

# **N.B. Department of Natural Resources Crown Land Management Strategy: Principles**

## **Introduction**

Crown lands are publicly owned assets, managed by the Department of Natural Resources for the economic, social and environmental benefit of the residents of New Brunswick.

Hence, the **MISSION** of DNR is:

**... to manage the natural resources of the province in the best interest of its people.**

This document focuses principally upon the management of Crown lands; however, since Crown land is one of the natural resources referred to above, and since lands and resources are inexorably connected, there are overlaps in reference herein, particularly with regard to Sustainable Development.

Crown land management decision-making is a process of answering a series of questions:

1. What is Crown land for? What are acceptable uses?
2. What should be utilized? Conserved? Preserved?
3. Who may use Crown land?
4. What should it cost to use Crown land?
5. Who should be involved in decision-making?
6. How should decisions be made?

The following document is designed to answer these questions and to be used as a means of directing decision-making in both the immediate sense and, in longer term, in the preparation of land use plans. In addition, the principles will guide future policy initiatives.

The general statements of principle are followed by a detailed description of the principle and the rationale for that principle. The next step in this process will be to define concrete directions (policies, procedures, standards, guidelines, etc.) by which to implement these principles in Crown land use decision-making.

## **Background**

The Department of Natural Resources manages approximately 2.1 million hectares of submerged Crown land along our coasts, and approximately 3.3 million hectares of mostly forested upland Crown land. The Minister of Natural Resources has the responsibility for the development, utilization, protection and integrated management of these lands and the resources thereon. At present, 98% of upland Crown land is under the Crown Timber License system. Although 75% of that land is managed principally for the production of forest products (pulp, sawlogs, etc.), the remaining 25% is managed by DNR via the licensee for recreational, habitat and biodiversity objectives.

While the bulk of upland Crown lands are under license, this arrangement entitles the licensee only to the standing timber, in return for payment of royalties and management of the lands and resources according to a formal management agreement. The lands themselves, and non-timber resources are therefore available to other users for various recreational and other purposes.

Tenure or use of Crown lands (including submerged lands ) can be allocated via lease, license, easement or Ministerial letter of occupation. Only a lease provides the occupant with exclusive use of the land. Tenured land use, outside of the Crown Timber License system, is 'application driven', and hence the resulting management is somewhat reactionary, since DNR is responding to the land use suggestions of its clients. Crown land is also widely available for relatively unrestricted recreational use consistent with DNR's other land and resource management objectives.

Lands are acquired by the Crown, exchanged and disposed of (to other Departments and governments, and occasionally to individuals). Over time, the ratio of Crown to Freehold land in New Brunswick changes very little. However, there are occasionally significant increases or decreases in a given year. For the purposes of this document, it is assumed that the amount and general distribution of Crown land will remain relatively unchanged over time.

## **PRINCIPLES:**

### **1. Decision-Making:**

**Principle:** Crown land decision-making will be transparent, consultative, consistent and equitable.

### **2. Management Regimes:**

**Principle:** Crown lands will be managed via a range of strategies, in recognition of the unique characteristics of, and demands upon those lands.

### **3. Acceptable Uses:**

**Principle:** Crown lands are available for economic development, recreation, environmental protection, education and other social benefits.

### **4. Sustainable Development:**

**Principle:** Crown lands and resources will be utilized in a manner and to an extent that such use does not result in long term negative environmental, economic, or social impact.

### **5. Fair Financial Return:**

**Principle:**

The Crown will receive fair financial return for the use of its land.

### **6. Protection:**

**Principle:** Crown lands will be protected against environmental degradation, improper or illegal use.

### **7. Risk and Liability:**

**Principle:** Users of Crown lands do so at their own risk. Crown lands and assets will be managed with due consideration for public safety.

### **8. Public Access:**

**Principle:** The privilege of access to Crown lands is conditional upon behaviors consistent with the other goals and objectives of the Crown, and other obligations and commitments made by the Crown.

## 1. Decision-Making Process:

**Description:** Crown land management decision-making will be transparent, consultative, consistent and equitable. DNR will solicit input from stakeholders regarding general land management directions and objectives. The public will be kept informed regarding important land and resource management issues and decisions. Decisions will consider these principles; other government policies, agendas and regulations; science; sound land management theory and other appropriate inputs.

**Rationale:** Crown lands and resources are publicly owned assets. It is critical that the public is able to understand the basis for management decisions. Those most affected by decisions should be canvassed for input during the decision-making process, and informed of the outcome. They must also perceive the process of decision-making to be consistent and equitable so that, under similar circumstances, the same decision will always be made. It is essential that stakeholders understand that Government decisions affecting Crown land involve consideration of a broad range of social, political, economic and environmental factors.

While the decision-making process should be consistent for all Crown land, the outcome of that process may vary from region to region, depending upon Crown land and resource availability, local demand, and a host of other factors as described above. This variability should not be mis-interpreted as inconsistency or inequality.

## 2. Management ‘regimes’:

**Description:** Crown lands will be managed via a range of strategies, in recognition of the unique values of, and demands upon those lands. This will range from multiple use to sequential use to single use, and will reflect a continuum of utilization ranging from intensive resource utilization to extremely restricted access and non-consumptive use.

**Rationale:** Crown lands and resources, and the demands on them, vary widely throughout the province. Generally, Crown lands can be managed for concurrent multiple uses wherever compatible with any contractual commitments which the Crown may have. Some landscapes and resources, by their nature, are best managed by single-use management. In this case, ‘use’ can range from full utilization (e.g. aggregate extraction) to complete protection (e.g. Protected Natural Areas Class 1) and various management regimes in between. There are also situations where the lands are valued for more than one use, but those uses are not simultaneously compatible. In these cases, it may be possible to undertake land use opportunities sequentially, such that the initial use is pursued in a manner that does not significantly degrade the lands for subsequent uses.

### 3. Acceptable Uses:

**Description:** Crown lands are available for economic development, recreation, environmental protection, education and other social benefits. Crown land is not available for uses that are more appropriately pursued on private land, except where there are no freehold lands available AND the proposed use can be shown to be of benefit to the public. Uses that generate significant economic, environmental and/or social benefit from Crown lands and resources, while respecting other management objectives, will be favoured.

**Rationale:** Crown lands are managed for the economic, social and environmental benefit of the residents of New Brunswick. Hence, the lands are made available for developments that can be shown to provide those benefits. Use of Crown land, however, should not result in inappropriate competition with freehold/private markets. Crown land should not be used for primary private residences, private undertakings or businesses unless such business is directly supportive of the management objectives for Crown land. Crown land uses should be consistent with the mandate of DNR; i.e. the development, utilization, protection and integrated management of Crown lands and resources. Lands best suited for development by other provincial government departments should be transferred to that department, as appropriate. Any lands acquired by DNR should be appropriate to the purposes for which DNR manages land.

### 4. Sustainable Development:

**Description:** Crown lands and resources will be utilized in a manner and to an extent that such use does not result in long term negative environmental, economic, or social impact. Renewable resources will be utilized at a level, and in a manner that ensures their continued availability.

**Rationale:** Crown lands are used, to a large extent, for resource-related purposes. Where such use involves renewable (biological) resources such as timber, wildlife, fish (or their habitats), the standing resource at a given point in time should be viewed as the 'capital'. Continued availability of that resource can be ensured only by limiting use to the 'interest' on that capital. Short term, limited exploitation of the 'capital' is occasionally necessary for economic or social reasons. However, long term<sup>1</sup> availability of the resource can be achieved only if the 'harvest' of that resource does not threaten the population's ability to recover. Uses that do not adhere to this principle should not be permitted on Crown land.

Some rare, significant or endangered lands and resources, by their very nature, should not be exploited in any consumptive fashion, since they could not sustain such use (e.g. Protected Natural Areas Class 1).

All Crown land use decisions should consider the potential benefits of extractable geological resources such as minerals, hydrocarbons, soils and groundwater. Exploitation of these resources on Crown land generates economic and social benefits, and should be undertaken so as to avoid permanently damaging the environment. Site rehabilitation is an important component of this approach, and should be a continuous process during site development.

### 5. Fair Financial Return:

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<sup>1</sup> Note that the definitions of short and long term vary with the resource.

**Description:** When Crown lands are disposed of or allocated for use, the Crown will receive fair financial return, based on:

- market values of lands based on the highest and best use; and
- recovery of costs for completing transactions, including application, appraisal, survey and legal costs.

**Rationale:** DNRE has a responsibility to ensure that Crown lands are used to the economic advantage of all New Brunswick residents.

The Crown does not intend to compete with the freehold market, but rather to support it, to the overall economic benefit of its citizens. In most cases, the disposal of Crown lands, and the allocation of individual rights of occupation or exploitation on Crown land preclude their use for certain other purposes. This represents an opportunity cost to the public, which must be borne by those benefiting from the use of Crown land. Crown administrative and management costs associated with land uses that do not benefit the general public should similarly be borne by the land user.

When lands are allocated for uses that provide social or environmental benefits to residents, then fees, rents and other charges should reflect that benefit.

## **6. Protection:**

**Description:** Crown lands will be protected against improper or illegal use, including (but not limited to) trespass, illegal occupation, or other deleterious uses. Significant, sensitive, threatened or endangered lands and resources will be identified and protected as required, from uses inconsistent with the continued existence of those resources.

**Rationale:** DNR's mandate to manage Crown lands includes an expectation to protect the lands from inappropriate use and degradation. Those who occupy Crown lands without permission and for their own personal gain without reimbursing the other residents of NB in effect are stealing from their neighbours. In addition, the Crown has an obligation to ensure that authorized users of Crown land give due consideration to adjacent land uses, and do not, through their use, reduce the value of the lands or, at the end of their tenure, leave the lands in a degraded state.

Some landscapes and resources, due to their significance or sensitivity, require a high degree of protection in the form of the limitation of access to, or use by the public. Examples include endangered species habitats and Protected Natural Areas, Class 1.

## **7. Risk and Liability:**

**Description:** In general, the public use Crown land at their own risk. DNR will show due diligence in managing, acquiring and disposing of Crown lands and assets with consideration for public safety.

**Rationale:** Much of the Crown land is distant from medical, safety and other services, and is subject to industrial activities. Most of the road network existing on Crown land is designed and maintained by the Crown timber licensee to address the needs of forest fibre extraction activities. The public is welcome to use this road network to the extent that it does not interfere with the management and authorized extraction of forest products, but this does not imply any guarantee of the quality or safety of the road network. Other roadways and trail networks exist on Crown land, DNR makes reasonable effort to ensure that those

responsible for them show due diligence in maintaining them to a standard equivalent to their intent. However, all wilderness or backland-related activities have inherent dangers and risks associated with their pursuit, and those who choose to pursue these activities must accept those risks.

Occasionally, through land exchanges or other mechanisms, the Crown acquires additional lands. Generally, these lands are acquired because they will assist in meeting the management objectives of DNR. It is important, however, to ensure that the Crown does not also acquire major environmental or other liabilities along with the lands.

DNR, via leases, licenses and easements, authorizes people to occupy and develop Crown land. Liability protection for the Crown should be a requirement of that occupation.

DNR also manages a number of facilities and structures (e.g. dams, parks, camps, ranges) and the Crown endeavors to maintain these assets in a reasonable fashion to ensure that they do not represent a danger to any authorized users or occupants of those assets, or to people and assets adjacent or off-site.

## **8. Public Access:**

**Description:** The Crown lands of New Brunswick are managed by DNR for the benefit of the citizens of New Brunswick. Access to those lands and resources by individuals is a privilege. All public access is conditional upon the other obligations and legal commitments made by DNR on behalf of the citizens of NB. Except where specifically stated as a condition of tenure, users of Crown land are not entitled to exclusive use or access, and must expect to share access with other users. Along with the privilege of access comes a responsibility to use the lands and resources in a manner consistent with the goals and objectives of Crown land management, and these Principles. (see Appendix A: Code of Conduct).

**Rationale:** In recognition of the common ownership of Crown lands, DNR strives to balance the provision of access to lands by individuals, with the need to ensure responsible use of those lands on behalf of all citizens. Toward this end, DNRE allows access to Crown lands, so long as that access does not interfere with the activities of others duly authorized to occupy the same lands, nor with the approved management objectives and activities of DNR.

While DNR attempts to manage the activities of those accessing Crown lands as described above, the public also has an obligation to ensure that their use does not have a deleterious effect upon the lands and resources, nor upon the opportunities or experiences of others authorized to occupy or access Crown land.

## **Appendix A: Crown Land Recreational Users Code of Conduct**

*(Note that much of the 'code' is established in legislation/regulation. The creation of a 'code' simply provides a summary of acceptable behaviours and obligations as a condition of access to Crown Land for recreational purposes.)*

1. Users of Crown land and resources do so entirely at their own risk, and must plan and act accordingly.
2. Users must not interfere with the legitimate use of others.
3. Users must not interfere with wildlife (including fish) and their habitat, except as permitted by legislation.
4. Carry in; carry out.
5. Septic and greywater waste disposal must be in accordance with the Health Act, or with the practices outlined in the brochure entitled: Backcountry Waste Management.*(note: Dept of Health and Wellness has agreed to assist DNRE in preparing such a brochure).*
6. Vehicles must not be parked so as to block a roadway or trail.
7. Motorized vehicles must not be used off of roads, established trails approved for their use, or approved fords as defined under the Clean Water Act
8. Users must obey all restrictions, postings and closures.
9. Collection or removal of ground hemlock, balsam fir tips and fuelwood require a permit. Please check with the nearest Ranger Office
10. Users must comply with all other existing legislation