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# Beyond Taxes and Services

*Local Governance, Strong Rural Voices,  
Sustainable Land Use Planning, Environmental  
Protection, and Climate Adaptation and  
Mitigation*



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## A written submission to the Honorable Daniel Allain, Minister of Local Government and Local Governance Reform as part of the public consultation on local governance reform

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NEW BRUNSWICK ENVIRONMENTAL NETWORK

RÉSEAU ENVIRONNEMENTAL DU NOUVEAU-BRUNSWICK

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# Background

The New Brunswick Environmental Network (NBEN), established in 1991, is a communication network that links together over one hundred non-profit environmental organizations.

The role of the NBEN is to improve communication and cooperation among environmental groups and between these groups, government, and other sectors. The NBEN provides educational opportunities for its member and associate groups and encourages the growth of the environmental movement in New Brunswick.

In March of 2021, key members and collaborators of the New Brunswick Environmental Network formed an ad hoc committee to discuss the links between local governance and environmental protection. This work draws from the diverse expertise of individual committee members and builds off previous efforts by the NBEN in three areas:

1. Climate change adaptation and mitigation, along with specific capacity building work for the broader adoption of natural and nature based solutions by engineers, land-use planners, and environmental non-governmental organizations;
2. Intersectoral approaches to environmental health;
3. Coordination of the N.B. Watershed Caucus.

Additionally, an open meeting of NBEN members was held on May 17th. Twenty people registered and eleven attended. Of those not in attendance, several sent along their comments by email. Key ideas from that meeting are included in Annex A below and were incorporated into the text.

The ideas presented herein outline general consensus points, though each idea is not necessarily endorsed by each participating organization or member of the NBEN.



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# Current Status

The dominant discourse in the debate on local governance reform thus far has been that municipalities are principally responsible for direct services to their citizens (garbage pickup, firefighting, snow removal, etc) and that each citizen should receive an equivalent level of services for taxes paid.

Unsurprisingly, the NBEN believes that local government reform must also be viewed as an opportunity to better equip our communities to deal with the numerous and unprecedented environmental challenges of our times.

The recently released Green Paper Working Together for Vibrant and Sustainable Communities presents opportunities for local government reform under four stated pillars:

1. New Brunswick's current structure;
2. Regional collaboration;
3. Land-use planning; and
4. Financing the local governance system.

We do not recommend any one option for local governance reform, but instead, advocate that environment and climate change be given serious consideration across the four pillars and regardless of which option is chosen.





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# Key Environmental Points of Concern

We believe that the health of our shared environment and the way we choose to govern ourselves are inextricably linked. As such, the purpose of this submission is to highlight that:

*1. Sustainable land use planning, environmental protection, and climate change adaptation and mitigation must be properly considered in the current process of local governance reform in New Brunswick.*

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Currently, large areas of NB are not subject to land use planning regulations and adherence to climate adaptation plans is unregulated. Consequently, unincorporated areas near large population centres and outside the municipal tax base are prime contributors to urban sprawl and other unsustainable settlement patterns, including uncontrolled development in flood zones, forested and natural areas, wetlands, as well as the loss of valuable farmlands. Unincorporated areas are also less prone to adhering to provincial guidelines for environmental protection and climate change adaptation.

In the case of Local Service Districts, a lack of local governance (municipalities, rural communities) and local public institutions make local populations more vulnerable since, for example, Emergency Plans and Land Use Plans are not mandatory. Local Service Districts cannot take out loans, acquire assets of their own, or pursue infrastructure funding through things like the Federal Gas Tax Fund, and thus are very limited in their ability to be proactive about fulfilling the specific needs of their communities in ways that align with their values, environmental or otherwise.

In the case of Rural Communities, Emergency Plans and Land Use Plans are mandatory, which helps to reduce the vulnerability of these communities. However, without specific skills, adequate resources and local leadership, environmental protection and climate change adaptation remains weak. Small municipalities need support in hiring qualified staff to deal with climate change mitigation and adaptation measures, and the same goes for emergency measures. In the case of emergency measures, the responsibility often falls to citizen volunteers (i.e. volunteer fire departments). A greater effort should be made to build local capacity to undertake valuable regional planning.

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Some RSCs have been flexible enough to adopt regional climate adaptation plans, which is positive. RSCs often have data and mapping capacity that can be used to inform decisions at a very local level. Rural land-use plans or regional climate adaptation plans in unincorporated areas can provide concrete technical tools for communities to adapt, such as establishing setbacks and minimum elevation levels for buildings. Rural plans can also protect wetlands, dunes, shorelines and ensure that water resources are protected by anticipating flooding. However, to date, most such plans are inherently vague documents that only provide basic rules to limit land-use conflict and often favour residential development, instead of traditional rural land uses or conservation of the natural environment.

**Recommendation:** Given that New Brunswick is largely rural, we recommend the adoption of a rural policy with a provincial framework to ensure the sustainable development of rural communities and tools specifically adapted to land use planning in rural areas. Such a framework should go beyond mere zoning exercises and develop land use plans and other planning tools for rural areas that are relevant to rural contexts and that prioritize clean drinking water, sustainable food production, environmental protection and access to natural spaces, watershed management, climate change adaptation and mitigation and protection of the forest resource.

*2. Statements of provincial interest are key in setting minimum standards for sustainable land use planning (including protection of farmland), watershed management and flood prevention, climate adaptation and mitigation, right to a healthy environment, and protection of ecologically important and sensitive natural areas, so that everyone is operating from the same playbook, regardless of the local governance structure in place where they live.*

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The purpose of land use plans is to establish a set of rules for development that reflect the priorities of a given community or region. As such, land use plans can be uniquely tailored to their locality. Statements of Provincial Interest (SPIs) do not remove this ability to create unique plans. Instead, SPIs establish a broad set of policies and principles that reflect the government's priorities for issues and concerns that go beyond municipal borders or that need intersectoral responses - such as watersheds, wetlands, natural habitat corridors, climate change, flooding, transportation, and infrastructure, and the built environment.

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Without SPIs, land use planning in New Brunswick is somewhat haphazard and inconsistent between communities in these provincially significant areas. For example, the unincorporated areas of New Brunswick (LSDs) are not required to have land-use plans, whereas all municipalities are. This essentially means that “anything goes” from a land planning point of view in rural areas. Because there are no policies regulating where people live in the province, this can create enormous conflicts between land uses, particularly as people move from serviced urban centres to rural areas for settlement where they depend on wells and on-site septic systems. While most rural areas should be left for rural uses and conservation efforts, random unplanned housing settlements tend to hold sway over other traditional rural uses that are needed to sustain the New Brunswick economy. Opposition to rural development sometimes comes from rural residents who prefer to see more housing development and fewer rural uses despite the fact that such housing developments often create pressure on water tables similar or greater than many rural uses. That said, established rural communities like Cocagne, Beaubassin, or Kedgwick are also very much a part of the rural landscape and should be considered as 'traditional rural uses'. Likewise, approaches to land use management for a provincial interest are not consistently addressed between municipalities. Climate change regulations differ from one municipality to the other, so that if one municipality responds to threats by restricting development and a neighbour does not, it can lead to competition between jurisdictions for development.

Many other provinces such as Nova Scotia and Manitoba have instituted Statements of Provincial Interest (SPIs) to help protect specific priorities in land use, while guiding development in a manner that meets the long-term development goals of the province. Statements of provincial interest treat all jurisdictions the same, no matter their governance structure, allowing consistency in the development of land use regulations which help to reduce conflict between uses in municipal and rural settings. We acknowledge that SPIs are not perfect tools as they are limited in their statutory power - while by-laws and other regulations cannot conflict with them - they do not, in and of themselves, have the same power as legislation. As such, SPIs, although welcomed, must not be seen as a substitute for strong environmental laws and regulations and their proper enforcement.



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Fundamentally, SPIs provide a framework - an even playing field - for all land use planning in the province and ensure that the most critical concerns of government are taken into consideration in land use planning decisions locally and provincially. Ensuring strong and effective environmental protection measures that are understood, recognizable, and fair, and consistent across the province creates a common environment for new and current entrepreneurs, businesses, citizens to operate within a sustainable development framework.

**Recommendation:** We recommend SPIs on climate change, food security and protection of agricultural lands, protection of drinking water sources, development in flood zones and coastal areas, settlement patterns (densification vs continued sprawl) and healthy built environments (green and blue space, active transport, better siting of schools, etc), renewable energy, and the protection of municipal natural assets and infrastructure (forests, salt marshes, dunes, etc).

*3. Watersheds, airsheds, foodsheds, wildlife corridors, and other various ecosystems straddle human-defined municipal boundaries, hence the need for collaborative governance structures. Upstream activities impact downstream communities.*

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Careful consideration must be given to any potential amalgamation around watersheds (or partial watersheds), airsheds, foodsheds, or wildlife corridors, not unlike the consideration given to the creation of communities of interest formed around language, culture, and heritage.

Under the current system, watersheds and RSC boundaries (and political ridings) are not aligned. Therefore, flooding impacts and adaptation measures are generally not looked at in a holistic manner, as far as land use planning, EMO services, etc. For example, in the Tobique watershed, there is one village, 4 LSDs, and 1 Reserve (Tobique First Nation). With water quantity and quality increasingly under pressure, there are logical grounds for collaboration. In the case of the Tobique, the Regional Service Commission is too large to properly manage the watershed, whereas any one community would be ill-set to manage it on its own.

The Chaleur RSC has facilitated the development of a regional Climate change adaptation plan, which provides a local vulnerability assessment and specific flood zone maps for several communities.

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Challenges now remain in prioritizing action and implementation among the numerous communities impacted by sea-level rise in the region.

Similar collaboration between neighbouring communities should be envisioned for our Crown Forests with some of these forests allocated to community management. Community-managed forests are recognized for the ecosystem services they provide and are managed for the benefit of all nearby residents, both for income, recreation, and sustainability. For example, [Medway Community Forest Co-op](#) in Nova Scotia supports local communities through sustainable and ecologically-based forest management on crown lands.

In Quebec, regional collaboration is sought out in the creation of development plans for the province's designated agricultural zones (Plan de développement de la zone agricole or PDZA). Spearheaded by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (MAPAQ), the PDZA is a planning tool aimed to enhance and promote the development of the potential of the agricultural territory. Produced jointly by the Regional County Municipalities (somewhat akin to N.B.'s RSCs) and local stakeholders, the plans are based on a status report on agriculture and propose courses of action to promote the development and dynamism of agricultural activities.

**Recommendation:** We recommend building local capacity and providing necessary resources to undertake valuable regional planning.





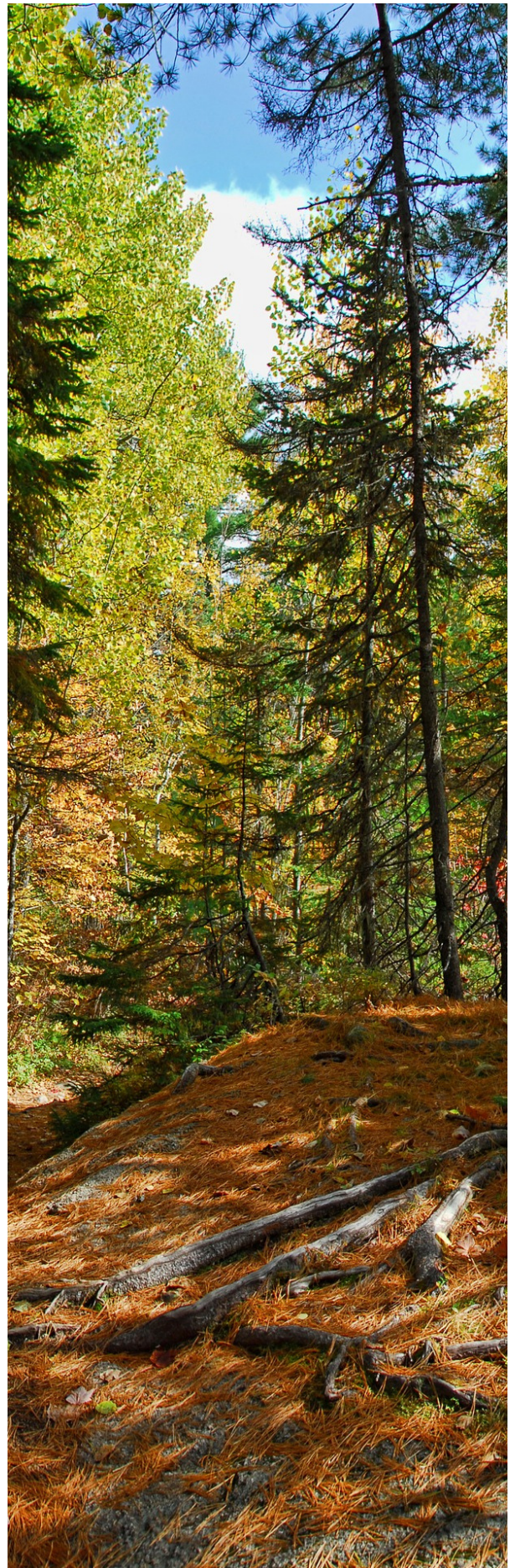
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#### *4. Strong rural voices as key to environmental protection.*

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Rural residents are often the first to witness adverse changes in our natural environments and are the first to report unchecked and unsustainable resource development, pollution, or extractive activity. Local residents generally know what's best for their communities and can act as good stewards for the land when given the chance and given a voice. Moreover, social license has now become a prerequisite for development of all sorts. Achieving social license and acceptability becomes increasingly difficult the further removed local residents become from decisions that affect them. Extensive and effective consultation and communication with residents of unincorporated communities, including but not limited to LSD advisory committees, is a prerequisite for any eventual reform of local governance structures.

**Recommendation:** Any proposal for local governance reform, should recognize that along with language, culture, and heritage, nature and access to nature is a main factor in shaping collective identity, sense of place, and belonging.





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*5. Natural ecosystems in New Brunswick (forests, wetlands, dunes, salt marshes, etc) provide essential goods and services to our communities, both big and small.*

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Healthy beaches and dunes protect our coastal areas from sea-level rise, while intact forests and wetlands reduce inland flooding, improve water quality, and support nature-based recreation that contributes to our tourism economy and our physical/mental health. The true value of these natural areas or “natural assets” are not captured under our current systems for property assessment and evaluation, and is not represented in a community’s statement of financial position. Conversely, degraded natural assets are not recorded as potential liabilities. As such, it is difficult for communities and their residents to prioritize the protection of such natural assets and infrastructure over more conventional capital assets and grey infrastructure (water filtration plants, culvert, retention walls, water filtration plants, etc).

Incorporating natural asset management and planning into local governance reform will pay dividends over time as communities will be able to rely less on human-engineered infrastructure, such as water quality enhancement, rock armouring, etc. These approaches are win-win-win as they co-benefit New Brunswickers through services like flood risk reduction, provide/enhance habitat for our iconic species like moose and migratory birds as well as for our species at risk, and protect infrastructure and support economic interests like roads, coastal businesses, and nature-based recreation. Natural infrastructure continues to be a focus both internationally and here in Canada, as more and more governments, NGOs, and other agencies recognize the importance of this approach to maximize positive environmental, social, and economic value in our communities. Nature-based climate solutions and natural infrastructure is mentioned numerous times in the province’s Climate Change Action Plan and in past mandate letters to key ministers.

Action on this topic has already begun in New Brunswick, but needs to be scaled up. Cities and towns like [Moncton](#) and [Sackville](#) are developing naturalized stormwater management ponds to deal with flooding, while also providing recreational services to their community. The small village of Riverside-Albert along the Fundy coast partnered with the [Nature Conservancy of Canada](#) to protect its local water supply, reducing the need for engineered water treatment solutions. By recognizing the role nature can play in supporting communities we have an opportunity to increase environmental, social, and economic development, resulting in healthier, more cohesive, financially independent LSDs, villages, towns, and cities.

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Although we have examples of investment in natural infrastructure, we lack a set of guiding principles for incorporating natural and green infrastructure practices into local planning. Therefore, including language in support of identifying, managing, and valuing natural infrastructure in Statements of Provincial Interest (see point # 2 above) or in other guiding policy would help set the course for the further exploration and integration of this approach to planning in New Brunswick, such as what was developed in Nova Scotia ([https://novascotia.ca/just/regulations/regs/mgstmt.htm#TOC2\\_4](https://novascotia.ca/just/regulations/regs/mgstmt.htm#TOC2_4)).

**Recommendation:** The province should provide communities with additional guidance and support to educate, build capacity and expertise, and better manage natural assets and support the deployment of nature-based solutions. This can be done in a Statement of Provincial Interest or nested in other planning or fiscal tools currently being considered as part of local governance reform.





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*6. Municipalities need greater access to various forms of authority, powers and fiscal levers currently outside their purview to encourage sustainability solutions at the local level.*

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Though more leadership and direction are needed at the provincial level, there is no one size fits all solution and local communities must be provided with the tools they need to innovate toward sustainability. Granting more powers to municipalities would encourage and spur an increase in community-generated renewable energy, energy efficiency renovations, and the installation of business and residential renewable energy systems.

For example, [Property Assessed Clean Energy \(PACE\)](#) programs, popular in several other provinces including neighboring Nova Scotia, allow municipalities to assist home and business owners to pay for the upfront costs of green initiatives, such as solar panels or deep energy efficiency retrofits, which the property owner then pays back through increased property taxes at a set rate for an agreed-upon term.

Again in Nova Scotia, the town of Antigonish is one of six municipally owned and operated electric utilities in Nova Scotia. The town generates renewable energy through its own wind farm and has set a goal of becoming the [first net-zero community](#) in Canada. With a few exceptions (Saint John Energy, Edmundston Energy, Perth Andover Light Commission), most New Brunswick municipalities do not generate their own electricity and the policies currently in place in New Brunswick do not provide them with many incentives to do so.

**Recommendation:** Municipalities across the country have shown that they are often willing to go beyond provincial and federal standards for environmental protection. The laws that structure our systems of local governance must be amended to allow them to more easily do so.



# Annex A

**En NS ils ont des contés avec plusieurs municipalités qui semble fonctionner.**

**Le programme PACE fonctionne en NS parce que les municipalités peuvent rajouter un appui sur une propriété pour l'efficacité énergétique.**

**Ce programme a commencer aux États. Les politiques des municipalités sont changées pour pouvoir permettre ce genre d'échange (similaire à un prêt pour l'eau pour les municipalités, etc.)**

**In Quebec there is full municipalization**

**Non pas que nous devions évaluer les systèmes naturels dans un cadre économique, il y a aussi une valeur intrinsèque, mais cela peut aider à encadrer ces écosystèmes dans le système existant.**

**Nous voulons que ce processus finit avec quelque chose de plus qu'un petit changement (plus 2012 que 2020).**

**Iu le paies sur les taxes. Il est possible de pouvoir le faire pour plusieurs personnes et pour n'importe qui. Certains programmes l'ont juste pour la rénovation énergétique et d'autres inclut le solaire.**

**l'échelle de PACE est ce qui est bien.**

**A Gibsons en CB, ils ont décidé de voir comment les écosystèmes naturels fournissaient des services à leur municipalité Ils ont fait une analyse. Mis une valeur monétaire sur cela.**

**C'est le premier papier vert que j'ai lu qui ne mentionne pas l'environnement, mais lors de nos conversations l'environnement remonte souvent.**

**Il y avait un problème avec le méga terrain de camping, le terrain appartenait à Point de Chêne, mais lorsque les lignes ont été redessinées, il a été donné à Shediac. Les habitants de Point de Chêne avaient l'impression de ne pas avoir de voix.**

**Positivement: Notre DSL a établi beaucoup plus de réglementation autour du recyclage (achats de bacs à recyclage)**

**Hi! Your thoughts and ideas will show up here! Salut! Vos idées et pensées seront ici!**

**Une des choses que nous avons trouvé à travers des communautés avec lesquelles qu'on travaille c'est le manque d'autonomie et de contrôle. Ça donne moins envie au gens de participer à des enjeux et des projets.**

**Il faut s'assurer qu'il y a des défenseurs. Il faut que ce processus qui rajoute des pouvoirs plutôt qu'en enlever.**

**PACE (programmes de rabais pour des rénovations verte). Ce programme est utilisé dans plusieurs provinces, mais ce n'est pas possible au NB. Nous recherchons à faire ce changement à travers de la rédaction d'un papier.**

**Il y a des gens dans les communautés de planification qui sont très prêts à avoir ce genre de discussion.**

**I'm from Kedgewick. RC interviewed the two candidates for the post of mayor. Both of them said they would ban spraying. We will be putting pressure on them for that. Looking for ways to approach those municipalities.**

**We are listened to, but there is no action.**

**Want municipalities to have more control.**

**Notre DSL est trop grand pour pouvoir concrétiser des projets. 14 maires et plus. Les communautés ne voient pas comment l'amalgamation sera un avantage.**

**In Cocagne there is a special designation. Property owners can change their lands' designation. When we tried to encourage that elsewhere it was hard because they did not have the same feature.**

**Il faut s'assurer que les gens sentent qu'ils ont une voix et qu'ils voient leur impact. Nous espérons pouvoir faire de la plaidoyance pour les infrastructures naturelles.**

**From my experience in the Chaleur region, there is a lot of work to be done around building awareness.**

**There's a lot of questions around amalgamation. What does it mean? Especially for rural areas.**

**The situation in the PA is similar. Several municipalities and communities, but they don't have authority to enforce laws in RSCs. Current situation does not allow for decision making.**

**In Kent, one of the nice things with the RSCs is that there is an exchange of ideas between them (some environmental things like waste and conservation).**

**If there was equality between the tools available, we might be able to better protect and conserve land.**

**Je pense que les déclarations d'intérêts provinciaux pourraient être un outil pour faire cela.**

**We need resources and tools and more work needs to be done build a vision for the area.**

**La structure de gouvernance locale en place où vous habitez a-t-elle un impact positif ou négatif sur votre travail de protection de notre environnement commun? Pouvez-vous donner des exemples?**

**How has the local governance structure in place where you live negatively or positively impacted your work to protect our shared environment? Can you give examples?**