



## COMMUNITY BASED LAND USE PLAN

### TERMS OF REFERENCE

***Prepared for:***

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May 7, 2015

## APPROVALS

**Attawapiskat First Nation  
Community Based Land Use Plan  
Terms of Reference 2015**

April 2015

Attawapiskat First Nation is pleased to sign the Terms of Reference for the Attawapiskat First Nation Community Based Land Use Plan. Approvals have been provided by:

- Attawapiskat First Nation Band Council Resolution.

As we begin this planning process, Attawapiskat First Nation affirms our commitment to work together with mutual respect and in good faith.

On behalf of Attawapiskat First Nation

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Chief Teresa Spence  
Attawapiskat First Nation

## LIST OF ACRONYMS

Acronym	Definition
Attawapiskat FN	Attawapiskat First Nation
CBLUP	Community Based Land Use Plan
MNRF	Ministry of Natural Resources and Forestry
MNDM	Ministry of Northern Development and Mines
NAN	Nishnawbe Aski Nation
TK	Traditional Knowledge
ToR	Terms of Reference
VC	Valued Component

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# 1 Introduction

First Nation (FN) communities in northern Ontario are encouraged to develop a Community Based Land Use Plan (CBLUP) under the *Far North Act* (2010). The *Far North Act* supports the Far North Land Use Strategy; this strategy guides the development of CBLUPs by providing considerations for broad-scale topics such as interconnectedness, biological diversity, corridors and infrastructure. Attawapiskat FN is in the process of developing their CBLUP. The CBLUP will address environmental and cultural issues through input from community members including staff, traditional and non-traditional leaders, youth and other representatives of the community. The CBLUP will also be used as a guide for considerations of sustainable economic development related to natural resources on Attawapiskat FN's traditional lands, and will be developed using a Valued Component (VC) approach. This Terms of Reference (ToR) incorporates the VC approach, and integrates it into the overall CBLUP process as described throughout.

## 1.1 Background of Attawapiskat First Nation

The community of Attawapiskat is located along the Attawapiskat River, 5 km inland from the James Bay coastline and approximately 315 km by winter road north of Moosonee. The community is located in the Hudson Bay Lowlands, an area that is characteristically flat and poorly drained.

Traditionally, the Attawapiskat Cree hunted, fished and trapped to support themselves, and moved their camps seasonally in pursuit of game. Today, the Attawapiskat Cree continue to hunt, fish and trap as a means of subsistence, but now live in the community of Attawapiskat.

A definitive date is not known for when the community of Attawapiskat was established. Earliest records of for the community of Attawapiskat start in 1893, when the first permanent church was erected by missionaries from the Oblates of Mary Immaculate. This church was built along the Attawapiskat River where the community is located present day (Vezina, 2003). Moving into the 20<sup>th</sup> Century, the Hudson's Bay Company established a trading post near the church in 1901 to encourage trading of pelts, fish and other game hunted by the Attawapiskat Cree in exchange for other goods. As trading practices began to develop, Revillon Freres became attracted to the Attawapiskat Cree and established a second trading post in the community of Attawapiskat. As trading practices propagated, the Hudson's Bay Company acquired Revillon Freres' post about 30 years later. Additional trading posts were established throughout the Attawapiskat traditional territory for those unable to travel to developing community of Attawapiskat in the spring and fall.

As trading became more appealing to the Attawapiskat Cree, some began to take up residency in the area around the post and church. Others began to take up residency near other trading posts within their traditional territory. As the Attawapiskat Cree began to settle in a more localized area, infrastructure began to develop in the area, including schools, which were established in 1938 and 1953. In 1951, a hospital was built and in 1957, regularly scheduled air service began to take flight. During this time, Attawapiskat Cree still continued to live off the land, but when severe flooding events in 1934, 1950 and 1966 paired with a measles epidemic in 1942 compromised the health of some Attawapiskat Cree and their ability to live off the land, the community of Attawapiskat became to increase in population, and the community began to grow (AMEC, 2004).

Attawapiskat FN is a member of the Mushkegowuk Council group of First Nations based in Moose Factory. The Mushkegowuk Council is one of seven tribal councils that make up the Nishnawbe Aski Nation (NAN) alliance. NAN represents all of the Ontario Treaty 9 and Treaty 5 First Nations located within the Ontario Arctic watershed. It should be noted, however, that Attawapiskat FN is currently

undertaking a legal review of the validity of Treaty 9. As a result of this review, the community will consider the implications and determine whether the First Nation should (or should not be) a party to Treaty 9.

Attawapiskat FN is governed by a Chief, a Deputy Chief and 11 elected councillors. Elections are held every three years in accordance with Band customs and Section 11 of the *Indian Act*. Band administrators, including a Band Manager, assist the Chief and Council. Local Elders are consulted for advice.

## 1.2 Valued Components and the Concept of Natural Capital

The Attawapiskat FN CBLUP will be based on a Valued Component (VC) approach. The VC approach applies the concept of Natural Capital to identify and assess VCs, as the ecological features on the Attawapiskat FN's lands provide both critical ecological services and support economic livelihoods in the community. Natural Capital is the stock of natural resources and environmental assets which are represented by VCs (such as forests, rivers, wetlands, mineral resources, etc.) that exist in a region at a given point in time. This Natural Capital stock yields a flow of ecological services, including (but not limited to) water filtration, water supply, disturbance regulation, carbon sequestration, wildlife habitat, overall forest cover, and potential economic opportunities such as fisheries, forestry and mining. Natural Capital Assessment is an evaluation methodology that assigns value to the VCs that provide ecological services and economic opportunities in a defined area. Natural Capital Assessment studies provide a quantifiable basis for understanding the economic value of VCs, and are intended to complement conventional ecological investigations. This holistic approach results in a more comprehensive understanding of the overall value of VCs in a given area, and ensures that natural resources and ecosystem services have been appropriately considered.

The VC approach will ensure that ecosystem components and resulting services have been appropriately considered in the overall evaluation, and clearly documented and presented in the CBLUP document. Specific consideration will be made to individual features, resources or locations where a variety of activities may occur; proper identification and delineation of VCs will make for a practical planning document, and could aid in the assessment of potential impacts as a result of development proposals and/or measure the effects of climate change on VCs (e.g., the potential effects of draught on rare and medicinal plant stocks, or the effects of climate change on the functions of muskeg).

The relationship between VCs and CBLUPs is clearly illustrated by the example of peatlands. As the world's second largest peatland, it is estimated that peatlands in Ontario's Far North annually store an amount of carbon equal to about a third of Ontario's total carbon emissions and act as a net carbon sink. Much of the Attawapiskat FN traditional lands consist of peatlands (e.g., muskeg, bogs and fens). Protecting peatland areas on Attawapiskat FN lands would acknowledge the important global ecological functions served by the peatlands (e.g., carbon sequestration), while at the same time recognizing and maintaining community values (e.g., hunting areas, water supplies, etc.). Protection of peatland areas in Attawapiskat FN's CBLUP would represent a substantial contribution towards fulfilling the Far North Act's objective of including at least 225,000 km<sup>2</sup> of Ontario's Far North in an interconnected network of protected areas designated in community based land use plans. As per the guideline documents (MNR, 2013; MNRF, 2014) areas that are designated for protection in a plan may remain a non-regulated Designated Protected Area in a community based plan (i.e., they are "protected" by the First Nation, and not part of the federal or provincial protected area systems unless this is desired by the First Nation),

## 2 The CBLUP Planning Process

Draft guidance documents have been prepared to assist First Nations in the Far North to develop CBLUPs. The CBLUP planning process typically consists of eight stages, which are summarized in Table 1. It should be noted that the Attawapiskat FN CBLUP is being prepared independently; as such, references to the province of Ontario in Table 1 do not apply to the Attawapiskat FN CBLUP process.

**Table 1 Community Based Land Use Planning Process**

Stage	Activity
Initial Engagement	Initiated by First Nations who have an interest in preparing a community based land use plan.
Background Information	Gathering and documenting Aboriginal traditional knowledge, science land and resource information.
Establishing the Joint Planning Team	Joint planning team led by First Nations in partnership with Ontario; it establishes roles and responsibilities.
Setting Out the Planning Area of Interest	Informed by current uses of the land, historical relationships, dialogue with other neighbouring First Nations
Terms of Reference	Agreement between First Nations and Ontario; sets objectives and process that will guide the development of a community based land use plan.
Draft Land Use Plan	Direction/principles/guidance, land use designation, permitted uses, review requirements.
Final Land Use Plan	Approved jointly by First Nations, through band council resolution, and Ontario.
Review and Amendments	First Nations and Ontario work together through a joint process to review and amend community based land use plans.

SOURCE: WHAT IS LAND USE PLANNING IN THE FAR NORTH? (MNR, 2010)

### 2.1 Purpose of the Terms of Reference

The purpose of these ToR is to:

- Guide the designation of a planning area; and,
- Guide the preparation of a CBLUP for that area.

For the Attawapiskat FN CBLUP, the planning area is defined as the Attawapiskat FN traditional lands. A description of the Attawapiskat FN traditional lands is provided in Section 4.1.

The CBLUP will be prepared based on the VC approach. These ToR describes the methodology for developing the CBLUP, using the VC approach, and ensures that the CBLUP will be consistent with the CBLUP planning process, as specified under the *Far North Act* (Table 1), and prescribed in guidance documents and discussion papers. A description of the CBLUP approach is provided in Section 5.

## 2.2 Authority

Attawapiskat FN, through approvals granted by Chief and Council, has sole authority in the preparation of this CBLUP. Specific approval requirements are described in Section 7, Approval Mechanisms.

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## 3 Guiding Principles, Goals, Objectives and Expected Outcomes of the Planning Process

### 3.1 Guiding Principles

The Attawapiskat FN CBLUP applies the principle of Valued Components. These VCs will be identified and prioritized through ongoing dialogue with the Attawapiskat FN Community and organized into three broad categories:

- VCs which are “*ecologically, economically or culturally significant to Attawapiskat FN*”.
- VCs consisting of “*resources considered suitable for exploitation*”, including minerals, forestry and other resources considered attractive to industry.
- VCs consisting of “*sites that are considered suitable for protection*”, including designated/dedicated protected areas and reserves.

Communication is a key function in the CBLUP process. Ongoing dialogue within Attawapiskat FN and neighbouring First Nations is critical to the planning process. As such, the Attawapiskat FN CBLUP planning process follows the guiding principle that all communication be inclusive, transparent and respectful.

### 3.2 Goals

The goal of the planning process is to prepare a Community Based Land Use Plan for Attawapiskat FN that is:

- Approved by Attawapiskat FN Chief and Council, as the sole approval authority, and accepted by the community of Attawapiskat.
- Recognized by adjacent First Nations and appropriate government and non-government agencies as Attawapiskat FN's approved CBLUP.
- Functions as Attawapiskat FN's contribution to the Regional Land Use Plan being prepared by the Mushkegowuk Regional Land Use Planning Team.

### 3.3 Objectives

The primary objectives of the planning process are to:

- Be consistent with the CBLUP planning process, as summarized in Table 1, and prescribed in guidance documents and discussion papers; and,
- Support the “vision” for the Far North Land Use Strategy.

In order to achieve these primary objectives, a number of secondary objectives have been identified, including:

*Ensuring the CBLUP planning process:*

- Reflects the interests and values of the Attawapiskat FN Community.

- Captures input from neighbouring First Nations and considers their interests and values, as there may be potential for traditional territory overlap.
- Is accurately documented in a manner that allows the process to be replicated.

*Ensuring the Attawapiskat FN CBLUP document:*

- Is readily available and understandable to all members of the Attawapiskat FN.
- Is a practical document that can be used to inform land and resource use decisions.
- Provides a comprehensive inventory of VCs, and clear justification for their selection and prioritization.
- Identifies and defines VCs for the purposes of resource-based Environmental Assessments (EA).
- Functions as a living document that can be reviewed and updated on a regular basis.

These objectives have been taken into account in the preparation of the ToR, and will be incorporated into the preparation of the CBLUP.

### 3.4 Expected Outcomes

The planning process is set out to achieve the following outcomes:

- Definition of a planning area (i.e., the traditional lands of Attawapiskat FN).
- Documentation of Traditional Knowledge to support planning, as provided by Elders and other resource users in the Attawapiskat FN.
- Assembly and reconciliation of pertinent secondary information to support the CBLUP.
- Collection of primary field data to support Ecological Function Assessment and Resource Valuation exercises to assess and prioritize VCs.
- Provisions for:
  - Attawapiskat FN community members to be fully engaged in the planning dialogue;
  - Dialogue with adjacent communities to support understanding of shared areas and interests within the planning area; and,
  - At least two formal opportunities for input from the community, adjacent communities and all interested people and organizations. These will take the form of Open Houses, and will be held in the community of Attawapiskat.
- Preparation of a Draft Plan and Final Plan, to include identification of:
  - Valued Components, including:
    - VCs which are “*ecologically, economically or culturally significant to Attawapiskat FN*”.
    - VCs consisting of “*resources considered suitable for exploitation*”, including minerals, forestry and other resources considered attractive to industry.
    - VCs consisting of “*sites that are considered suitable for protection*”, including designated/dedicated protected areas and reserves.

- Land use areas and their designation (e.g., protected areas, general use areas, and development areas);
- Direction and policies regarding land uses and activities that are permitted or not permitted within each land use area;
- A plan implementation strategy, including review timeframe as well as direction for plan amendments.
- Opportunity to build consensus on documents and planning recommendations at each stage of planning; and
- Recommendation for approval of the Final CBLUP by Attawapiskat FN Chief and Council.
- Appendices
  - Appendix A – Maps. To include, at minimum: land use areas, mineral resource areas, mining claims, infrastructure areas, community development & expansion areas and flooding areas.
  - Appendix B – Baseline Environmental Conditions. This report will include information pertaining to the ecology of the planning area, as well as the history and traditional land uses practices of the Attawapiskat FN. It will include information and maps related to traditional land boundaries, important ecological features and sites, traditional resource areas, cultural & spiritual areas and travel routes.
  - Appendix C – Identification and Assessment of Valued Components. This report will document the identification and assessment of VCs. It will include the consultation process with the community (including discussions with Elders) and will serve as the Consultation Record for the planning process.

Appendices B and C will include information and maps that may be considered confidential by Attawapiskat FN and may be edited/limited in distribution at the discretion of the community.

## 4 Scope of Planning

The scope of the CBLUP is described in this section in terms of geography and planning subjects.

### 4.1 Geography

For the Attawapiskat FN CBLUP, the planning area is defined as the Attawapiskat FN traditional lands. The Attawapiskat FN traditional lands extend from Kapiskau River in the south to Hudson Bay (Cape Henrietta Maria) in the north and westwards along Hudson Bay towards the Winisk River, and from Akimiski Island in the east to Lake Missisa in the west, as shown on Figure 1.

Although the boundary defined on Figure 1 represents the generally-accepted limits of Attawapiskat FN's traditional lands, it should be recognized that resource use by members of the Attawapiskat FN may occasionally occur beyond the limits shown. Conversely, it should be recognized that traditional territories associated with adjacent First Nations may overlap with these boundaries, and that use in the overlapping areas may be shared by one or more First Nation communities.

### 4.2 Planning Subjects

Planning subjects will be generally consistent with the Land Use Planning Topics presented in the Far North Land Use Strategy: A Discussion Paper (MNRF, 2014), and include:

1. Cultural and heritage values
  - culturally, spiritually and historically significant sites
  - travel routes, including waterways
  - traditional use (both historical and contemporary indigenous use, including but not limited to hunting, gathering, trapping, fishing)
2. Biological diversity
  - notable landscape features, ecologically sensitive habitats and species at risk
3. Water
  - water resources and resultant ecosystem services (e.g., ground water, lakes, rivers, wetlands)
4. Cumulative effects
  - consideration of cumulative effects for land use activities (e.g., changes to the environment over time as the result of combined effects from multiple activities and events).
5. Climate change
  - consideration of climate change and adaptation planning (e.g. changes in animal movements, effects on ecological functions of muskeg, changes in flooding risks, etc.)
6. Areas of natural resource value for economic development
  - mineral exploration and mining (including potential for aggregate, and industrial and metallic mineral deposits)
  - existing mine claims
  - forestry, including non-timber forest products
  - fish and wildlife management

## 7. Infrastructure

- transportation and transmission corridors and facilities
- renewable energy
- community infrastructure, including recreation
- appropriate locations for community expansion

## 8. Tourism

- identification of potential tourism opportunities and resources, including eco-tourism

## 9. Protected Area Design

- protection of site-specific culturally sensitive locations
- plants and animals as it relates to food security, including protection of the habitat they rely on
- protection of waterways and source water protection
- protection of biologically diverse areas
- consideration of existing network of protected areas (e.g., Polar Bear Provincial Park)

Information gathered to describe existing conditions relative to the planning subjects will be documented in Appendix B – Baseline Environmental Conditions, of the CBLUP document.

Additional subjects may be identified during the course of community engagement and discussions with adjacent First Nation communities, and considered in the CBLUP with respect to land use and land use decisions.

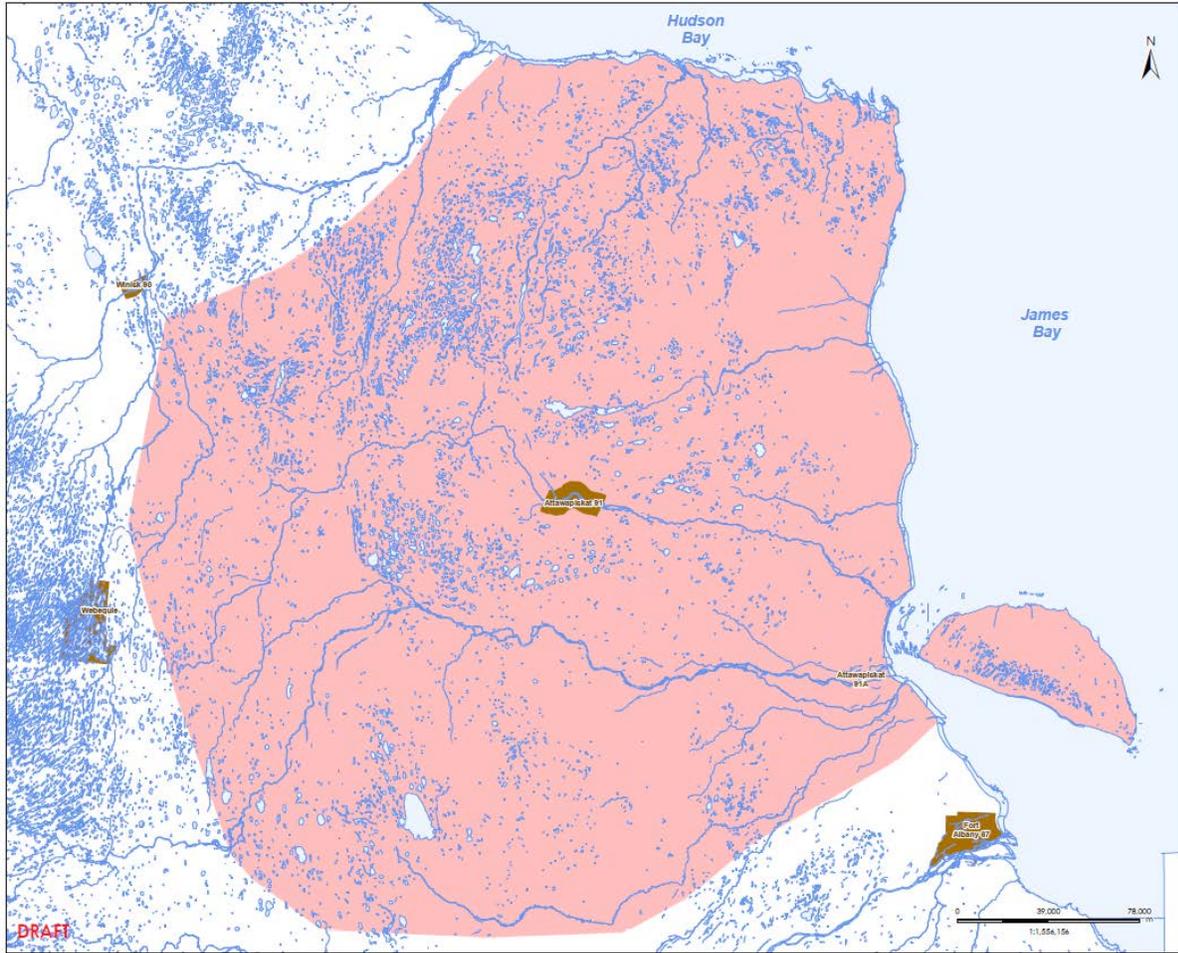


Figure 1 Attawapiskat First Nation Traditional Lands

## 5 Planning Process

### 5.1 General Approach

The general approach for the planning process consists of three interdependent components, as follows:

#### **Communication**

Ongoing dialogue with Attawapiskat FN will continue to gather and document information on Traditional Knowledge (TK), VCs, hunting/harvesting/fishing practices and other issues of environmental concern to the community. Dialogue with the community will be continuous throughout the planning process, although there will be “key points of contact” where more formal means of dialogue will be required (e.g., presentations to Chief and Council, Focus Groups and Key Informant Interviews). The timing and methods for conducting these more formal events, as well as other meetings and in-reach/outreach opportunities will be coordinated by the Community Planning Team. More detail on the Community Planning Team is provided in Section 5.2. All information that is brought forward during the course of the planning process (including information respecting any mining activities or respecting mineral resource potential) will be reviewed with Elders from Attawapiskat FN, as local experts of the community.

#### **Identification and Assessment of Valued Components (VCs)**

*Identification of VCs, including:*

- VCs which are “ecologically, economically or culturally significant to Attawapiskat FN”. Potential VCs may include natural features such as wetlands, forests, streams/rivers, lakes, muskeg communities, rare/medicinal plant communities, non-timber forest products, historic ranges of species at risk and/or species important to economic livelihoods (e.g., Woodland Caribou). Selection of these VCs will rely upon input from Attawapiskat FN in concert with air photo interpretation and ground-truthing surveys.
- VCs consisting of “resources considered suitable for exploitation”, including minerals, forestry and other resources considered attractive to industry. The location and extent of these resources will be defined through secondary mapping sources (e.g., claims, mineral resource maps and available reports, etc.), with input from Attawapiskat FN.
- VCs consisting of “sites that are considered suitable for protection”, including designated/dedicated protected areas and reserves (e.g., national/provincial parks and reserves), Important Bird Areas (IBA), RAMSAR sites, Areas of Natural and Scientific Interest (ANSI) or other protected area types that are suitable or comparable to protect known values. The location and extent of these sites will be defined through secondary mapping sources, with input from Attawapiskat FN.

*Assessment of VCs, including:*

- Ecological Functional Assessment: Assessment of the ecological values of the VCs and their functions. Functional assessments of the VCs should be quantified, to the extent possible/desired. Ecological values will be determined based on field surveys, literature reviews and results based on similar studies and approaches. Where applicable, standard assessment methods will be adapted and applied. These results will complement the Environmental Assessment process, by clearly defining and assigning ecological value on VCs throughout the planning area.

- **Resource Valuation:** Determination of the economic contribution of the VCs to household and regional economies through the application of a standardized resource valuation methodology. The potential for mining possible mineral resources, and harvesting timber and fish for commercial purposes will also be assessed and preliminary valuation applied where practical.

Once the appropriate VCs have been identified and assessed, VCs will be classified and prioritized, based on ecological value and economic contribution.

### ***Integrating VCs into the CBLUP Process***

VCs will be grouped into functional units, for which direction regarding land use will be developed in consultation with Attawapiskat FN and the Community Planning Team. This information will be used to identify appropriate land use practices (i.e., what can and cannot occur) both spatially and temporally for defined areas. Two primary activities will be undertaken to integrate the VC approach into the CBLUP process:

- **Resource Mapping.** Preparation of VC layers in GIS to prepare a resource map series. The map series will be used as Schedules in the CBLUP document, as well as supporting documentation in Appendices used to inform the planning process (but not necessarily included in the CBLUP document).
- **Land Use Direction.** Documentation of traditional resource management framework (e.g., harvesting areas, practices, etc.), as well as the identification and delineation of VCs for protection, exploitation/extraction, other forms of non-extractive consumption (e.g., harvesting, fishing, etc.) or other land use categories as defined by the Attawapiskat FN. Appropriate land use practices will be identified for each of the land use designations, and will be incorporated into the draft and ultimate CBLUP documents.

The activities undertaken to identify, assess and integrate VCs into the CBLUP process will be documented in Appendix C - Identification and Assessment of Valued Components, of the CBLUP document.

## **5.2 Study Tasks and Methods**

The planning process consists of six stages, consisting of specific and measurable tasks, which are summarized in Table 2. Activities have been planned to ensure optimal times when the community will be otherwise busy are considered (e.g., various activities and community functions from April-June, hunting in September/October and holidays in December).

Table 2 Project Phases, Activities and Anticipated Timing

Phase/Activity	Anticipated Timing
<b>Pre-planning and Project Scoping</b>	
<ul style="list-style-type: none"> <li>Meeting with Chief &amp; Council</li> </ul>	October 2014
<ul style="list-style-type: none"> <li>Scoping mission</li> </ul>	
<b>Phase 1 - Background Information and VCs</b>	
<ul style="list-style-type: none"> <li>Meeting/information session for AttFN</li> </ul>	November 2014 – October 2015
<ul style="list-style-type: none"> <li>Collect/review background information</li> </ul>	
<ul style="list-style-type: none"> <li>Identification of VCs (Focus Groups &amp; Interviews)</li> </ul>	
<ul style="list-style-type: none"> <li>Field surveys - Ecological Functional Assessment</li> </ul>	
<ul style="list-style-type: none"> <li>Field surveys - Resource Valuation Study</li> </ul>	
<ul style="list-style-type: none"> <li>Prioritize VCs</li> </ul>	
<ul style="list-style-type: none"> <li>Mapping of VCs</li> </ul>	
<b>Phase 2 - Community Planning Team and ToR</b>	
<ul style="list-style-type: none"> <li>Select/confirm Community Planning Team</li> </ul>	November 2014 – June 2015
<ul style="list-style-type: none"> <li>Draft Terms of Reference (ToR)</li> </ul>	
<ul style="list-style-type: none"> <li>Approval of ToR by Chief &amp; Council</li> </ul>	
<ul style="list-style-type: none"> <li>Assemble information from neighbouring FNs</li> </ul>	
<ul style="list-style-type: none"> <li>Invite participation and share ToR</li> </ul>	
<b>Phase 3 - First Open House Meetings and ToR Consensus Building</b>	
<ul style="list-style-type: none"> <li>Hold First Open House meetings</li> </ul>	July 2015
<ul style="list-style-type: none"> <li>Build Consensus on ToR</li> </ul>	
<b>Phase 4 - Draft CBLUP and Second Open House Meetings</b>	
<ul style="list-style-type: none"> <li>Prepare Draft CBLUP</li> </ul>	November – December 2015
<ul style="list-style-type: none"> <li>Build consensus on Draft CBLUP</li> </ul>	
<ul style="list-style-type: none"> <li>Hold Second Open House meetings</li> </ul>	January – February 2016
<b>Phase 5 - Final CBLUP</b>	
<ul style="list-style-type: none"> <li>Reconcile input from Open Houses</li> </ul>	February 2016
<ul style="list-style-type: none"> <li>Prepare Final CBLUP</li> </ul>	
<ul style="list-style-type: none"> <li>Build consensus on Final CBLUP</li> </ul>	March – April 2016
<ul style="list-style-type: none"> <li>Seek approval by Attawapiskat FN Chief &amp; Council</li> </ul>	
<ul style="list-style-type: none"> <li>Share Final CBLUP</li> </ul>	May 2016

## 6 Planning Structure

The relationship of people and organizations in the planning process is illustrated in Figure 2. This section describes the planning structure, including roles and responsibilities, and communication approaches that will support engagement and participation.

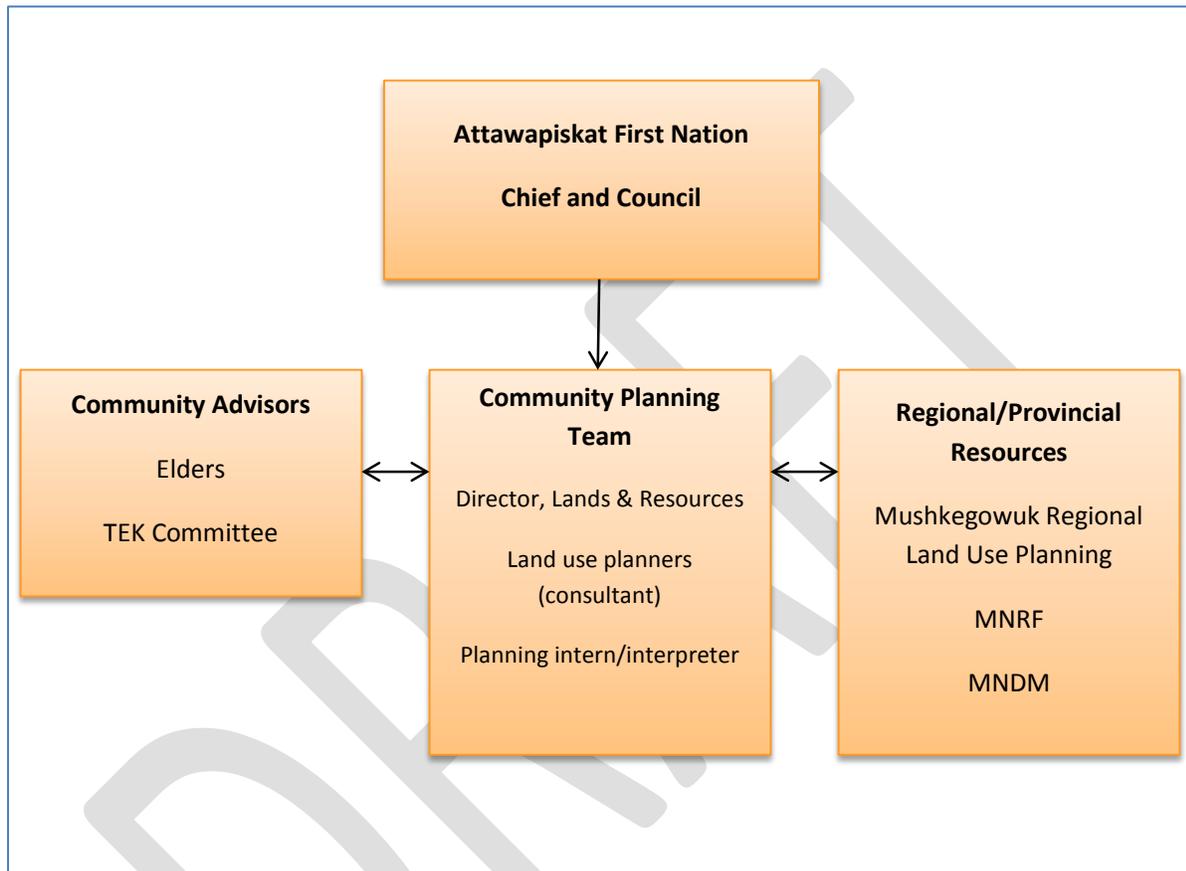


Figure 2 Attawapiskat FN CBLUP Planning Structure

### 6.1 Roles and Responsibilities

#### 6.1.1 Chief and Council

The overall planning initiative is led by the direction of Chief and Council. Chief and Council interact with the Community Planning Team to provide guidance and support and to ensure full community engagement in the process. Specifically, Chief and Council will:

- Provide approval to engage in planning
- Provide ongoing input and direction into the planning process

- Approve major milestones (Terms of Reference, Draft and Final Plan document) via Band Council Resolution

### 6.1.2 Community Planning Team

The Community Planning Team is comprised of representatives of the Attawapiskat FN, specifically the Director of Lands & Resources and a planning intern/interpreter, working with external land use planners/consultants. The Community Planning Team plays a lead role in facilitating the CBLUP planning process, and developing and implementing the scope and timing of planning activities. The Community Planning Team will ensure that all available information and analyses are available for decision-making, and facilitate seeking advice and building consensus on recommendations. The Community Planning Team will also be responsible for preparing the draft and final Attawapiskat FN CBLUP documents.

Specific responsibilities of the Community Planning Team include:

- Developing the ToR and preparing the CBLUP accordingly.
- Receiving guidance and seeking approvals from Chief and Council.
- Inviting input, gathering and documenting information from Advisory Groups, and First Nation membership including Elders, community members and general public.
- Assembling information from all external sources to support the planning process, and ensuring input from others is incorporated into plan components.
- Ensuring that information gathered is properly incorporated into the CBLUP document.
- Identifying communication opportunities and coordinating communication.
- Scheduling opportunities for input and preparing required materials.
- Providing progress updates to the community with respect to plan development, opportunities for input, and how input has been incorporated into the CBLUP.
- Preparing recommendations for community leadership at key progress points.

### 6.1.3 Community Advisors

Community Advisors will consist of Elders, members of the Attawapiskat FN Traditional Ecological Knowledge (TEK) Committee, and may include those identified as providing specific community expertise (e.g., youth). The community advisors will support the community planning team by providing input and review to the planning process as required. Community planning team members will rely upon community advisors to help the planning team build an understanding of planning subjects, traditional resource uses and practices, assessing VCs and to assemble and analyze information. Regular exchanges of information between the community planning team and community advisors will also support building a consensus on plan recommendations.

### 6.1.4 Regional and Provincial Resources

The Mushkegowuk Regional Land Use Plan is being prepared for the entire Mushkegowuk territory, which includes the Attawapiskat FN planning area. The Mushkegowuk Regional Land Use Planning Team is responsible for the development of the Mushkegowuk Regional Land Use Plan. A draft ToR for the Mushkegowuk Regional Land Use Plan was prepared in 2012, which is intended to serve as a guiding document to be endorsed by the Mushkegowuk Chiefs (Attawapiskat, Weenusk, Kashechewan, Fort

Albany, Moose Cree, Taykwa Tagamou, Missanabie Cree and Chapleau Cree) and the MNRF, under the authority of the Public Lands Act. As per the draft ToR for the Mushkegowuk Regional Land Use Plan, the Regional Land Use Planning Team will provide support to the member communities during preparation of the Regional Plan, including the provision of information and guidance in the preparation of individual CBLUPs to ensure consistency with the Mushkegowuk Regional Land Use Plan. This will typically be accomplished through consultation/coordination between the Regional Land Use Planning Team/Resource Liaison and the Attawapiskat FN Community Planning Team.

The Ministry of Natural Resources and Forestry (MNRF) and Ministry of Northern Development and Mines (MNDM) will be contacted by the Community Planning Team, as required to:

- Provide available information on protected areas, lands and natural resources.
- Provide information related to geoscience, mineral exploration and mining, and advising on the application of this data to identify areas that may have social, environmental and/or economic implications in the planning area.
- Identify significant areas of mineral potential (e.g., Provincial Significant Mineral Potential).

## 6.2 Communication

Attawapiskat FN will encourage participation in the CBLUP process in addition to community input to the plan (including ensuring there is a clear contact mechanism for providing feedback during the planning process). Attawapiskat FN would also like to provide land use planning information and analysis, and progress updates in a variety of formats to community members and key planning partners.

Key Communication Opportunities include:

- Meetings with Chief & Council to update on planning progress and share information.
- Updates and news on bulletin board at band office as new information becomes available.
- Community meetings periodically at key stages of the planning process to:
  - introduce the CBLUP planning process, gather input on goals, objectives and principles for land use planning;
  - formally present the ToR (i.e., First Open House), and mapping completed to date;
  - formally present the draft CBLUP document (i.e., Second Open House), identify proposed land use designations and permitted uses; and,
  - share the final CBLUP document, including presenting the final land capability maps.
- Communicating to the broader public upon completion of the ToR, Draft CBLUP document and Final CBLUP document.

## 7 Approval Mechanisms

### 7.1 Approval Authority

Attawapiskat FN, through approvals granted by Chief and Council, has sole authority in the preparation of this CBLUP. The plan is prepared through a consensus-based approach to decision making, reflecting Attawapiskat FN's customary process. The plan is also prepared in consideration of the approach outlined in CBLUP guidance documents (MNR, 2013; MNR 2014).

Approval of the ToR, draft and final CBLUP documents will be by First Nation Band Council Resolution.

Although Attawapiskat FN is preparing this CBLUP independently, information provided in the guidance documents (MNR, 2013; MNR 2014) has been taken into account in the preparation of this ToR to develop a process consistent with the CBLUP process requirements of the *Far North Act*. As a means of demonstrating this, the CBLUP document will include a conformity table to indicate how the Attawapiskat FN CBLUP planning process and document is consistent with the CBLUP process.

Attawapiskat FN will implement this ToR for a community based land use plan in good faith. During the planning process new information and/or emerging direction may require an amendment to the ToR. In this event the planning team would prepare a recommended amendment.

### 7.2 Dispute Resolution Process

Ongoing dialogue and feedback throughout the planning process provides a means to resolve issues and disputes prior to approval of the final plan. However, issues and/or disputes may arise during plan production both within the First Nation communities and interested parties.

Attawapiskat FN leads the timing and engagement in the process. The land use planning process is a consensus-based dialogue, structured to incorporate on-going dialogue and feedback throughout the process. This offers a means to resolve issues and disputes concerning planning matters before recommendations for the final land use plan are developed.

Recognizing that there may be disputes and/or issues not resolved through discussions with the planning team, a first step to resolve the issue will be to follow a traditional approach with Elders and others (to be determined by Chief & Council) to hear and understand the issue, then recommend appropriate actions. The recommended actions will be communicated to the Community Planning Team to determine an approach to move forward.

### 7.3 Interim Measures

The *Far North Act* provides for orderly development in the Far North. Under the *Far North Act*, CBLUPs must be completed before most major development begins, including commercial timber harvest or opening a new mine. The *Far North Act* does allow certain types of development to proceed in advance of a CBLUP, provided certain criteria are met. A development may also be allowed to proceed if it is determined to be predominantly for community use or if it contributes directly to meeting community needs of the First Nations and takes into account the objectives of the *Far North Act*.

While the planning initiative is underway, Attawapiskat FN would expect that the Community Planning Team would be invited to comment on development proposals, and that decisions would be consistent with the provisions of the *Far North Act*.

## 7.4 Information Management

The planning process will require consideration of all available information to help support and inform joint planning discussions while respecting and protecting Indigenous Knowledge.

Attawapiskat FN has responsibility for consultation with the community and will address those responsibilities in a manner designed by the community. All community information used to support the planning process will remain with the community unless the community deems it shareable with outside parties.

The Community Planning Team will seek and apply the best available information and data to be used for the purpose of the CBLUP process, including MNDM's Mines and Minerals Division's information related to geology, mineral potential, and mineral exploration and mining, and will advise on the application of this data.

The Community Planning Team will oversee communications and delegate as required, including developing and ensuring public notices are submitted as required, compiling the appropriate mailing list, initiating mail out of planning phase information, providing notice of meetings, and sharing any other information deemed appropriate. All formal input and comments received during the planning process will be documented and available as an official planning record. Copies of all formal input and comments received during the process will be provided to the Community Planning Team. The Community Planning Team will identify appropriate information management strategies for the information used to support the development of the CBLUP.

## 7.5 Contacts

Requests for additional information or questions on this Terms of Reference can be directed to:

<p>John B Nakogee            Director, Lands &amp; Resources,            Attawapiskat First Nation            P.O. Box 248            Attawapiskat, ON P0L1A0            T: 705-997-2166            F: 705-997-2116            Email:  <a href="mailto:johnb.nakogee@attawapiskat.org">johnb.nakogee@attawapiskat.org</a></p>	<p>Vince Deschamps, M.Sc. MCIP, RPP            Senior Environmental Planner            Stantec Consulting Ltd.            70 Southgate Dr., Suite 1            Guelph, ON N1G 4P5            T: 519-780-8164            F: 519-836-2492            Email:  <a href="mailto:vince.deschamps@stantec.com">vince.deschamps@stantec.com</a></p>	<p>Natalie Leava, M.Sc.            Terrestrial Ecologist            Stantec Consulting Ltd.            70 Southgate Dr., Suite 1            Guelph, ON N1G 4P5            T: 519-780-8155            F: 519-836-2492            Email:  <a href="mailto:natalie.leava@stantec.com">natalie.leava@stantec.com</a></p>
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## 8 References

- AMEC. 2004. Victor Diamond Project Traditional Ecological Knowledge Study Final Report (Edited for Confidentiality). Submitted by: Victor Project TEK Working Group February 18, 2004 (Edited April 16, 2004 for Confidentiality). 94 pp plus appendices.
- MNR. 2010. What is Land Use Planning in the Far North? The Far North Land Use Planning Initiative. 4 pp. Queen's Printer for Ontario 2010.
- MNR, 2013. An Introduction to the Far North Land Use Strategy. December, 2013. 15 pp. Available at: <http://www.ontario.ca/document/far-north-land-use-strategy-introduction>
- MNRF, 2014. Far North Land Use Strategy: A Discussion Paper. September, 2014. 75 pp. Available at: <http://www.ontario.ca/document/far-north-land-use-strategy-discussion-paper>