this be clearly defined in the policy report, because of the limited provincial policies defined for GUAs. As is true for all Crown land use designations, management of GUAs will occur in the context of maintaining ecological sustainability. MNR's extensive set of legislation, policy and guidelines will direct and support management actions in GUAs.

A full range of resource and recreational uses can be permitted in GUAs. However, the GUA designation does not mean that all uses and activities must be permitted. For example, policies for GUAs can establish controls on access

(e.g., identifying where roads will be closed or restrictions on public access) in particular areas or circumstances. Some GUAs have specific protection policies, for example several GUAs substantially restrict or prohibit specified resource management activities controlled by MNR in order to protect Areas of Natural and Scientific Interest. A few GUAs have also been withdrawn from mineral staking, although this can only occur in special circumstances and with the agreement of MNDMF.

There are no provincial-level policies on disposition of lands, resources or other rights that specifically relate to GUAs. Disposition is governed by standard MNR policies and procedures. There are a broad range of factors that must be considered in reviewing proposed dispositions, including the consistency of the intended use of lands with the Provincial Policy Statement and any applicable provincial or municipal plans.

Some GUAs have titles such as "resource management area" or "core protection zone". No provincial-level land use policy or specific resource management direction is associated with the titles, and thus these areas may appropriately be classified as GUAs.
The GUA category can be used as an interim "holding" category. This approach could be used where the intention is to transfer land to another agency, but the transfer may take a substantial period of time, and in the interim a suite of policies are required to protect specific values. In this circumstance a new land use area with detailed policies should be established. The holding designation approach has been used where land is being transferred to the Canadian government for protected area purposes or for the creation of an expanded or new Indian Reserve.

The vast majority of the GUAs that are included in CLUPA resulted from Crown land use planning decisions made in the 1983 DLUGs, or other pre-1997 Crown land use planning initiatives. As a result, some of these areas may be more appropriately designated in another land use category, such as an EMA designation. Over time these GUAs could be reviewed through local Crown land use planning to determine the currency of the land use direction and decide whether there is a more appropriate designation.

Planning in the GUAs needs to consider the implications of management actions on adjacent Crown land use designations. For example, new protected areas have been delineated on the basis that extensive buffering is not required because of the ecologically sustainable management that will occur on adjacent lands.

### Considerations in the application of the General Use Area designation:

In Crown land use planning processes, the following are some factors that should be considered when a GUA designation is one of the possible Crown land use designations for an area:

- The GUA designation is the most flexible Crown land use designation. However, GUAs can have specific land use policies. If there is detailed land use intent for an area, consideration should be given to whether the intent better fits a more specific designation (e.g., one of the categories of EMA).
- The GUA designation is the "default" designation where no more specific designations have been applied.

## 16.7 Wilderness Areas

The following policies for Wilderness Areas supersede Section 7.2.5 of the amended LUS. The LUS will be amended to show that the section has been withdrawn and replaced by the direction in this guide.

As a Crown land use designation, "Wilderness Areas" are parcels of Crown land that are regulated under the Wilderness Areas Act. The Act was passed in 1959. Wilderness Areas, most of which were established in the 1960's, were used to protect a variety of examples of Ontario's natural heritage.

The Wilderness Areas Act stated that a Wilderness Area was to be managed "for the preservation of the area as nearly as may be in its natural state in which research and educational activities may be carried on, for the protection of the flora and fauna, for the improvement of the area, having regard to its historical, aesthetic, scientific or recreational value…" However, the Act also included a provision that "nothing in this Act or in the regulations made under the Act limits or affects the development or utilization of the natural resources in any Wilderness Area that is more than 260 hectares in size." (260 hectares is the equivalent of one square mile.) Over time, the Wilderness Area designation was recognized as being less effective than other tools for natural heritage protection. Provincial parks and Conservation Reserves have become the preferred means of affording regulated protection to areas of significant natural or cultural heritage value on provincial Crown lands.

Numerous Wilderness Areas have been included within Provincial Parks or Conservation Reserves. Within recommended or regulated Provincial Parks or Conservation Reserves Wilderness Areas can be deregulated with no further planning requirements.

As of 2007, there were 10 regulated Wilderness Areas in Ontario that did not fall within Provincial Parks or Conservation Reserves. These 10 areas cover about 800 ha, or .0008% of Ontario.

The intention is to review, through local Crown land use planning processes, the 800 ha of existing Wilderness Areas to determine if natural values warrant protection through regulation as a Provincial Park or Conservation Reserve. Areas that do not warrant this level of protection will be re-designated to another Crown land use designation and deregulated. After this work is completed the Wilderness Areas Act will be rescinded through the proclamation of Section 66 of the PPCRA.

Wilderness areas under the Wilderness Areas Act should not be confused with wilderness class Provincial Parks or wilderness zones in Provincial Parks. The preceding policy strictly deals with the Wilderness Areas regulated under the Wilderness Areas Act, and does not in any way affect wilderness parks or zones.

### Considerations in the application of the Wilderness Areas Designation

**STANDARD:** Crown land use planning processes must not propose the establishment of new Wilderness Areas under the Wilderness Areas Act.

# 17.0 GLOSSARY

The following glossary provides definitions for terms that may be used in MNR's Crown land use planning. In some cases there is also an explanation of the appropriate use of the term.

Other useful glossaries include:

- Ministry of Aboriginal Affairs Glossary of terms: http://aboriginalaffairs.gov.on.ca/english/faq/glossary.htm
- Glossary of terms used in environmental assessment and related activities, in Appendix 1 of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects.

### Aboriginal Engagement

Ontario's draft Consultation Guidelines distinguish between "consultation related to Aboriginal and treaty rights" and "effective engagement practices for involving Aboriginal peoples in other initiatives that directly affect Aboriginal communities." Throughout the Guide, references to Aboriginal engagement include both of these concepts.

### Aboriginal Peoples

The Constitution Act, 1982 states that "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada. (It is the official practice of the Ontario Government to capitalize "Aboriginal".)

### Area-specific Land Use Policy

Area-specific land use policy refers to direction on land use (e.g., type, intensity, conditions) that applies to a specific portion of Ontario. The policy can apply to a very small area or it can apply to a substantial portion of the province. Area-specific land use policy normally is developed through a Crown land use planning process. ("Area-specific" is used rather than "local" because land use policies can apply to very large areas that most people would not consider to be local.)

### Consensus

General agreement on a package of provisions to the extent that, although participants in the planning process may not agree to every aspect of the package, they do not disagree enough to warrant their opposition to the overall package. Consensus outcomes reflect agreements that each participant in a planning process can support without sacrificing their principles. Consensus outcomes most frequently emerge from discussions that involve a relatively small number of actively engaged participants, who can carefully consider a range of options and implications.

### Crown Land

In the Guide, Crown land refers to all lands, including land under water, managed by MNR. This terminology has been used rather than "public lands", because many other government agencies manage lands that can generically be described as public lands. The broad definition of Crown land that is used in the Guide includes acquired lands as well as non-granted land (land that has never been sold or transferred by the Ontario Government).

### Crown Land Use Policy Atlas

The Crown Land Use Policy Atlas (CLUPA) is the official source of area-specific land use policies for Crown lands, and associated mapping of the land use areas, in much of Ontario.

### Disposition

The granting by MNR of certain or all rights to Crown resources (including lands) through such means as permits, licenses, approvals, permissions, consents, leases, licenses of occupation, or sale. "Disposition" should not be used in Crown land use planning documents where the term is only intended to refer to the sale of land.

### District Land Use Guidelines

District Land Use Guidelines (DLUGs) are planning documents covering much of Ontario that were approved by MNR in 1983. Although the DLUGs primarily provided direction for the management of Crown lands and resources, they also outlined MNR's perspective on the management of private lands. For much of Ontario the land use direction for Crown lands and resources outlined in the DLUGs has been almost entirely transferred (as applicable) to CLUPA. The intention is to formally withdraw all DLUGS when the limited amount of relevant residual direction in the documents has been transferred to CLUPA or another location.

### Ecological Sustainability

Ecological sustainability is the continuation of an ecosystem's biodiversity as well as its biological and physical processes, with no degradation of its capacity to renew itself. "Ecological sustainability" is the mission of MNR.

### Ecosystem Approach

An ecosystem approach to management is as much a philosophy as it is a set of planning and management tools. It aims to understand and consider the interrelationships that may exist between the social, economic and natural environments. Furthermore, it encourages people to: consider the elements of ecosystem composition, structure and function; understand how people's actions affect the human and natural environment; ensure that human actions and disturbances mimic natural processes to the greatest extent possible; recognize the wide range of resource values; and, use ecological classifications to map ecosystems.

### Enhanced Management Area

Enhanced Management Area (EMA) is a Crown land use designation that is used in Crown land use planning to provide more detailed land use direction in areas of special features or values, or where the land use policies for one of the EMA categories supports the land use intent for the area.

### Generation of Electricity

The generation of electricity through the deployment or construction of electrical energy producing devices or facilities and supporting infrastructure, including wind turbines, solar panels, pump storage facilities, reservoirs, impoundments and water control structures or weirs (Source: Provincial Parks and Conservation Reserves Act)

### Goals

Goals are broad statements of desired outcomes. They are not intended to be specific guide posts for measuring achievement, but are used to describe a future vision that planning will support. (See also "objectives" and "strategy," and the discussion of goals and objectives in Section 3.3.4)

### Interim Protection

Interim protection refers to policies that prohibit certain types of land uses while decisions are being made on land use policy proposals. Interim protection is most frequently applied to proposed Provincial Parks or Conservation Reserves in the period when land use proposals are under consideration, and during the period after the decision has been made to establish a new protected area but it has not yet been legally established through passage of a regulation.

### Crown land use designation

A Crown land use designation is a land use classification with associated land use or management policies. Crown land use designations are applied to specific areas through Crown land use planning processes. Some Crown land use designations have been established through legislation e.g., Provincial Park and Conservation Reserve, while other designations such as EMA have been established through policy or planning processes.

### Land Use Area

An area of land for which area-specific land use policies are being developed or have been developed. "Land use area" is used in this guide and other MNR planning processes, rather than "land use zone", in order to avoid confusion with the zoning used by municipalities, or that is used in the planning for Provincial Parks or Conservation Reserves.

### Land Use Plan

An MNR land use plan is a document (including an electronic source) that outlines approved land use policies for an area of Crown land administered by MNR. For the purpose of applying Section 12 of the Public Lands Act, "land use plan" includes:

- policy reports in CLUPA
- documents that are primarily intended to provide area-specific land use direction, regardless of whether they are titled a "land use plan" (e.g., District Land Use Guidelines)
- land use amendments.

### Crown Land Use Planning

Within MNR, Crown land use planning is a process that assigns Crown lands and waters to specific Crown land use designations with associated general policies, determines the specific uses that may occur on particular areas, and/or establishes broad direction for the land uses. Crown land use planning interprets and applies broad government policies and objectives in the context of local conditions and values.

### Land Use Policy

In the Guide, "land use policy" generally refers to provincial-level policy that establishes broad direction on how Crown lands and waters should be used. In the Guide "area-specific land use policy" is used to refer to policies for specific land use areas that are generally developed through Crown land use planning processes.

### Landscape Level

"Landscape level" is used to describe a perspective that is above individual sites, stands or other local ecological units. It usually refers to a scale that considers a mosaic of interconnected ecological units. It is most commonly applied to planning and analysis activities.

### Mining Lands

Mining lands include unpatented, leased and patented mining claims and (exploratory) licences of occupation.

### Objectives

Objectives are concise, measurable statements of the desired future condition for an area, resource or resource use which is attainable through management action. Objectives must be consistent with planning goals and relate to the planning issues. (See also "goals," and the discussion of goals and objectives in 3.3.4.) "Desired outcomes" is a similar concept.

### Planning Unit

Section 12.1 (1) of the Public Lands Act establishes "planning unit" as the official name for a land use planning area outside the Far North. In planning documents that will be read by the public it is appropriate to continue to refer to the area that is subject to the planning process as the "planning area".

### Proposed

In MNR's Crown land use planning documents, the use of the term "proposed" in conjunction with Crown land use designations refers to areas where specific Crown land use designation proposals have been put forward for public discussion. "Proposed" Provincial Parks or Conservation Reserves should be subject to interim protection policies. (See also "recommended")

### Provincial Policy Statement

The Provincial Policy Statement (PPS) is a set of policies that have been prepared by the Ontario Government and approved by the Lieutenant Governor-in-Council under the authority of Section 3 of the Planning Act. The PPS provides policy direction on matters of provincial interest related to Crown land use planning and development. The PPS primarily applies to planning for private lands.

### Provincially Significant Mineral Potential

Provincially Significant Mineral Potential (PSMP) is an index, based on current geo-science knowledge and understanding, of the likelihood of an economic mineral resource occurring within a defined geographic area that may make a significant contribution to Ontario's economic base. The methodology for determining PSMP has been developed by MNDMF, in conjunction with expert geoscientists from the minerals industry. Because it is based on current knowledge, PSMP mapping will change over time.

### Recommended

In MNR's approved Crown land use planning documents, the use of the term "recommended" in conjunction with Crown land use designations (e.g., "recommended Conservation Reserve") refers to areas where a land use decision has been made that an area should be placed into regulation under a specific piece of legislation, but the regulation has not yet been approved. When the area is regulated the "recommended" label is automatically dropped.

### Regulated

In MNR's Crown land use planning, "regulated" usually refers to the application of Crown land use designations to specific areas through the approval by the Lieutenant Governor-in-Council of a regulation under a piece of legislation.

### Resource Management Planning

Resource management planning establishes local direction on how resources are to be managed, including decisions on the location, timing, amount and kind of operations. Resource management planning can also address the allocation of resources to user groups. Within MNR, examples of resource management planning include protected area management planning, forest management planning, fisheries management planning and water management planning.

### Statement of Environmental Values

The Environmental Bill of Rights requires that designated ministries prepare a Statement of Environmental Values that "explains how the purposes of this Act are to be applied when decisions that might significantly affect the environment are made in MNR; and explains how consideration of the purposes of this Act should be integrated with other considerations, including social, economic and scientific considerations that are part of decision-making in MNR"

### Strategic Land Use Plans

MNR prepared three Strategic Land Use Plans (SLUP) covering all of Ontario in the early 1980's to provide broad direction for the management of Crown lands and resources. With the exception of portions of far northern Ontario that are not covered by other plans, the SLUP documents are no longer used by MNR as a source of direction. The term "strategic land use planning" refers more generally to planning for large areas of Crown land.

### Strategy

A strategy describes "how" to achieve an objective. The objective defines "what" result is to be achieved.

# APPENDIX A: COMPILATION OF STANDARDS

This Appendix lists all the standards that are included in the Guide. As noted in the first two standards, the Guide and standards will be applied in all Crown land use planning within the portion of Ontario where the Guide applies.

## 1.0 INTRODUCTION TO THE GUIDE FOR CROWN LAND USE PLANNING

**STANDARD:** The Guide must be applied in all Crown land use planning carried out under the authority of the Public Lands Act, south of Far North planning area (see Figure 1 – MNR's Crown Land Use Planning Areas).

**STANDARD:** Within the portion of Ontario where the Guide is to be applied, the direction outlined in any portion of the Guide that is identified as a "standard" is mandatory.

**STANDARD:** The implementation of the Guide will involve a transitional period. After the Guide is approved all Crown land use planning that is started within the area where the Guide applies must follow the direction outlined in the Guide. Planning processes that were started prior to the approval of the Guide will need to consider the relevant requirements, but discretion can be used in the application of specific direction.

## 2.0 CROWN LAND USE PLANNING IN ONTARIO – OVERVIEW AND CONTEXT

### 2.2 Crown Land Use Planning Overview

**STANDARD:** All Crown lands in the area where the Guide applies are deemed to fall within a planning unit as referenced in the Public Lands Act, and the approved area-specific land use policies, as amended, provide the "land use plan" referenced in Section 12 of the Public Lands Act.

**STANDARD:** Activities carried out on Crown lands shall be consistent with any general and area-specific land use policies that have been approved by MNR.

## 3.0 MNR's CROWN LAND USE PLANNING PROCESSES

### 3.3.7 Develop and Review Draft Land Use Policies

**STANDARD:** When developing draft land use policies, the policies and perspectives of other Ontario ministries must be considered. Where land use proposals may significantly affect the clients, policies or interests of another ministry, there must be information exchange and/or discussions prior to releasing the proposals to the public.

**STANDARD:** All proposed minor and major land use amendments and proposed land use plans will require appropriate public review and Aboriginal engagement or consultation, with an opportunity for the submission of comments. The solicitation of input will include an Environmental Registry proposal notice (new or updated), and notification to parties that are believed to be potentially affected and others known to have a specific interest.

### 3.3.11 Implementation

**STANDARD:** In implementing the policies for Crown land use designations, consideration needs to be given to pre-existing commitments. Subject to meeting all other necessary requirements, MNR will complete actions where a commitment has been established prior to the date that interim protection was applied or, in the case of designations where interim protection is not normally applied, the date that the land use document was approved.

## 4.0 INVOLVEMENT IN MNR's CROWN LAND USE PLANNING

### 4.7 Consulting with Municipalities and Planning Boards

**STANDARD:** Where a proposed change in area-specific land use policy for Crown lands is being considered through a Crown land use planning process, and the area is in the vicinity of, abutting with, or within a municipality or planning board area, the comments of the municipality or planning board must be requested. The requirement to seek comments also applies to proposals that may be further from a municipality or planning board area, but which may have a significant impact on the community.

## 5.0 APPROVING OR AMENDING LAND USE PLANS AND POLICIES

**STANDARD:** The direction in Section 5.0 updates and replaces all earlier provincial-level MNR policies on land use plan approvals and land use amendments, including Section 9.3 of the Ontario's Living Legacy Land Use Strategy, "Keeping the Land Use Strategy Current".

### 5.2 Approving or Amending Area-Specific Land Use Policies

**STANDARD:** Changes to area-specific land use policy must be formalized through the approval of a land use amendment. All substantive changes that are proposed must be considered through an appropriate planning process with opportunities for public review. A planning process is not required for changes that document another decision or are updating information.

**STANDARD:** Blocks of lands that are acquired for specific purposes after the completion of Crown land use planning, or lands which are being managed by MNR under an agreement which identifies a specific land use intent, will normally have their land use intent formalized through a minor land use amendment. Acquisitions that will result in small additions to existing areas with approved area-specific land use policy (e.g., the acquisition of a small property that is within or adjacent to a Provincial Park, for the purpose of adding to the park) will have their land use intent formalized through an administrative amendment or mapping changes.

**STANDARD:** Some administrative amendments are documenting legislative or provincial-level policy changes that have been approved, but which are not yet reflected in CLUPA. The new provincial direction starts to guide local land use decisions when the legislation or policy comes into force, not when the administrative amendment is approved.

**STANDARD:** Minor and major land use amendments may be approved by the Regional Director. Amendments that deal with existing or proposed protected areas also require the approval of the Managing Director of Ontario Parks. In the case of very significant amendments additional MNR approvals beyond the Director level may be required; an individual evaluation of potential implications is required in order to identify the appropriate level of approval. All staff involved in the approval process must carefully consider whether additional approvals should be sought.

**STANDARD:** A major or minor land use amendment comes into force when it is approved, unless the amendment specifically indicates a date when it will come into force.

## 7.0 APPLYING POLICY IN CROWN LAND USE PLANNING

### 7.2 Relationship of Provincial Policy and Area-specific Land Use Policy

**STANDARD:** Provincial policy provides direction for and takes precedence over area-specific land use policies and local plans, except where there is an explicit identification of the exception with appropriate approvals.

## 8.0 WORKING WITH CROWN LAND USE DESIGNATIONS

### 8.3 Primary Crown Land Use Designations

**STANDARD:** There can only be one primary Crown land use designation for an area.

**STANDARD:** Primary Crown land use designations for specific areas are determined through a Crown land use planning process.

**STANDARD:** The use of a primary Crown land use designation other than those designations identified in Part II of the Guide requires special approvals. Establishing a new primary Crown land use designation, or a new category of EMA, would require an amendment to the Guide, other provincial-level policy approval, or a basis in legislation or regulation.

**STANDARD:** The policy report for a recommended Provincial Park must recommend the assignment of the area to one of the park classes defined in the PPCRA.

**STANDARD:** The policy report for a new EMA must assign the area to a category that has approved policy.

**STANDARD:** The following factors must be considered in the selection of a primary Crown land use designation for a specific area:

- the extent to which the provincial-level policies for the designation effectively support the proposed objectives for the area;
- the ability to develop area-specific policies that address local circumstances;
- the support that the designation may provide for implementing the identified land use intent and management direction (e.g., are there regulatory tools associated with the designation that would help to implement the policies for the area);
- the degree of public acceptance of the designation;
- potential environmental, social, cultural heritage and economic implications;
- potential impacts on Aboriginal or treaty rights;
- the compatibility of the policies for the designation with the land use intent of adjacent land use areas;
- where area-specific land use policies are being developed for lands in proximity to a Provincial Park or a Conservation Reserve, consideration must be given to whether the designation and associated policies will support the protection of the ecological integrity of the protected area; and
- any commitments that have been made to a person or group, where land has been or is being donated to the province for a specific purpose.

### 8.4 OVERLAY DESIGNATIONS

**STANDARD:** The policies for overlay designations supplement the policies for the primary Crown land use designation. Where the primary and overlay designations provide direction on the same topic or activity, the policies of the overlay designation will be applied. The only theoretical exception to this would be where the policies for the primary designation are established in legislation or regulation.

### 8.6 CROWN LAND USE DESIGNATIONS LIMITED TO CROWN LANDS

**STANDARD:** The following standard statement must be included on any new land use plan maps, and in the text of any land use plans that may be prepared: Crown land use designations apply only to Ontario Crown lands, and other lands managed by MNR. Where a designation appears to overlap private land, Federal land, or Indian Reserves, these lands are not covered by the designation.

## 9.0 DEVELOPING AND DOCUMENTING LAND USE POLICIES AND BOUNDARIES

### 9.2 Documenting Land Use Policies

**STANDARD:** CLUPA is the source of area-specific land use policy, except where a policy report states that supplementary direction is provided by a local planning document. When planning processes are being carried out that will result in the production of a separate land use plan, the relationship between CLUPA and local planning documents must be identified in both the policy reports and the relevant local document(s). The policy report must identify the nature of any supplementary direction that is in other documents. Any policies in other land use documents must be consistent with those in CLUPA. New or revised policy reports should provide links to any relevant local land use plans.

**STANDARD:** Planning processes that will result in the production of a land use plan will need to have an accompanying land use amendment that identifies the policies that will be incorporated into CLUPA. To the extent possible, new or updated area-specific land use policies must be incorporated into policy reports. Until CLUPA has been expanded to include existing direction for Crown lands in southern Ontario, new area-specific land use policy decisions in this area will be documented through amendments that are posted on CLUPA.

**STANDARD:** In planning processes where a separate land use plan is being prepared, the draft, recommended and approved plans must include the proposed or approved text of new or revised policy reports. The policy reports can be included in the body of the report or in an appendix. When a plan that existed prior to the approval of CLUPA is reviewed and substantially updated, and continues to exist as a separate document, this requirement to incorporate updated policy reports must be addressed.

**STANDARD:** Policy reports that are being included in CLUPA must follow the established standards for format and content.

**STANDARD:** The content of CLUPA and other land use policy documents must focus on land use policies, not on description. A detailed description of an area should only be included in CLUPA where it is essential context for understanding the associated land use policies.

**STANDARD:** Land use plans must not set a fixed date for a comprehensive review of land use policies. Plans can include a date when the need for a scoped or comprehensive review will be examined.

### 9.3 DEVELOPING AND REFINING LAND USE AREA BOUNDARIES

**STANDARD:** All new or revised land use boundaries must be edited in the appropriate CLUPA data layer stored in the Natural Resources Values Information System[3], following the data rules and standards utilized by the Natural Resources Values Information System application. Amendments to area-specific land use policies that create a new boundary or revise existing boundaries must be accompanied by a map illustrating the boundary changes.

## 11.0 CONSIDERATION OF MINERAL RESOURCES, MINERAL EXPLORATION AND MINING

**STANDARD:** Crown land use planning that requires interim or permanent withdrawal of mineral rights, or which might lead to constraints on mineral exploration or development including constraints on access, must consider the potential for mineral development, and any existing mining lands. The potential for mineral development may need to be identified through the application of the Provincially Significant Mineral Potential (PSMP) methodology or other mineral resource potential estimation tools as developed by MNDMF. The identification of the mineral potential will be carried out in cooperation with MNDMF. Planning processes must evaluate potential socio-economic impacts, and any other potential impacts of the policies that are being considered. Ministry of

3. The Natural Resources Values Information System (NRVIS) is the Ontario Government's Geographical Information System for managing geographic information.

Northern Development, Mines and Forestry staff must be involved as early as possible in the site selection process to assess mineral values and interests and to evaluate the potential impacts of land use proposals.

Additional consideration must be given in planning processes to areas that are identified through the PSMP methodology as having the highest mineral potential (i.e., PSMP Index greater than 65). This mineral potential category covers about 10 percent of Ontario. On these lands, any land use decisions that would preclude future mineral exploration and development will only be approved after consultation with the Minister of Northern Development, Mines and Forestry, or delegate.

**STANDARD:** MNR's Crown land use planning documents must not include policies related to mineral exploration and development that go beyond what can be implemented by MNR, except where there is prior agreement with MNDMF.

**STANDARD:** Interim protection policies related to mineral exploration and development can be included in Crown land use planning documents if they are consistent with the interim protection policies outlined in 10.0, and have been subject to prior consultation with MNDMF.

## PART II: PROVINCIAL POLICIES FOR CROWN LAND USE DESIGNATIONS

### 16.0 CROWN LAND USE DESIGNATIONS

**STANDARD:** Part II of the Guide is the official source of provincial-level policies for Forest Reserves, Enhanced Management Areas (EMAs), and General Use Areas (GUAs), within the area where the Guide applies. These policies replace all pre-existing provincial-level policies for the three designations including those outlined in the LUS. The policies outlined in the Guide for these designations apply to all existing and new areas that fall within these designations, and that are located within the area where the Guide applies.

### 16.4 Forest Reserves

**STANDARD:** The establishment of new Forest Reserves may only be considered in exceptional circumstances. Staff of MNDMF must be consulted before any proposals for the establishment of a new Forest Reserve are made public.

### 16.7 Wilderness Areas

**STANDARD:** Crown land use planning processes must not propose the establishment of new Wilderness Areas under the Wilderness Areas Act.

# APPENDIX B: SUMMARY OF CROWN LAND USE PLANNING PROCESS BY CATEGORY

| Planning Step | Category of Crown Land Use Planning | | |
|---|---|---|---|
| | Basic | Complex | Comprehensive |
| | Characteristics:<br>■ Land use issues that require resolution should be limited in number, complexity and geographic distribution.<br>■ Public interest is usually low and primarily local. | Characteristics:<br>■ Multiple land use issues require resolution over larger geographic areas, adding to the complexity of decision making.<br>■ Public interest may be local or regional, with varying degrees of concern. | Characteristics:<br>■ Land use issues involve a number of Crown land use designations over large geographic areas and may involve the full array of MNR. resource interests<br>■ Public interest usually extends to the provincial level, and issues may be contentious. |
| **1. Prepare for Planning (3.3.1)**<br>■ Assess the potential scope of problems and identify issues that may require resolution.<br>■ Identify the interests of potential interested parties, including Aboriginal peoples, stakeholders (internal and external) and other Ontario ministries.<br>■ Identify any existing planning-related commitments.<br>■ Confirm the need for planning obtain informal approvals to proceed. | ■ This step and "Design the Process" are almost always treated as a single step in basic planning.<br>■ Assessment and initial project scoping largely carried out internally by MNR staff.<br>■ Initial decision to proceed usually made as part of Step Two. | ■ Assessment and initial project scoping may involve discussions with other ministries, Aboriginal peoples and stakeholders.<br>■ Initial decision to proceed usually made in district, in consultation with region. | ■ Assessment and initial project scoping should involve discussions with other ministries, Aboriginal peoples and stakeholders.<br>■ Initial decision to proceed will usually require provincial input. |
| **2. Design the Process (3.3.2)**<br>■ Develop and document the elements of planning for the specific project, including communication, intra and inter-ministry engagement, public involvement and Aboriginal engagement.<br>■ Determine if the application of formal project management approaches is warranted.<br>■ Identify the objectives of the planning process. | ■ Process follows direction outlined in Guide, and any supporting procedures and bulletins.<br>■ Usually desirable to prepare a short summary of the proposed steps, timing and responsibilities for internal use.<br>■ Usually need to address requirements of MNR's land use amendment procedures. | ■ Process follows direction outlined in Guide, and any supporting procedures and bulletins.<br>■ Prepare a Terms of Reference for internal and external use.<br>■ Where project manage-ment approaches are being applied will need a project charter at a minimum; very complex projects may also require a project plan. | ■ The process will be specifically designed to address the situation, while meeting the requirements of the Guide, and any supporting procedures and bulletins.<br>■ Prepare a Terms of Reference for internal and external use.<br>■ Where MNR is leading planning, project management approaches |

| Planning Step | Category of Crown Land Use Planning | | |
|---|---|---|---|
| | Basic | Complex | Comprehensive |
| ■ Identify resource requirements.<br>■ Possible public discussion of proposed planning process (some complex and all comprehensive processes).<br>■ Obtain formal approvals to proceed. | ■ Approval to proceed given by appropriate Director(s). | ■ Communication planning required, possibly including a communication plan.<br>■ Usually need to address requirements of MNR's land use amendment procedures.<br>■ Some public involvement or Aboriginal engagement is often appropriate. May include posting an Environmental Registry proposal notice and providing an opportunity for public review of proposed planning process.<br>■ Approval to proceed given by appropriate Director(s). | will usually be applied. Will need a project charter and may also require a project plan.<br>■ Communication plan required.<br>■ Possible involvement of partners, stakeholders and Aboriginal communities in design of the proposed planning process including engagement processes.<br>■ Usually need to address requirements of MNR's land use amendment procedures.<br>■ Virtually always includes first posting of Environmental Registry proposal notice, other public involvement, and Aboriginal engagement.<br>■ Usually requires provincial approval to proceed; may involve several levels of approval. |
| **3. Confirm Issues and Assemble Background Information (3.3.3)**<br>■ Confirm and define in greater detail the issues to be considered in planning.<br>■ Ensure existing information is available, and identify any information collection requirements.<br>■ Identify relevant traditional knowledge (including traditional ecological knowledge) and local knowledge as appropriate. | ■ Issues usually should have been adequately scoped in previous step; some possible refinement.<br>■ Planning normally uses existing information.<br>■ Some limited information assembly or focused additional data gathering (site information) may be required. | ■ Define issues in more detail; may involve the public<br>■ Substantial information assembly and documentation.<br>■ May need to gather some new information or acquire from external sources. | ■ Define issues in more detail; may involve the public.<br>■ Substantial information assembly and documentation.<br>■ May need to gather some new information or acquire from external sources.<br>■ Summary of background information is often compiled.<br>■ In some processes a separate consultation on background information occurs, or may be combined with the review of goals and objectives or options. |

| Planning Step | Category of Crown Land Use Planning | | |
|---|---|---|---|
| | Basic | Complex | Comprehensive |
| **4. Develop Land Use Goals and Objectives (3.3.4)**<br>■ Develop or confirm a broad vision for the area, including goals and objectives. | ■ Existing objectives (explicit or implicit) in the policy report and/or existing Crown land use planning document will normally guide the development of planning proposals. | ■ Specific goals and objectives are usually developed.<br>■ May have some external involvement in development.<br>■ Public review, or Aboriginal engagement usually occurs in conjunction with other steps (e.g., Background Information and/or Options). | ■ Specific goals and objectives are developed.<br>■ Often have external involvement in development.<br>■ Public review or Aboriginal engagement may occur specifically relating to Goals and Objectives, or in conjunction with other steps (e.g., Background Information and/or Options). |
| **5. Develop Options (3.3.5)**<br>■ Where appropriate, develop options, scenarios or "building blocks", which will become alternative land allocation and management scenarios. | ■ The proposal is usually a single option put forward for consideration.<br>■ Other options are not always formally considered. Where other options are identified but are rejected at this stage, they should be documented along with the rationale for not pursuing. Rejecting the proposal and retaining the status quo is an implicit option. | ■ A number of options will be developed.<br>■ There may be public or Aboriginal dialogue in the development of options.<br>■ A preliminary preferred option may be identified. | ■ A number of options will be developed.<br>■ There may be public or Aboriginal dialogue in the development of options.<br>■ A preliminary preferred option may be identified. |
| **6. Analyze and Evaluate Options (3.3.6)**<br>■ Identify the social, environmental and economic implications of the single option (basic processes) or multiple options.<br>■ Analysis occurs through technical evaluation and public review.<br>■ Consider public input and the results of aboriginal engagement, where this has occurred. | ■ Analysis and evaluation focuses on the proposed amendment.<br>■ Evaluation is normally scoped.<br>■ Usually no formal public involvement or aboriginal engagement at this step. | ■ There is often a single consultation phase for background information, issues, goals and objectives, and options. Input from a broad variety of sources (public, Aboriginal, other ministries and agencies) is a key part of the evaluation process.<br>■ MNR's evaluation should be documented and made available. | ■ Consultation regarding options is normally carried out, either on its own or in conjunction with other steps. Input from a broad variety of sources (public, Aboriginal, other ministries and agencies) is a key part of the evaluation process.<br>■ MNR's evaluation should be documented and made available. |

| Planning Step | Category of Crown Land Use Planning | | |
|---|---|---|---|
| | Basic | Complex | Comprehensive |
| **7. Develop and Review Draft Land Use Policies (3.3.7)**<br>■ Based on a thorough consideration of technical analysis and public input, develop the draft land use amendment/draft plan.<br>■ Consult on the draft land use amendment/draft plan. | ■ In basic planning this is normally the only stage of formal public review and Aboriginal engagement.<br>■ Proposed policies are usually documented in a land use amendment and posted on CLUPA.<br>■ Posting an Environmental Registry proposal notice is a standard part of this step. | ■ Public review of the proposed policies, and where one is prepared the draft plan, is mandatory.<br>■ Proposed policies are usually documented in a land use amendment and posted on CLUPA.<br>■ Posting an Environmental Registry proposal notice is a standard part of this step. | ■ Public review of the proposed policies, and where one is prepared the draft plan, is mandatory.<br>■ Proposed policies are usually documented in a land use amendment and posted on CLUPA.<br>■ Posting an Environmental Registry proposal notice is a standard part of this step. |
| | **STANDARD:** When developing draft land use policies, the policies and perspectives of other Ontario ministries must be considered. Where land use proposals may significantly affect the clients, policies or interests of another ministry, there must be information exchange and/or discussions prior to releasing the proposals to the public.<br><br>**STANDARD:** All proposed minor and major land use amendments and proposed land use plans will require appropriate public review and Aboriginal engagement, with an opportunity for the submission of comments. The solicitation of input will include an Environmental Registry proposal notice posting (new or updated), and notification to parties that are believed to be potentially affected and others known to have a specific interest. | | |
| **8. Develop Recommended Land Use Policies (3.3.8)**<br>■ Review all input.<br>■ If appropriate, carry out further issue resolution.<br>■ Prepare recommended policies. | ■ Basic processes rarely have additional issue resolution or consultation. | ■ May warrant issue resolution or additional consultation. | ■ May warrant issue resolution or additional consultation. |
| **9. Decide on Policies and Communicate Decision (3.3.9)**<br>■ Seek necessary approvals (see Section 5.0).<br>■ Release decision.<br>■ Communicate reasons for decisions.<br>■ Incorporate decisions into Atlas as required. | ■ Level of approval dependent on nature of process and issues.<br>■ Decision is posted on MNR Internet site and Environmental Registry.<br>■ Principal public documentation is revision to Atlas, amendment form and Environmental Registry decision notice. | ■ Level of approval dependent on nature of process and issues.<br>■ Decision is posted on MNR Internet site and Environmental Registry.<br>■ Primary public documentation is revision to Atlas, amendment form and Environmental Registry decision notice; | ■ Level of approval dependent on nature of amendment/plan.<br>■ Develop and release approved plan and amendment for public inspection.<br>■ Primary public documentation is revision to Atlas, amendment form and Environmental |

| Planning Step | Category of Crown Land Use Planning | | |
|---|---|---|---|
| | Basic | Complex | Comprehensive |
| | ■ May be additional communication. | there may also be a separate plan.<br>■ Usually there is additional communication regarding decision (e.g., new release, mailing). | Registry decision notice; there would almost always also be a separate plan.<br>■ Usually there is additional communication regarding decision (e.g., news release, mailing). |
| **10. Close Out the Project (3.3.10)**<br>■ Ensure that project documentation (beyond standard public documentation) is completed, collected and archived.<br>■ Possible review of lessons learned. | ■ Some limited additional documentation on file. | ■ Usually additional documentation needs to be retained.<br>■ Usually desirable to review the project to identify lessons learned; often a relatively informal process. | ■ Substantial additional documentation needs to be retained, and remain available for future reference.<br>■ Highly desirable to carry out a formal assessment of lessons learned. |
| **Supporting Steps** | | | |
| **Implementation (3.3.11)**<br>■ Although this is not part of Crown land use planning, some planning documents may address this topic. | ■ Implementation is not normally addressed as part of basic planning processes. | ■ May outline an implementation strategy. | ■ May outline a detailed implementation strategy. |
| | **STANDARD:** In implementing the policies for Crown land use designations, consideration needs to be given to pre-existing commitments. Subject to meeting all other necessary requirements, MNR will complete actions where a commitment has been established prior to the date that interim protection was applied, or in the case of designations where interim protection is not normally applied, the date that the land use document was approved. | | |
| **Monitoring and Evaluation (3.3.12)**<br>■ Monitoring is not part of Crown land use planning but in some projects key elements of ongoing monitoring may be identified as part of the planning process. | ■ Monitoring is not normally addressed as part of basic planning processes. | ■ May outline a proposed monitoring strategy. | ■ May outline a detailed monitoring strategy. |
| **Assessment and Review (3.3.13)** | ■ Periodically assess the need for review of policies. | ■ Periodically assess the need for review of policies. | ■ Periodically assess the need for review of policies. |

# APPENDIX C: POLICIES APPLICABLE TO CROWN LAND USE PLANNING

The following list of legislation, policy, plans and guidelines identifies documents that may provide substantial direction for the Ministry's Crown land use planning activities. A brief description is included for the most significant sources of direction. The descriptions are intended to highlight elements of the points that may be relevant to Crown land use planning. The Appendix is structured into three parts:

- General and Planning Policies (MNR)
- Program/Resource Policies (mix of MNR and non-MNR)
- Other Relevant Policies (mainly non-MNR)

## GENERAL AND PLANNING POLICIES (MNR)

### General Policies

#### Our Sustainable Future: Ministry of Natural Resources Strategic Directions (2005)

- Outlines long-term strategic directions and current priorities for MNR.
- Includes a variety of direction applicable to Crown land use planning.

#### Ontario's Biodiversity Strategy (2005)

- The goals are to protect the genetic, species and ecosystem diversity of Ontario; and to use and develop the biological assets of Ontario sustainably by setting out long-term direction and practical steps that can be achieved, measured and reported.
- Contains several recommendations that pertain specifically to Crown land use planning.

#### MNR's Statement of Environmental Values (2008)

- Outlines how the purposes of the Environmental Bill of Rights are to be applied when decisions that might significantly affect the environment are made by MNR. The Statement is largely based on "Our Sustainable Future".

### Planning Policies

#### Ontario's Living Legacy Land Use Strategy – Chapters 1-9 (1999)

- Primarily a land use plan for the OLL Planning Area, but includes some other resource policies.

#### Ontario Forest Accord - A Foundation for Progress (1999)

- Policy framework with 31 commitments agreed to by the forest industry, the Partnership for Public Lands and MNR.
- Direction related to land use is reflected in the OLL Land Use Strategy.
- Provides the basis for Room to Grow, which is outlined in more detail in Room to Grow – Final Report of the Ontario Forest Accord Advisory Board on Implementation of the Accord (2002).

#### Public Involvement Best Practices Bulletins #1 – Backgrounder (2005); Bulletin #2 - Preparing for Public Involvement (2005), and; Bulletin #3 – E-consultation Tools and Practices.

- Provide assistance to MNR staff in conducting public involvement activities as part of Crown land use planning and other ministry business.
- Two Bulletins have been developed which outline "best practices", not minimum requirements or standards.
- Bulletin #3 explores "e-consultation" as a means to further citizen involvement, transparency, and accountability by providing MNR staff with background information on e-consultation tools and practices for consideration in internal and external policy and planning processes.

#### Existing Plans

- Existing strategic and land use plans provide guidance for future Crown land use planning.

## PROGRAM/RESOURCE POLICIES

Note: The following list includes references to a number of pieces of legislation and policy documents not administered by MNR.

### Aboriginal Policy

#### Ontario's New Approach to Aboriginal Affairs (2005)

- Outlines principles to guide the development of a new relationship with Aboriginal peoples with a focus on productive partnerships.
- new approach includes the development of new consultation processes consistent with Ontario's duty to consult with aboriginal peoples.
- Oski-Machiitawin (Northern Table) concept to develop a cooperative approach for addressing challenges experienced by First Nations in the North.

#### DRAFT Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights (June 2006)

- Although this document is not approved, and thus it is not policy, it does provide useful information.
- Provides an overview of the nature and scope of the Crown's duty to consult Aboriginal peoples.
- Provides a series of questions that should be considered where issues relate to the use of lands and resources, including Crown lands, uses of lands and the impacts of the government's proposed action or decision.

#### The Constitution Act, 1982

### Crown Lands

#### Public Lands Act and supporting policies

- Provides statutory authority and specific direction for the management of public (Crown) land.
- A few provisions provide context or direction for Crown land use planning, particularly Section 12.
- Many policies and procedures developed under the Public Lands Act have implications for Crown land use planning.

### Fire Management

#### Forest Fire Management Policy

- Establishes that fire management is an integral part of land and resource management.

#### Fire Management Strategies

- Describe existing level of protection required by resource managers to meet land use objectives and targets.

### Fish

#### Strategic Plan for Ontario Fisheries 1991 (SPOF II)

- Outlines the goal, objectives, guiding principles, and long term strategic management actions for fisheries management in Ontario.
- SPOF II is based on an ecosystem approach to management, and requires coordination among agencies and programs sharing responsibility for the management of aquatic ecosystems.

#### Ecological Framework for Recreational Fisheries Management

#### Fisheries Act (Canada)

#### Fish and Wildlife Conservation Act

### Forest Management

#### Policy Framework for Sustainable Forests (1994)

- Outlines the goals, principles, objectives and strategies for ensuring the land-term health of Ontario's forest ecosystems.
- Guides decisions affecting the protection of a representative amount of forest ecosystems as part of Ontario's natural heritage and the sustained use of Ontario's forest resources through forest management planning, harvesting and renewal, which involves the management of non-timber values such as old growth and wildlife habitat.

### Crown Forest Sustainability Act, and regulations

- Entrenches in law Ontario's commitment to forest sustainability.
- Enabling legislation that provides for the regulation of forest planning, information, operations, licensing, trust funds, processing facilities and enforcement.
- Provides for the sustainability of Crown forests, while meeting social, economic and environmental needs.

### Forest Resource Assessment Policy (ver. 2.0, 2003)

- Supports directions in the Policy Framework for Sustainable Forests for ensuring that desired future conditions are defined and that actions taken are compatible with maintaining and restoring this condition.
- Provides an analytical framework, evaluation criteria and provincial direction for the preparation and use of local, regional and provincial assessments of Ontario's Crown forest resources.

### Provincial Wood Supply Strategy (2004)

- A consolidated wood supply report and plan of action for Ontario.
- Identifies critical wood supply issues and provides strategies to address those issues.

### Old Growth Policy for Ontario's Crown Forests (2003)

- Provides provincial directions for the identification and conservation of old growth conditions and values for major tree species or forest communities present in Ontario's Crown forests.
- Includes a conservation strategy that describes how the policy fits with MNR policy directions and legal authority for Crown land use planning, natural heritage protection and forest management planning in the Area of the Undertaking.

### Forest Management Planning Manual (FMPM) (2004)

- Requirements of the FMPM (2004) address the long term management direction and details of forest operations for five years.
- Planning of the long term management direction requires consideration of:
  - the broader landscape; and
  - CFSA mandated objectives, including forest diversity (e.g., natural landscape patterns, abundance and distribution of forest ecosystems).
- Provides direction for all aspects of forest management planning for Crown lands in Ontario, including requirements for the preparation and implementation of forest management plans.

### EA Declaration Order MNR-71 re Forest Management (2003, as amended)

- Amended and extended the Class EA for Timber Management on Crown Lands (1994).
- May be amended from time to time by MOE.
- Contains 55 conditions of which 26 are planning conditions.
- Those planning conditions have been incorporated into the Forest Management Planning Manual (2004).

## Mining Lands

### Mining Act and Regulations

- Crown land use planning needs to consider 4 types of mining lands (unpatented mining claim, mining lease, patent, exploratory license of occupation).

### Ontario's Mineral Development Strategy (2006)

- Provides for the use of Provincial Significant Mineral Potential (PSMP) methodology to identify areas of high mineral potential based on economic and geological factors.
- Consider the PSMP analysis in concert with land use information in all Crown land-use planning processes and give additional consideration to areas with highest mineral potential before finalizing any land-use decisions that could prohibit exploration or mining on these lands.
- Develop a review and approvals process for mineral sector participants requesting access to mineral resources that require crossing a linear Provincial Park or Conservation Reserves.
- MNR/MNDMF to explore potential approaches for Crown land use planning in the Far North.

## Provincial Parks and Protected Areas

### Provincial Parks and Conservation Reserves Act

- Establishes ecological integrity is a first priority when planning and managing within parks and Conservation Reserves.
- Prohibits by law major industrial activities in protected areas (e.g., forestry and mining, with a few exceptions such as timber harvesting in Algonquin Park). These activities were formerly prohibited by policy.
- Certain permitted uses are now explicitly defined in the act.

### Nature's Best - Ontario's Parks & Protected Areas: A Framework & Action Plan (1997)

- Outlines goal, objectives, organizing concepts and criteria to be used in designing a natural heritage areas system.
- Includes a policy framework, planning approaches, tools for protection, and broad guidelines for management.

### Ontario Provincial Parks Planning and Management Policies (1992)

- Outlines the policy basis for the Provincial Park system (including permitted uses) and presents program targets.

### Conservation Reserves Policy (1997)

- Provides direction for establishing, planning and managing Conservation Reserves.
- Outlines policy on permitted uses.

### Ontario's Approach to Wilderness: A Policy (May 1997)

- Confirms Ontario's commitment to wilderness protection through existing Wilderness park and wilderness zone targets.
- Addresses the consideration of wilderness values through ongoing management activities on the intervening landscapes and waterscapes outside parks and protected areas.

### Provincial Parks and Conservation Reserves Class Environmental Assessment (2004)

- Establishes requirements related to the implementation of some results of Crown land use planning, e.g., requirements related to the regulation of recommended protected areas.

## Resource-Based Tourism

### Tourism and Forestry Industry Memorandum of Understanding

- The Tourism and Forestry Industry Memorandum of Understanding and resultant Resource Stewardship Agreements (RSAs) represent formal recognition by the tourist and forest industries and the government of Ontario of the two industries' interests in the forests of Ontario and a commitment to a process of collaborative goal setting and issue resolution.
- Memorandum establishes a framework for negotiating RSA's that will allow the Resource-Based Tourism and Forestry Industries in Ontario to co-exist and prosper. This memorandum sets the general principles and minimum content for an RSA.

### Guide to Resource Stewardship Agreements

- The Guide to Resource Stewardship Agreements is a user's guide and explains the process for developing Resource Stewardship Agreements and it clarifies and explains the direction set out in the Tourism and Forestry Industry Memorandum of Understanding.
- Provides useful information on the relationship between RSAs and the forest management planning process.

### Resource-Based Tourism Policy (1997)

- Outlines a goal, objectives, general principles and an implementation strategy for resource-based tourism.
- Applies to remote, semi-remote and road access tourist operations using Crown land and resources in Northern and Central Ontario.

### Management Guidelines for Forestry and Resource Based Tourism (2001)

- Describes a range of practices, tools and techniques that should be considered when developing forest management prescriptions to protect resource-based tourism values.
- Includes guidance related to the maintenance of "remoteness."
- Intended to be used during development of Resource Stewardship Agreements and in forest management planning.

## Renewable Energy

### Green Energy Act

- Although this Act is not administered by MNR, it has substantial implications for MNR's processes for proposed renewable facilities on Crown lands.

### Wind Power Development on Crown Land - Policy and Procedure (2005)

- Provides for testing of wind resources on Crown land and subsequent development of wind farms on Crown land.

### Waterpower Site Release and Development Review (2007)

### Waterpower Site Release – Crown Land, PL 4.10.05

### Environmental Protection Act – Renewable Energy Approvals (REA) Regulation

**Water Management**

Water Management on a Watershed Basis: Implementing an Ecosystem Approach (1993)

Great Lakes Charter (1985) and Great Lakes-St. Lawrence Basin Sustainable Water Resources Agreement (2005)

Lakes and Rivers Improvement Act

- Governs disposition and development of potential waterpower sites along with the Public Lands Act.

**Wildlife**

Fish and Wildlife Conservation Act

Endangered Species Act

- Establishes protection provisions for species at risk and their habitats.

Policies for Individual Species Management

- There are a variety of policies related to the management of individual species; some of these may have implications for Crown land use planning.

## OTHER RELEVANT POLICIES

Environmental Assessment Act

- See discussion in Section 12.3, Crown land use planning and Environmental Assessment.
- Class EAs and other EA instruments relevant to Crown land use planning are listed above under the relevant MNR program.

Environmental Bill of Rights (EBR)

- Establishes a variety of requirements applicable to planning, including posting environmentally significant policy proposals and subsequent decisions on the EBR registry, considering MNR's Statement of Environmental Values in decision-making, and considering and responding to applications for review.

Greenbelt Act and Greenbelt Plan

Niagara Escarpment Planning and Development Act and Niagara Escarpment Plan

Oak Ridges Moraine Conservation Act and ORM Plan

Ontario Planning and Development Act

- Provides the legislative basis for the Parkway Belt West Plan and Central Pickering Development Plan.
- Section 13 states "…no ministry shall undertake any public work, any improvement of a structural nature or any other undertaking within the area covered by the development plan that conflicts with the plan."

Ontario's Action Plan on Climate Change

- supported by MNR's Climate Change Strategy and Action Plan (2006)
- land use decisions can help to reduce greenhouse gas emissions, or to mitigate the impacts of climate change

Planning Act and the Provincial Policy Statement

- The Planning Act primarily applies to municipal planning, but does have some implications for Crown land use planning.
- Section 6 (2) states: "A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality." This legislative provision applies to some Crown land use planning proposals in areas where there are municipalities.
- The Provincial Policy Statement issued under the Planning Act is a reflection of government interests that MNR considers in carrying out its work.

Standards and Guidelines for Conservation of Provincial Heritage Properties

- MNR must adhere to the Standards and Guidelines for Conservation of Provincial Heritage Properties. MNR-specific direction is currently in development. Before attempting to follow the Standards and Guidelines for Conservation of Provincial Heritage Properties consult your Senior Planner.

## BIBLIOGRAPHY/OTHER REFERENCES

NOTE: Not all hyperlinks below are internet accessible.


- A Land Use Planning System for Ontario's Natural Resources
- A Resource Manager's Guide to Data Management Planning
- Aboriginal Traditional Knowledge: A Framework for MNR Staff – Draft
- Amendments to Area-specific Crown Land Use Policy: Frequently Asked Questions
- Adapting to Climate Change in Ontario
- Central Pickering Development Plan
- Class Environmental Assessment Approval for Forest Management on Crown Lands
- Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects
- Class Environmental Assessment for Provincial Parks and Conservation Reserves
- Climate Change and MNR: A Program-Level Strategy and Action Plan
- Conservation Reserves Policy and Procedure (1997)
- District Land Use Guidelines
- Go Green: Ontario's Action Plan on Climate Change
- Greenbelt Plan
- Guidelines for Ministries on Consultation with Aboriginal Peoples related to Aboriginal Rights and Treaty Rights, Draft, June 2006
- Health Canada – Policy Toolkit for Public Involvement in Decision-Making
- Keeping the Land – A Land Use Strategy for the Whitefeather Forest and Adjacent Areas
- MNDMF's Policy G.A. 701-2 Withdrawal of Mining Lands, Etc: Process
- MNR Bulletin: Completing or Amending Crown Land Use Policy Atlas Policy Reports
- MNR Bulletin: Procedures for the Amendment of Area-specific Crown Land Use Policy
- MNR Bulletin: Incorporating Socio-Economic Impact Assessment in Crown Land Use Planning
- MNR's Land Management Policy and Procedure PL3.03.03 – Withdrawal and Reopening of Surface and/or Mining Rights – Section 35, Mining Act
- MNR's Statement of Environmental Values
- MNR Guide to Policy, Part One and Part Two
- MNR Public Involvement Best Practices Bulletin 1: Backgrounder
- MNR Public Involvement Best Practices Bulletin 2: Preparing for Public Involvement
- MNR Public Involvement Best Practices Bulletin 3: E-consultation Tools and Practices
- MNR Public Involvement Guidelines: A Staff Manual for Designing and Conducting Public Involvement Programs in Land Use and Resource Management Planning, June 1991
- Nature's Best – Ontario's Parks and Protected Areas Framework and Action Plan
- Niagara Escarpment Plan
- Oak Ridges Moraine Conservation Plan
- Ontario Forest Accord
- Ontario Provincial Parks – Planning and Management Policies (1992)
- Ontario's Biodiversity Strategy
- Ontario's Mineral Development Strategy
- Ontario's New Approach to Aboriginal Affairs
- Ontario's Living Legacy Land Use Strategy
- OPA's Integrated Power System Plan
- Our Sustainable Future
- Parkway Belt West Plan
- Policy Framework for Sustainable Forests
- Proposed Growth Plan for Northern Ontario
- Protected Areas Planning Manual
- Provincial Policy Statement, 2005
- Resource-Based Tourism Policy
- Room to Grow: Final Report of the Ontario Forest Accord Advisory Board on Implementation of the Accord
- Standards and Guidelines for Conservation of Provincial Heritage Properties
- Strategic Land Use Plans
- The Strategic Plan for Ontario's Fisheries
- Tourism and Forestry Industry Memorandum of Understanding
- Writing Resource Objectives and Strategies – A Guide to Preparing Effective Resource Management Plans (Second Edition, October 2004)

## LEGISLATION

Not all of the Acts listed below are referred to in the Guide.

### Ontario Legislation

All of the Ontario acts, plus any associated regulations, are available at the Service Ontario's E-laws.

- Aggregate Resources Act
- Endangered Species Act
- Environmental Assessment Act
- Environmental Bill of Rights
- Fish and Wildlife Conservation Act
- Freedom of Information and Protection of Personal Privacy Act
- French Language Services Act
- Government Advertising Act
- Green Energy Act
- Greenbelt Act
- Kawartha Highlands Signature Site Park Act
- Mining Act
- Niagara Escarpment Planning and Development Act
- Oak Ridges Moraine Conservation Act
- Ontarians with Disabilities Act
- Provincial Parks and Conservation Reserves Act
- Planning Act
- Public Lands Act
- Wilderness Areas Act

### Federal Legislation

All of the Ontario acts, plus any associated regulations, are available at the Department of Justice Laws Website.

- Canadian Environmental Assessment Act
- Constitution Act, 1982
- Fisheries Act
- Navigable Waters Protection Act
- Species at Risk Act