

# BAY OF FUNDY

## MARINE RESOURCES PLANNING



# Southwestern Bay of Fundy Marine Resources Planning Process Initiative

## Phase 1 Final Report

Prepared by the  
MRPP Committee

September, 2005

Bay of Fundy Marine Resources Planning Process Initiative  
Phase I Report

**Table of Contents**

INTRODUCTION ..... 3

1. COMMITTEE VISION STATEMENT AND GUIDING PRINCIPLES ..... 4

2. LEGISLATIVE BASIS AND POLICY AND MANAGEMENT CONTEXT..... 6

3. SCOPE OF THE PLAN ..... 7

4. BENEFITS AND OPPORTUNITIES .....11

5. STEPS TOWARD FORMULATION OF THE PLAN .....16

**APPENDICES**

1. TABLE I: SUGGESTED COMMITTEES AND WORKING GROUPS...18

2. TABLE 11: SUGGESTED WORKING GROUPS .....19

3. SUGGESTED PROCESS RELATIONSHIP DIAGRAM .....20

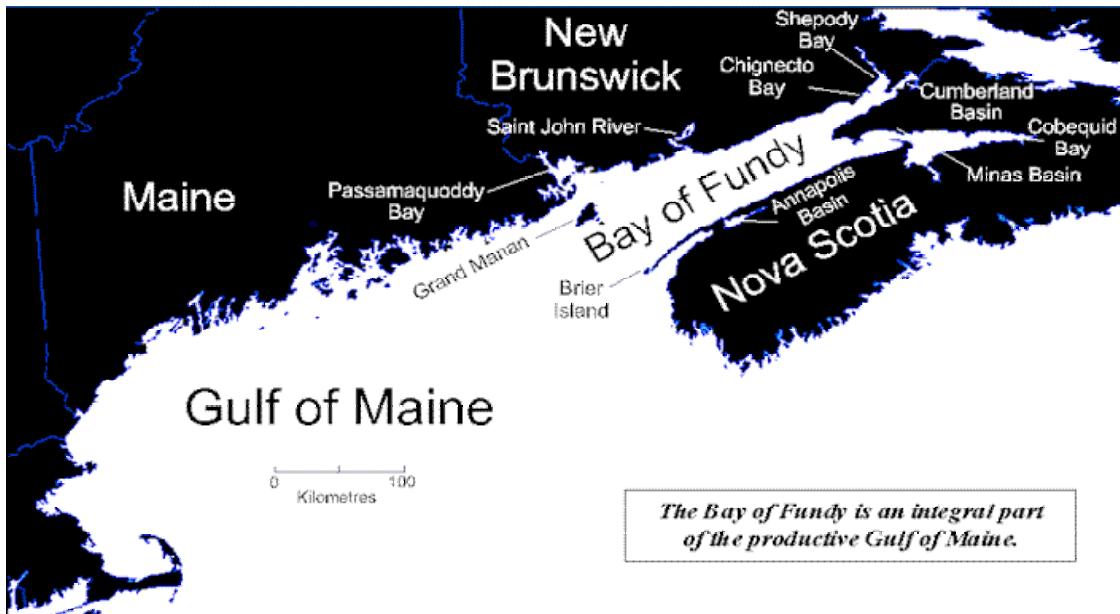
4. LIST OF COMMITTEE MEMBERS.....21

# BAY OF FUNDY

## MARINE RESOURCES PLANNING

### INTRODUCTION

The Bay of Fundy is renowned for its rich physical and biological features. It is those same rich features which have contributed to its importance as an area of significant economic activity supporting a number of coastal communities. The ability to sustain the health of the Bay of Fundy ecosystem while realizing the social and economic benefits which can be derived from activities in the marine environment present significant challenges for interests in the Bay of Fundy. Additionally, limits on the space available for human activities challenge resource users and regulators to develop policies and processes which are open, transparent and sustain the health of the Bay of Fundy.



Against that backdrop, the Department of Agriculture, Fisheries and Aquaculture and the Department of Fisheries and Oceans launched discussions in early 2004 focused on a desire to improve resource planning and management in the southwestern portion of the Bay of Fundy. Previous efforts aimed at improving the dialogue among interests in the Bay on specific activities led to the establishment of the Bay of Fundy Stakeholders Forum in September 2001. The Forum proved to be a useful mechanism for information sharing, however the need to go beyond information sharing to a proactive planning mechanism was recognized by both levels of government. The concept of developing a Bay of Fundy Marine Resource Planning Process

The logo for Bay of Fundy Marine Resources Planning features the words "BAY OF FUNDY" in a large, bold, serif font. A light blue, wavy graphic element is positioned behind the letters "AY OF FUNDY". Below this, the words "MARINE RESOURCES PLANNING" are written in a smaller, bold, sans-serif font.

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(BoFMRPP) as well as draft Terms of Reference for the initiative was presented to the Bay of Fundy Stakeholders Forum in May 2004. The development of the BoFMRPP was launched in September 2004.

This document is the report from Phase I of the Bay of Fundy Marine Resource Planning Process initiative.

## 1. COMMITTEE VISION STATEMENT AND GUIDING PRINCIPLES

During the initial meeting of the BoFMRPP, the following Vision Statement and Guiding Principles were agreed to:

### Vision Statement

*“The planning process should consider the ecosystem as a whole. It should be action-oriented and financial gain should not be the driving force. Participants must develop a common, balanced vision which respects a healthy ecosystem. This will result in healthy, vibrant coastal communities”*

### Guiding Principles

- 1. Communicate/cooperate openly (trust, respect, honesty)*
- 2. Realistic/workable/balanced framework.*
- 3. Resources: Bay of Fundy resources and its ecosystem for the people with legitimate interests and rights, of coastal/SW NB, going into future generations*
- 4. Common vision supported by the majority of participants*

## **2. LEGISLATIVE BASIS AND POLICY AND MANAGEMENT CONTEXT**

### **2.1 LEGISLATIVE BASIS**

Activities occurring in marine waters are affected by a number of pieces of federal and provincial legislation. The intent of the planning process and ultimately, the Marine Resource Plan, is not to supersede or interfere with the ability of federal and provincial departments and agencies to carry out their legislative mandates. At the outset, it is contemplated that the Bay of Fundy Marine Resource Planning Process will draw its legislative base from a discrete set of federal and provincial legislation. Department and agencies retain their legislative authority, but in entering into development of this planning process, participant departments commit to working with stakeholders to pursue shared goals and objectives. If policy or regulatory adjustments are needed to achieve these goals and objectives, authority for and commitment to making such adjustments rests with the responsible department or agency.

Regulatory authorities retain their roles and responsibilities for implementing management policies and measures within their established mandates and jurisdiction. As such, the planning process will guide decisions taken by federal and provincial departments and these departments are expected to support the plan implementation through their respective legislative and regulatory authorities.

#### **Federally:**

- the *Fisheries Act*
- the *Oceans Act*
- the *Canadian Environmental Assessment Act*
- the *Species at Risk Act*

#### **Provincially:**

- the New Brunswick *Aquaculture Act*
- the New Brunswick *Crown Lands and Forest Act*

- the New Brunswick *Clean Environment Act* – specifically the New Brunswick Environmental Impact Assessment Regulation under the *Clean Environment Act* and exemptions under the Coastal Areas Protection Policy

Note: The Regulatory Review that is planned may identify additional legislation and/or policies.

**Locally:**

- may guide coastal development plans for Local Service Districts and Municipalities

## **2.2 POLICY AND MANAGEMENT CONTEXT**

A number of strategic plans, policies and operational frameworks provide further context to the mandates delivered under the legislation relevant to the Bay of Fundy Marine Resource Planning Process. These policies describe specific objectives of federal and provincial governments and in most cases were developed after consultation with specific stakeholders and interests and the broader population.

The Bay of Fundy Marine Resource Planning Process will consider these policies in the formulation of the Marine Resource Plan. Where appropriate the plan may augment or enhance these policies. In addition, the plan may identify gaps or inconsistencies in existing policies and as a result recommend strategies to address these gaps or inconsistencies.

## **3. SCOPE OF THE PLAN**

It is expected that the plan will provide a basis for taking informed decisions under the pieces of legislation previously noted. As additional provincial and federal authorities are engaged in the development of the plan, the scope may be expanded.

### **3.1 Area Description**

The proposed planning area is defined by that area having an eastern boundary limit of the Saint John Harbour authority jurisdictional border and a western boundary limit of the Canadian - United States international border and from the high water mark to the mid-bay line in the Bay of Fundy.

### **3.2 Elements of a Marine Resource Use Plan**

1. **A Vision Statement:** Clear objectives and guiding principles accepted by consensus of stakeholders in coastal communities.
2. **Plan Boundaries:** Clearly defines the planning area and the individual planning units.
3. **Background Document:** Development of a document which incorporates maps and provides a biological, physical, social, cultural and economic description of the planning area focusing on the planning units is included as a referral document to the plan.
4. **Public Consultation Process:** Outlines the consultation process that achieves public input into the development and review throughout the entire process of the plan development and implementation.
5. **Criteria Selection:** Develop, based on the stakeholder consultation, a list of 'values and uses', which reflects available science information. These may be used as the *measure/basis/gauge* for plan development, management recommendations and evaluation processes.
6. **Recommendations:** Develop set of recommendations, which defines marine space activities (tenured and non-tenured), resource uses and potential sensitive areas in the planning unit. This may be created using a classification system (i.e. Approved,

Approved with Conditions [temporal or modified use], Prohibited) similar to British Columbia.

7. **Plan Implementation/Use:** Defines exactly how, when and by whom the plan will be implemented and/or referred to. Details how the document will be coordinated with current legislation and review mechanisms.
8. **Plan Review and Amendment Process:** Defines the process for a term review (five year) as well as criteria for initiating an amendment process within the five-year term (i.e. new science information, or new types of activities).
9. **Conflict Resolution Mechanism:** Provides a mechanism for resolving marine use/space conflict issues.
10. **Evaluation Process:** Outlines a process to determine overall effectiveness of the plan in managing marine space and resource use at the end of the five-year term. Careful selection of indicators of success and appropriate monitoring will be required.

### **3.3 Suggested Sub-Planning Units**

While the Marine Resource Plan for the Planning Area will be guided by a common set of objectives, it is recognized that scale is a key factor and the ability to address issues on a more local scale is critical to the success of the planning process. It is therefore proposed that the planning area be further defined on the basis of sub-planning units which reflect local knowledge and quasi-administrative areas. These subunits are only recommendations at this stage and may be modified after initial public and technical input.

1. **Lower Region:** St. Croix (international boundary) to the Mascarene Shore with a seaward limit designated by a northeastern line drawn from the eastern point of Navy Island to an eastern boundary at McMahon Point.

2. Central Region: Greens Point to Point Lepreau with a seaward boundary defined by a line drawn southeast to the southern tip of the South Wolf Island to the mid bay line.
3. Upper Region: Duck Cove to Saint John Harbour Authority jurisdictional border with a seaward boundary at the mid bay line.
4. Grand Manan Island (seaward boundaries to be determined).
5. West Isles: Deer Island Archipelago and Campobello Island. (Note: These islands may be addressed individually for the purpose of public consultation).

#### **3.4 Characteristics of the 'Plan'**

- A. Will be a living document developed through a transparent process in cooperation with regulatory agencies, marine resource users, coastal communities, First Nations and stakeholders.
- B. Will be implemented by the responsible government agencies and managed by on a Plan Management Committee to be appointed during the development of the Plan, made up of representatives of the marine stakeholders and coastal communities
- C. Will acknowledge the rights and privileges of First Nations in the marine environment.

#### **4. BENEFITS AND OPPORTUNITIES**

The development of the Bay of Fundy Marine Resources Management Plan will take time and considerable commitment from all involved. This initiative, however, can result in a number of benefits and positive outcomes: We offer the following observations on benefits.

1. ***Clarified Management Roles and Jurisdictions***

The **Plan** will increase understanding and clarification of management roles, responsibilities and jurisdictional issues for all levels of government and for all ocean space users and interests.

2. ***Improved Service Delivery of Government Programs***

Synergy among federal and provincial policies, legislation and management objectives will lead to improved service delivery of government ocean-related programs, as well as clarity, consistency and a level playing field for industry.

3. ***Research Prioritization***

The Plan will assist in setting priority ranking in order to assess which issues are dealt with in the short, intermediate and longer-term. The **Plan** could outline the implementation of an intergovernmental workplan for the Bay of Fundy.

4. ***Contribute to Sustainable Coastal Communities***

One of the important outcomes of effective marine management is the creation of a climate for economic diversification and the sustainable generation of wealth for coastal communities.

5. ***Engage First Nations***

The **Plan** will *recognize the treaty rights of First Nations, include these rights in the decision making process and include active participation by First Nations organizations.*

6. ***Greater Certainty and Transparency for Industry Development***

Having management plans in place will result in greater certainty and transparency for development and management. The **Plan**, once implemented, will also improve and streamline

the application, review and approval process for various activities and could outline those activities that are approved or restricted for a particular area as well as identify sensitive areas.

7. ***Improved Environmental Assessments***

Improved environmental assessment procedures and clear and consistent processes will result in cost and time savings for developers and regulators. The multiple marine uses in the Bay of Fundy require that cumulative impact assessments be considered.

8. ***Improved Access and Sharing of Information/Data***

Marine space management and planning requires effective outreach and sharing of information and data from all sources for the benefit of all users.

9. ***Improved Linkages among Science, Policy and Management***

The expertise for oceans and coastal management in the social sciences, natural sciences, policy development and management spheres will be integrated, and improved linkages will be developed between government researchers, resource users and local communities.

10. ***Strategic Direction of Science and Research Needs***

The **Plan** could identify and lead to the prioritization of science and research needs to move the management and planning process forward.

11. ***Improved Collaboration among the various Partners***

The **Plan** will identify opportunities to collaborate and support (financial and human resources) various initiatives within the planning area(s).

**5. STEPS TOWARD FORMULATION OF THE PLAN:**

**5.1 PHASE 1**

In the first phase of this initiative, the Southwestern Bay of Fundy Marine Resources Planning Process Committee was created. With the completion of this report, the first phase has been completed. The following steps were carried out:

**1. Directive is given to start the design of a process to develop of a marine resource use plan**

- Senior government officials of the Department of Fisheries and Oceans and the New Brunswick Department of Agriculture Fisheries and Aquaculture in consultation with the N.B. Department of the Environment and Local Government initiated the development of a marine resource use plan for the Southwestern Bay of Fundy.

Date: May 2004 and reaffirmed January 5, 2005.

Status: *Completed*

**2. Development of terms of reference by government for a stakeholder committee to develop an acceptable marine resources planning process**

- The committee has been called the Southwestern Bay of Fundy Marine Resources Planning Process Committee, and for brevity is referred to as the Planning Process Committee.
- Terms of reference discussed and finalized.

Date: July- August 2004

Status: *Completed*

3. **Send out invitations to the key resources users to meet and establish the Planning Process Committee**

- This committee was to discuss and develop an acceptable planning process.
- Convene meetings and initiate the discussions.
- Identify key areas of concern, a vision statement, key principles and review other marine planning processes.

Dates: September 27, October 18, January 05 and March 22

Status: **Completed.** The planning processes used in the state of Massachusetts and the province of British Columbia were reviewed. A subcommittee was established to draft the components of a Plan. These were presented on January 05 to the Process Planning Committee. Committee recommended the development of a “roadmap” to define the **process.**

4. **The Planning Process Committee established a subcommittee to draft a roadmap of The planning process**

Develop a “roadmap” including characteristics of the eventual Marine Resources *Plan* and guidance for the draft planning *process* for discussion.

- Develop terms of reference for the **Plan Steering Committee**, including the structure, function and funding requirements to oversee the development of the **Plan**.
- Finalize and submit the proposed planning process/ Phase I report, for senior government approval.
- Send out initial public consultation letter and survey questionnaire, document comments.

**Output:** The Phase one report is accepted and the Plan Steering Committee is funded and established.

Date: September 2005

*-----THIS COMPLETES THE MANDATE OF THE PROCESS PLANNING COMMITTEE  
AND SIGNIFIES THE COMPLETION OF PHASE I ----*

## PHASE 2

The following NEXT STEPS (*upon receiving senior government approval to proceed*).

1. Obtain Official Government Recognition. Identify all the departments and key contacts that have a jurisdictional/legislative mandate for activities and use of the area. Meet with the agencies to achieve buy-in and participation in the planning concept, process implementation. Where required prepare the proposed protocol / MOU between departments specific to this project. If feasible, develop a standard protocol to define roles and responsibilities for signature.
2. Prepare a public education and feedback process. Including a MLA briefing, a press release, a mail out to residents informing them of the intent to develop a marine plan and seeking their input. Establish a web presence for information and feedback. CRA to lead.
3. Establish a technical working committee to prepare a background document for public consultation. The document is accompanied by GIS mapping.
4. This background document goes out for public consultation to ensure that everyone agrees on the baseline from which a plan is developed. Local knowledge is received during the public meetings. Public meetings are managed by the Plan Steering Committee/ task force/commissioner.
5. a) A draft generic **Plan** is prepared that applies to the entire planning region. The development of the plan is managed by the Plan Steering Committee with support of the technical working group and an independent consultant.  
  
b) Draft plans for sub-planning units will be prepared.
6. The draft plans will be sent out for public consultation.

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7. Second or final draft plan is prepared, consultations will occur as required.
8. Final **Plan** is submitted to government for approval and implementation.
9. Establish a Marine Resources Management Committee, develop; Terms of Reference, a process of application review and structure for recommendations, identify the legal status if required, and appoint membership.
10. Manage and monitor the **Plan's** implementation and use, establish the process for annual review update and modification of the plan, implement the review process yearly.
11. Review and revise the plan: 2011.

APPENDIX 1

**TABLE I: SUGGESTED COMMITTEES AND WORKING GROUPS**

<b>Committees</b>	
<b>Committee Name</b>	<b>Function</b>
The Southwestern Bay of Fundy Steering Committee	To coordinate the process development, and provide support to the Planning Process Committee
Southwestern Bay of Fundy Marine Resources Planning Process Committee,	To agree upon a specific planning process acceptable to the key marine resource users. Complete Phase 1 of the terms of reference
Marine Resources Plan Steering Committee,	To oversee the development of the Marine Resource Plan. Phase 2.
Marine Resources Management Committee,	To manage the implementation of the Plan

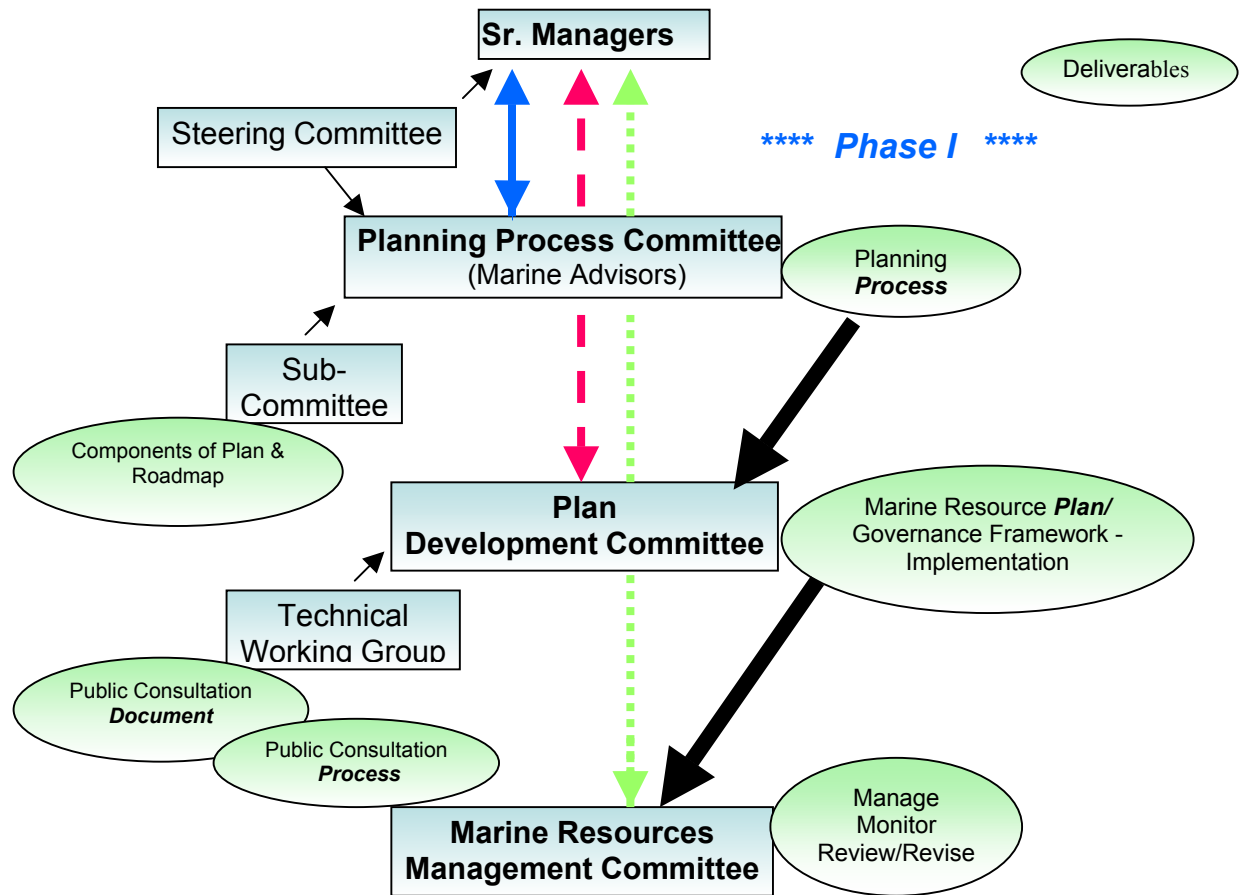
**APPENDIX 2**

**TABLE II: SUGGESTED WORKING GROUPS**

<b>Working Groups</b>	
<b>Working Group Name</b>	<b>Function</b>
Planning Process Working Group	To develop a draft planning process components and a draft roadmap for the Planning Process Committee
Technical Working Group	To prepare the draft consultation document

## APPENDIX 3

### SUGGESTED PROCESS RELATIONSHIP DIAGRAM



**APPENDIX 4**

Members of the Southwestern Bay of Fundy Marine Resources Planning Process Committee.

- David Giddens
- Edward Mclain
- Robert Sweeney
- Bill Robertson.
- Janice Harvey
- Susan Farquarson
- Klaus Sonnenberg
- Greg Thompson
- Bob Cochrane
- Shane Borthwick
- Shirley Roach Albert
- Rex Hunter
- Bruce Smith
- Jamey Smith

FIRST NATIONS

- Dave Bollivar
- Mike Power
- Patrick Polchies
- Rocky Paul
- Eric Paul
- Jason Harquail

GOVERNMENT

- Faith Scattolon, DFO
- Roland Cormier, ADM, DAFA
- Jane Tims, DELG
- Michael Rouse, Fundy Region Development Commission
  
- David Duggan, DFO
- Russ Henry, DAFA

FACILITATORS

- Pol Vincter
- Bill Yxera