

The Role of Communities, First Nations, Aboriginals and Municipalities in Coastal Management

Presented by Coastal Nova

June 17th, 2009

Halifax, Nova Scotia

WORKSHOP SUMMARY REPORT



Acknowledgements

The organizers of the Coastal Nova series; the Coastal Coalition of Nova Scotia, the Ecology Action Centre, the Environmental Studies Program at Saint Mary's University, the Marine Affairs Program at Dalhousie University, and the Coastal CURA would like to thank all participants for sharing their views and offering concrete suggestions on how First Nations, municipalities and communities can be involved in coastal management. We look forward to your continued participation in ongoing provincial and federal initiatives advancing coastal management in Nova Scotia.

The organizers also thank Don McCrimmon, Karen Traversy and Renne Huntley for their assistance with capturing the discussion reflected in this report; special additional thanks are extended to Melissa Landry (Coastal CURA) and Chris Burbidge (Marine Affairs Program) for helping organize the workshop and to Chris Burbidge for developing the report.

Foreword

This report summarizes the results of the workshop, *The Role of Communities, First Nations, Aboriginals and Municipalities in Coastal Management*. The workshop marked the fourth event in a series of public events and strategic workshops under the name *Coastal Nova: Where Nova Scotia meets the Sea* (www.ecologyaction.ca/content-coastal-nova). The workshop was attended by 47 participants from community groups, NGOs, all levels of government, academic institutions and industry.

In considering the Government of Nova Scotia's emerging Sustainable Coastal Development Strategy, it is clear that coastal communities, First Nations, aboriginals and municipal governments around the province have an important role to play in coastal stewardship and management. Nova Scotians have demonstrated an active and growing interest in sustainable coastal management. In the 1990s, economic challenges for fisheries-based coastal communities, in particular, led to many community-based responses and initiatives, and the creation of a province-wide Coastal Communities Network (CCN). In 2004, the Coastal Coalition of Nova Scotia (CCNS) was established to deal specifically with problems related to poorly planned coastal development and its impacts on coastal communities and ecosystems. In 1999, the Unama'ki Institute of Natural Resources (UINR) was formed to address First Nations' concerns regarding the sustainable use of natural resources. The UINR represents the five First Nations communities on Cape Breton Island and promotes and contributes to the understanding and protection of the Bras d'Or Lakes watershed. Subsequently, in addressing a range of issues (whether onshore or offshore), community-based

organizations have participated in a wide range of planning and review processes to promote sustainable coastal activities.

Coastal communities, First Nations, aboriginals and municipal governments are full of talented individuals dedicated to improving the health of their communities and the coastal environment. This knowledge and talent is a valuable resource that should be more fully utilized. Indeed, finding ways to facilitate meaningful participation and involvement from these individuals and groups is integral to the development and subsequent success of the Sustainable Coastal Development Strategy.

The objectives of this workshop were to (1) explore mechanisms for encouraging and promoting meaningful participation and involvement from coastal communities, First Nations, aboriginals and municipal governments in provincial coastal policy and management, and (2) help chart a course both for establishing successful coastal management initiatives at the community and municipal level and for ensuring their long-term involvement in the government's Sustainable Coastal Development Strategy.

The organizers believe this workshop demonstrated the desire of all Nova Scotians to work together, share information and create solutions to the coastal issues facing our province. This workshop report has been sent to representatives of the Government of Nova Scotia in the hope that policy-makers will use the results to advance provincial coastal policy and management through a collaborative approach that takes into account complementary and competing interests. It is also expected that this report and the accompanying summary sheet will be useful tools for citizens and organizations or agencies making written or oral submissions to upcoming public processes on coastal policy.

Tony Charles, *Saint Mary's University*

Lucia Fanning, *Marine Affairs Program, Dalhousie University*

Jennifer Graham, *Ecology Action Centre*

Karen Traversy, *Coastal Coalition of Nova Scotia*

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Invited Speakers

Three invited speakers representing First Nations, municipalities and coastal communities were asked to share their own personal perspectives and experiences in coastal management.

1. First Nations Representative:

Shelley Denny, *Biologist and Research Coordinator for the Unama'ki Institute of Natural Resources (UINR)* [<http://www.uinr.ca/>]

- Coastal Management for Eskasoni First Nation presents many challenges:
 - Lack of funding and capacity for management programs
 - High population density along coast; most of the coastline of the Bras d'Or Lakes is already developed
 - Coastal erosion and rising sea-level have created a need for near-shore protection
 - Poverty is widespread
 - Communities governed individually
 - Government owns land (reserves); however, Band Council has a role in coastal planning
- Eskasoni First Nation actively participates in coastal management: Collaborative Environmental Planning Initiative (CEPI) on the Bras d'Or Lakes [<http://www.brasdorcepi.ca/>]
- More emphasis on communal rights than private or individual rights; land ownership does have meaning for the Mi'kmaq
- Important goal of coastal management for Eskasoni First Nation is to protect species and habitat

- Value nature and coastal species over property
- Coastal management must focus on prevention
- Coastal managers should draw on best management practices to develop new By-laws
- Members need to see the connection between land and near shore

2. Municipal Representative:

Sherm Embree, *Warden, Municipality of the District of Shelburne* (Personal Perspective)

- Focus on 5 key areas:
 1. State of planning
 - Lack of planning in Municipality of the District of Shelburne
 - Half of Nova Scotia does not have a municipal land use planning strategy
 2. Capabilities
 - Lack of funding for planning
 - Can't afford to hire staff to do planning
 3. Changes
 - Federal gas tax program for municipal Integrated Community Sustainability Plans (ICSP) [http://www.gov.ns.ca/snsmr/muns/infr/pdf/ICSP_2007.pdf]
 - Municipality of the District of Shelburne now has a planner on staff; are developing an ICSP
 - Growing awareness of the threat to coastal areas posed by climate change and the need for land use planning
 4. Local perspectives on coastal management

- Diverse perspectives
 - Some deny climate change is happening and do not see the need for coastal management
 - Over regulation can discourage development
 - Must take advantages of best practices
 - Many special interest groups including real estate industry and developers, fishermen, tourists and recreationists
 - Some private land owners take the stance “I can do what I want on my land”
5. How coastal management fits into Council (of the Municipality of the District of Shelburne) business
- Coastal management hasn’t been a priority
 - Many other competing issues including jobs, health care, waste management, etc.
 - Coastal management is necessary and there is a need to act now

3. Coastal Community Representative:

Tony Charles, *Coastal CURA and Professor of Environmental Studies, Saint Mary’s University* [<http://www.coastalcura.ca/>]

- Communities can support integrated coastal and ocean management
- Must be integrated into the process in order for coastal management to be successful; coastal issues are inherently integrated at the local level
- Coastal CURA has found that coastal communities generally do not support Canada’s Large Ocean Management Areas (LOMAs) because it is difficult for them to relate to such a large scale

- Thus far, the Canadian government has taken a limited top-down approach to coastal management
- Community-based coastal management faces many challenges:
 - Balancing large scale/small scale management
 - Time scales;
 - Getting the government to recognize community goals and values/local knowledge;
 - Learning how to scale up community initiatives and to scale government initiatives down to the community level
- Community participation is integral to successful coastal management
 - Need legal space which will require changing existing legislation or the creation of enabling legislation

Round Table Discussion

This section compiles information from a round table discussion where participants were asked to share their perspectives and experiences in coastal management.

Key Points:

- First Nations and community management boards have been incorporated into the coastal management process in other provinces (e.g. British Columbia)
- Communities, First Nations, aboriginals and municipalities must be realistic about “bureaucracy” and aware of its limitations

- Participants expressed concern over the lack of understanding and clarity on jurisdictional authority in the coastal zone (where do the federal, provincial and municipal governments have jurisdiction and what are their responsibilities when it comes to coastal management?)
 - Coastal management can proceed without resolving jurisdictional disputes; there is some “low hanging fruit” that can initiate coastal management in Nova Scotia
 - First Nations have strong constitutional power when it comes to coastal management; can be used to initiate coastal management if government paralyzed by jurisdictional complexity and disputes (e.g. proposed *Recognition and Reconciliation Act* in British Columbia)
- Small groups and individuals can take action and be involved in coastal management
- Other stakeholders are relying on government agencies to implement coastal management
- Challenges associated with insufficient scientific information to support coastal management at the community and municipal scale
- Coastal management in Nova Scotia has generally been a *reactionary* process; there is an opportunity for communities, First Nations, aboriginal people and municipalities to support and become involved in coastal *planning* process
- Experience in coastal management in Vancouver Island has shown that federal and provincial governments often don't understand community goals and values

Small Group Session

This section is comprised of information compiled from 3 small group discussions answering the questions:

- 1. What is the role that municipalities, First Nations, aboriginals and communities want or do not want to have in coastal management?**

2. What measures (capacity building, access to info) are needed to realize this role?

Roles and Suggested Measures

- “Everyone has a role to play in coastal management.”
- Ensuring that all stakeholder values and input are recognized by government in the coastal management process and that there is meaningful participation by all stakeholders in the decision making process
 - Information management is a key requirement
 - Access to information (i.e. Geographic Information Systems (GIS) data is required to provide informed consent
 - Scientific data must be translated into terminology public can understand
 - Empower communities by developing integrated education programs for coastal communities involving participation from all levels of government (e.g. community-led coastal education program in Cape Sable Island; Atlantic Salmon Federation’s Fish Friends Program [http://www.asf.ca/fish_friends.php]; Fisheries and Oceans Canada’s Community Aquatic Monitoring Program (CAMP) [<http://www.glf.dfo-mpo.gc.ca/os/camp-pcsa/index-e.php>])
 - Create community education programs focusing on the coastal management process
 - Formalize role of communities in the coastal management process
 - Establish community management boards and community forums to facilitate ongoing participation and input in the coastal management process by the community
 - Create government funding programs for communities to build their management capacity, support community-initiatives and support ongoing community participation on boards and in the consultations process
 - Create governance bodies which include community stakeholders, are transparent, have regulatory powers (veto?) and are incorporated into the coastal management process (not under *Oceans Act*)

- Information exchange and collaboration between all levels of government (including First Nations) and community groups
- Recognition that every group/sector and individual has a responsibility for decision making on the coast, including landowners and visitors
- Use of environmental impact assessments (EIAs) in the coastal planning and management process; can learn from previous EIAs (hold wealth of data)
- Hold more forums (such as Coastal Nova) to bring together people and work on coastal issues both at a local and provincial level
- Create a coastal ombudsman to publicize coastal issues and convene interested parties; existing ombudsman office could add coastal management section
- Establish leadership development program for communities
- Community members need to recognize that they are citizens not just at election times; need to take an active role on an on-going basis
- Establish a strong provincial coastal policy – one with teeth!
- Documenting Mi'kmaq Ecological Knowledge (MEK), Traditional Ecological Knowledge (TEK) and Local Ecological Knowledge (LEK) for coastal management
 - Must be acknowledged and integrated into the coastal management process
 - Information must be safeguarded against exploitation
 - Information must be accessible and translated
 - Creation of a MEK, TEK and LEK Database
- Defining goals and objectives of coastal management
- Developing comprehensive coastal land use planning strategies for the municipality and implementing management measures (e.g. monitoring)
 - Collaborative process between government, communities and First Nations

- Provincial government should support municipalities in coastal planning (enough mapping; action needed)
- Municipalities must be informed about what resources are available to them in order to make open, collaborative decisions
- Municipalities can take a leadership role to build a community vision by engaging community members in planning for their communities.
- Municipal monitoring programs: water quality, coastal erosion, human activity and development (e.g. volunteer-based lake monitoring program in King's County [<http://www.county.kings.ns.ca/comdev/lakemon/>])
- Shoreline monitoring program where municipal and staff volunteers monitor parameters of shoreline change (similar to lake monitoring program in Kings County) (it was noted that shoreline change is not as straightforward to monitor as lake water quality)
- Creation of municipal coastal management databases and newsletters to be shared between communities and government agencies
- Providing independent evaluation of provincial coastal management efforts towards goals and objectives
 - Develop suite of appropriate indicators acceptable to all stakeholders (social, ecological, institutional, etc.)

In addition to the Roles and Requirements, participants identified some key challenges faced by coastal communities, municipalities, First Nations and aboriginal people:

- Political process favours a top-down approach to coastal management
- Sustainable Coastal Development Strategy is a strategy of the provincial government
 - Where do communities fit in?
 - How can it be scaled down to the community level?

- Role is often defined by capacity and certain groups have little or no capacity for coastal management; leads to a hierarchy
- Municipalities are governed under the provincial *Municipal Government Act* and are thus limited, to a degree, by jurisdictional complexities
 - Unrealistic to expect municipalities to turn down development proposals “approved” by federal or provincial government departments
 - However, there is a lot municipalities can do under existing legislation. For example, principle-based planning can get beyond jurisdictional complexity
- Integrated management bodies (e.g. Eastern Scotian Shelf Integrated Management Stakeholder Advisory Committee, ESSIM SAC) have limited power
 - advisory only
 - ultimate decision-making authority remains with mandated government departments

General points on the role of municipal, First Nations, aboriginal people and communities in coastal management:

- Ideally, these three groups would each play equal roles and use their individual strengths in the coastal management process
- Government should acknowledge and recognize the rights of First Nations, communities, and municipalities
 - In the case of First Nations, these are treaty rights that must legally be recognized
- Everyone should participate according to their capacity
- Coastal management involves individual rights (e.g. private property, etc.) but also common property rights (e.g. the community at large)
 - These rights must be respected equally

Plenary: Messages to provincial and municipal governments

- Communities, First Nations and aboriginal people are seeking meaningful communication and engagement in the coastal management process
- Engagement should be facilitated by an entity other than the provincial government; suggestion: municipalities
- Must establish mechanisms for ongoing participation and input from stakeholders
- Must establish a fund that communities, First Nations, aboriginals and municipalities can access to use for capacity building needs so they are capable of participating in coastal management
- The new government represents a great opportunity to advance coastal management in Nova Scotia
- Communities, First Nations and aboriginal people can help define the objectives and identify actions to achieve them
- People respond when actions are tailored locally
- Land use planning in Nova Scotia is coastal planning; requires considerable involvement of the municipal governments
- The provincial government has a “duty to consult” and follow-up on those consultations
- Governments must recognize the interconnectedness and cumulative effects of all decisions on the coastal zone
- Provincial government must recognize the difference between the role of rights holders vs. stakeholders
- Provincial government should set principles and use them to guide the process
- **COASTAL POLICY IS A BIG ISSUE IN NOVA SCOTIA!**

Appendix A

The Role of Communities, First Nations, Aboriginals and Municipalities in Coastal Management

June 17th, 2009

1:00-4:30 p.m.

**Nova Scotia Archives
6016 University Avenue'
Halifax, Nova Scotia**

Workshop Agenda

Time	Activity	Description
1:00	Welcome and Introductions	
1:20	Invited Speakers and Questions	- Shelley Denny, First Nations Representative - Sherm Embree, Municipal Government Representative - Tony Charles, Coastal Communities Representative
1:30	Round Table Discussion	Workshop participants will be asked to share their perspectives and experiences in coastal management.
2:30	Break	Refreshments
2:45	Breakout Groups	Discussion Questions: - What is the role that municipalities, First Nations and communities want or do not want to have in coastal management? - What measures (capacity building, access to information, etc.) are needed to realize this role?
3:30	Plenary A	Presentations of group findings and discussion
4:00	Plenary B	Organization of main findings and compilation of ideas
4:25	Closing Comments	

Appendix B

The Role of Communities, First Nations, Aboriginals and Municipalities in Coastal Management

List of Participants

<u>Name</u>	<u>Affiliation</u>
Melissa Abbott	Fisheries and Oceans Canada
Roy Alexander	Ecotrust Vancouver
Shannon Arnold	Ecology Action Centre
Teaka Boughm	Dalhousie University
Chris Burbidge	Marine Affairs Program, Dalhousie University
Cays Burgess	AMEC – Earth and Environmental
Bob Capistrano	United Nations Nippon Foundation
Trevor Cervelli	GPI Atlantic, Summer Program
John Charles	Halifax Regional Municipality
Tony Charles	Saint Mary's University
Alex Day	St. Margaret's Bay Stewardship Association
Garth DeMont	Nova Scotia Department of Natural Resources
Shelley Denny	Unama'ki Institute of Natural Resources
Cameron Ells	Cameron Consulting Incorporated, Environmental Services Association of Nova Scotia (ESANS)
Sherm Embree	Municipality of the District of Shelburne
Frank Fawson	Councillor, Municipality of the District of Lunenburg
Janelle Frail	Clean Nova Scotia
Brad Fulton	Yarmouth/Argyle/Barrington District Planning Commission
Jennifer Graham	Ecology Action Centre

Jon Grant	Dalhousie University
Larry Hildebrand	Environment Canada
Pat Hinch	Marine Affairs Program, Dalhousie University
Justin Huston	Nova Scotia Department of Fisheries and Aquaculture, Provincial Oceans Network
Frans Kesick	Maritime Aboriginal Peoples Council
Melissa Landry	Coastal CURA
Geoff LeBoutillier	St. Margaret's Bay Stewardship Association
Ron Loucks	Friends of Port Mouton
Ruth Loucks	Friends of Port Mouton
Jack MacNeil	Fisheries and Oceans Canada
Patricial Manuel	School of Planning, Dalhousie University
Seamus McGreal	Municipality of the County of Kings
Christopher Milley	NEXUS Coastal Resource Management
David Mitchell	Nova Scotia Department of Fisheries and Aquaculture, Provincial Oceans Network
Jason Naug	Fisheries and Oceans Canada
Reg Newell	Nova Scotia Department of Natural Resources
Rob Naylor	Nova Scotia Department of Natural Resources
Andrew Paton	Service Nova Scotia and Municipal Relations
Roger Pothier	Environment Canada
Jacquelyn Rutherford	Marine Affairs Program, Dalhousie University
Ashley Sprague	Canadian Parks and Wilderness Society (CPAWS)
Marion Sensen	AMEC – Earth and Environmental
Karen Traversy	Coastal Coalition of Nova Scotia
Diane Tremblay	Environment Canada
Jim Turple	Councillor, Pictou County

Diane E. Webber	Nova Scotia Department of Natural Resources
Karen Wendelboe	Royal Roads University
Heather Yule	Nova Scotia Department of Tourism, Culture and Heritage